

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF Benton
Small Claims Department

Indigo Michaud

Plaintiff

(Inmate SID #, if applicable, _____)

v.

Highland View Mobile Estates

Defendant

Defendant is a public body

Case No: _____

**SMALL CLAIM AND
NOTICE OF SMALL CLAIM**

Filing fee at ORS 46.570

Subject to UTCR 5.180(3)

Subject to ORS 646A.670(1) and UTCR
5.180(2)

PLAINTIFF (Additional on attached page)

DEFENDANT (Additional on attached page)

Indigo Michaud

Name

Highland View Mobile Estates

Name (enter Registered Agent, if necessary, on next page)

2655 NW Highland Dr. #58

Street

2655 NW Highland Dr.

Street (do not use a P.O. Box)

2397 NW Kings Blvd. #110

Mailing Address (if different than street address)

Mailing Address (if different than street address)

Corvallis, OR 97330

City / State / Zip

Corvallis, OR 97330

City / State / Zip

541-286-8551

Phone

Benton

County

541-752-1206

Phone

Benton

County

➤ I need an interpreter: Spanish ASL other: _____

I, Plaintiff, claim that on or about (date) 09/11/2023, the above-named defendants owed me the sum
of (or property valued at) \$512.00 because:
See Attached

and this amount is still due.

I have paid (or will pay):

filing fees of \$57.00

and service costs of \$18.00

Claim	<u>\$512.00</u>
+ Fees	<u>\$57.00</u>
+ Costs	<u>\$18.00</u>
TOTAL	<u>\$587.00</u>

DECLARATION OF GOOD FAITH EFFORT

I, Plaintiff, have made a good faith effort to collect this claim from the defendants before filing this claim with the court clerk. *(Describe your efforts):*
I sent a copy of a letter to Management and the Owner asking for an internet address where facility water bills are posted and gave them 30 days to reply. After an additional week of posturing, my request has still not been honored and it was stated clearly that I would file in Small Claims for the information I'm seeking and the amount of one month's rent for failure to comply, as per ORS 90.582

If this case is subject to ORS 646A.670(1) *(see the box at the top of page 1)*
See the Oregon Judicial Department website for information about debt collection cases:
www.courts.oregon.gov/debtcollection

I have complied with ORS 646A.670(1) and UTCR 5.180. A completed *Consumer Debt Collection Disclosure Statement* is attached and incorporated into this pleading as required by UTCR 5.180(2)(iii).

I hereby declare that the above statements are true to the best of my knowledge and belief. I understand they are made for use in court and I am subject to penalty for perjury.

9/19/2023
Date

/s/ Indigo Michaud
Plaintiff Signature

Indigo Michaud
Plaintiff Name (print)

ADDITIONAL DEFENDANT

Name

Street (do not use a P.O. Box)

Mailing Address (if different than street address)

City / State / Zip

Phone

County

DEFENDANT'S REGISTERED AGENT

Name

Street (do not use a P.O. Box)

Mailing Address (if different than street address)

City / State / Zip

Phone

County

ADDITIONAL PLAINTIFF

Name

Street (do not use a P.O. Box)

Mailing Address (if different than street address)

City / State / Zip

Phone

County

**NOTICE TO DEFENDANT:
READ THESE PAPERS CAREFULLY!**

Within **14 DAYS*** after receiving this notice you **MUST** do **ONE** of the following things in writing:

- Pay the claim plus filing fees and service expenses paid by plaintiff (send payment directly to the plaintiff, not to the court) **OR**
- Demand a hