



Indigo Michaud <skyoptic6@gmail.com>

Garden Boundaries Redux

8 messages

Michael Huarte <michaelhuarte@gmail.com>

Fri, Sep 25, 2020 at 3:33 PM

To: skybox <skyoptic6@gmail.com>

Mr. Michaud,

I know you want to put up a fence to protect your vegetable/tomato plants. I believe we can work something out, even if it is not everything you were asking for. Please email me if you are interested.

Sincerely,

Michael Huarte

skybox <skyoptic6@gmail.com>

Fri, Sep 25, 2020 at 5:42 PM

To: Michael Huarte <michaelhuarte@gmail.com>

I appreciate your continued communication. I will write a more detailed reply stating my position before Monday. It is my intention to have legal representation and I will be writing with that in mind, as I would like to clarify a few things. Have a good weekend. Besides the deer, it's raining here and coronavirus cases have spiked... but it's a good time to write. I'm sure we will find a resolve, hopefully sooner than later.

Indigo Michaud

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skybox <skyoptic6@gmail.com>

Mon, Sep 28, 2020 at 2:51 AM

To: Michael Huarte <michaelhuarte@gmail.com>

Mr. Huarte

Although some of this may seem redundant, I'm writing this as an addendum to the original complaint letter I wrote and as an updated statement of my position. I have lived at Highland View for the last fourteen years. I have lived here with my friend Barbara Hollingshead for at least six or seven years and we've been together for nearly a decade. I don't work for her and we have no obligations to each other. I'm a roommate and friend, a legal resident and tenant. I generally run things around here and help her maintain her independence, which she appreciates. I am not a temporary occupant or a live-in employee. Barbara, as you know, bought this place for her mother twenty years ago, and I got to know them before she passed. And for the last twenty years, the rent and bills have always been paid and the yard has always been maintained.

This year, the guy who used to mow our lawn went out of business and with the advent of the coronavirus, I decided I would put in a garden and do the landscaping. This included buying a rototiller, having a truck load of soil delivered, and special ordering redwood stakes to keep from having to use heavier fence posts. I started work on my garden at the end of March and had no problems with my neighbor, Craig Posto, or the manager here, Ivan Erdman. I spoke to both parties about what I was doing and there was no objection. In fact, both of these people told me I could do whatever I wanted. I maintained the entire yard between my place and my neighbor's and made sure he had full access.

Then one day, toward the end of June, Craig came home in a terrible mood, started threatening me, yelling at me, and told me I had to tear down everything I'd built. This is what started the dispute that has yet to be settled. Ivan showed up and instead of mediating a solution, asserted his authority and literally drew a line between our places, telling me I was not allowed to step across it. Both Craig and I told him the original line had always run alongside the flower plot, but he said it didn't matter, that it was to be where he decided it was. He told the neighbor he could put up a fence

there where one of my trellises was and left the situation unresolvable. Barbara and I both tried to mediate a solution and offered up several compromises, but Ivan told him not to talk to us and then refused to mediate with us himself. He went on subsequently to stand in my yard telling me this is his land and that he is the law here. And trying to reason with him, all he would say is, "So, sue me!" He comes and puts his hand on Barb's shoulder telling her this is personal between him and me, but I don't think so. I think what he's done is simply illegal. I do not believe a landlord has the right to redraw space boundaries, effectively giving away a hundred square feet or more to the neighbor, and certainly not without putting that change in writing. The law is very clear about written notices, and especially to address problems. I think what he did was personal and vindictive, while the original problem could have been dealt with. He says I have to get off the property, that I don't have his permission to be here, and he seems to believe I'm supposed to be loyal and obedient, or that he has some right to punish me... but he refuses to put anything in writing. I believe he needs to respect my authority. This is my home. And he has literally overstepped his bounds. I brought you into mediation as a last effort to avoid court. I don't think anyone wants the hassle or expense of a lawsuit, and it seems unnecessary that a judge should be needed to determine what should be on a blueprint, but things are still unresolved and we have reached an impasse. I asked you to override Ivans decision to relocate my boundary, unilaterally. I asked you to allow me to put up some deer netting while we pursue an official decision in court. I asked you to bring Ivan into mediation or to guarantee his professionalism in the future, that I shouldn't be subject to his intimidation or bullying. And I asked you for a token in damages, the amount of one month's rent, not as much as this whole thing has cost me. You said no to everything. When you backed up Ivan's placement of the line, that's when mediation failed.

You continue to approach this like we are negotiating a contract. You suggest that I might get some of what I want, but not all, certainly meaning that I will have to give you what you want in order to get what I want, like a business deal. But this is not a negotiation. This is about the law. There is no place for attached agreements, or to push any other agenda ahead of the problem at hand. This is about a line. An actual line. Until this line is determined, in court or by public record, the matter is not solved. This is a compromise, as I had been maintaining the entire yard at the time and we've been growing flowers in the small garden plot for the last few years. To clarify, my neighbor barely sees the light of day. We're not talking about someone who wants to actually use his yard. He doesn't even want to mow his yard. He's just doing what Ivan tells him to. You have offered to act as a liaison between me and Ivan, if necessary, but I think that just makes things more dysfunctional. I seriously do appreciate your willingness to communicate, however, as no problem can be solved between people without healthy communication. My own communications have not always been so healthy, but to be shunned by management and ostracized for so many years is unethical, at the very least. Ivan needs to be able to talk to me respectfully, in order to do his job. As you know, I've had problems with Ivan in the past for the same reason, that he refuses to mediate. This most recent conflict has caused undue emotional stress and has cost me time, energy, and money. That it should take more than three months to establish a legal property line and gain the right to protect my investments without repercussion is simply unreasonable. I have gone to inordinate lengths to remedy this situation professionally and amiably, despite how upsetting this has been, and without much cooperation. I'm ready to hand this off to an attorney. Mediation has failed.

It is my intention to establish a legal and legitimate property line, first and foremost. I do not agree with where it was moved. I also intend to establish my rights as a resident. It's not reasonable to keep pushing the narrative that I've been evicted from the park when it's not true. I intend to collect one month's rent in damages for Ivan's refusal to enter into mediation. And I intend to pass along all court costs and any other damages assessed by an attorney, including things that may be unrelated to the actual property line. Yes, it's my intention to get absolutely everything I want, maybe more. I didn't do anything illegal, or even against park rules. I didn't do anything to deserve this treatment. And I will fight for what's right, even on a matter of principal.

I am currently undergoing a conflict of interest check with one law office, and I've lined up my next choices. I will attach a copy of this letter while I'm scheduling consultations since it sums up the situation, Although I've been in contact with one person or other every week since this began, they say the wheels of justice turn slowly. I'm looking for full representation and finding a lawyer who's taking new clients and wants to deal with manufactured homes is hard enough. And until I have a lawyer, I think we cannot overcome this impasse. You're not willing to concede, not even partly. And I'm not going to give up my liberty or sign away my rights. Thank you in advance for your patience. This week the weather is turning hot again and the days could be busy. Either myself or an attorney representing me will contact you when we are ready to proceed.

Formally,
Indigo Michaud

Michael Huarte <michaelhuarte@gmail.com>
To: skybox <skyoptic6@gmail.com>

Tue, Sep 29, 2020 at 6:45 PM

Mr. Michaud

I have read your letter.

I indicated that you may put up some fencing/protection between your tomato plants and the decorative flower bed. I still stand behind this decision. This will allow you to secure the plants and protect them per your wishes. I know this is not the outcome you would prefer. I need to be fair with Mr. Posto (#59) who shares a border with you. I spoke with Mr. Posto and he is comfortable with a fence line between the flower-bed and the tomato plants. There appears to be about a 24 inches (this is a guess based on your photos) between the flower-bed and your tomato plants. You can put your security fence/barrier in this space. You can move the line closer to the flower-bed to give you room to maneuver around your plants. Please work with Mr. Posto to find an agreeable boundary. If need be I can communicate with Mr. Posto to facilitate this.

I understand that you planted the flower beds, and that the previous tenants in #59 were happy with your flowers on their side of the property. I think that given time, some of the conflict between you and Mr. Posto could fade and that you will find him more agreeable if your garden projects encroach on his property edge.

Please contact me if you would like to proceed with putting up a barrier around your plants as I have described.

Your agreement does not preclude or inhibit whatever future legal actions you want to pursue. This is my attempt to reach out and provide a solution for securing your plants. I do appreciate the efforts to make your space look nice.

Sincerely,

Michael Huarte

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skybox <skyoptic6@gmail.com>
To: Michael Huarte <michaelhuarte@gmail.com>

Wed, Sep 30, 2020 at 7:54 AM

Thank you for continuing mediation even after I gave up. I think we may have an agreement about the property line. The trellises were built with enough space to get around them - almost exactly one lawn mower's width. We are only talking about almost twenty four inches. Although I would have preferred to keep the four feet that includes the flower bed in the back corner, it has always been our offer to restore it to lawn or maintain it, the neighbor's choice. The first issue was the lack of notice, that we had established vegetables there this year, as well as the fence, and we were being told we had to get out immediately. That was not reasonable. At this point, however, it's our intention to give that space back. The flowers will come back next year if they're not killed and reseeded with grass, and that offer to seed it with grass still stands. We will remove many of the bulbs and tubers as soon as I prepare another bed... The second issue was about relocating the original boundary. Our neighbor confirmed that the line had always been alongside the flower bed, but Ivan insisted on relocating it. Nobody else believes it's supposed to be there. It was just a power trip - literally walking into someone's yard and drawing a line, saying 'don't step across this line or you're disrespecting my authority', then playing the victim when I got upset about it. I think our neighbor has no problem with a fence along the original line, and if Ivan had wanted to mediate a solution that's where the fence would be... unless there is a map showing where this triple-wide corner space actually measures, it should be between the neighbors and it was fine where it was. If Ivan disagrees, he's obligated to put it in writing and enter into mediation. This overrides Management's decision to unilaterally make changes, which is what I asked for. If it would be of any benefit to you, I will let the mediators know that we did reach a partial resolve. You should not be liable for any individual who doesn't want to play by the rules. The law is meant to protect landlords and tenants alike. I appreciate that you would resort to a common sense approach that considers all of us. For what it's worth, we could all benefit from better communication. I could have dealt with this situation better in the beginning - and so could have Ivan and the Police, who's responsibility it was. That part is not resolved. All the same, you can tell my neighbor I would happily apologize for yelling at him about this. This morning I'll be mowing the lawn and I'll send you a picture before putting up the fence. Although wide angles distort, the actual distance between the top of the trellises and the edge of the flower garden is eighteen inches, planned that way so that I could work around the tomatoes and preserve the lawn. Thank you for your compliments, as well. I'm glad you approve of a beautiful yard and I enjoy the value it adds. Besides the personal side of things, this is an investment. Let me know if there are any questions or problems... I'll send you some pictures in a little bit.

Indigo Michaud

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skybox <skyoptic6@gmail.com>

Wed, Sep 30, 2020 at 10:05 AM

To: Michael Huarte <michaelhuarte@gmail.com>

My line is in green. It's exactly 16' from our cement pad. I didn't draw it originally, and I presume it was measured this way intentionally. Craig's space has 21' behind his garage and more than 9' adjacent to it, plus behind... I assume this is fair and that he'll be fine with it, and after a short break I'll put in a rail for the deer netting. Thank you again for going above and beyond to help remedy this. Even as late as it is in the season, this will circumvent any problems in the future.

Indigo

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2 attachments



DSC_0548.JPG
6810K



DSC_0550.JPG
6325K

skybox <skyoptic6@gmail.com>
To: Michael Huarte <michaelhuarte@gmail.com>

Wed, Sep 30, 2020 at 12:29 PM

Mr. Huarte,

Now my neighbor Craig, who just woke up, says this is not acceptable and that he wants it exactly where Ivan drew the line. I'm pausing my work right where it is until I hear back from you...

Indigo

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skybox <skyoptic6@gmail.com>
To: Michael Huarte <michaelhuarte@gmail.com>

Wed, Sep 30, 2020 at 12:30 PM

Current photos.

On Wed, Sep 30, 2020, 10:05 AM skybox <skyoptic6@gmail.com> wrote:

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2 attachments



DSC_0551.JPG
7369K



DSC_0552.JPG
6404K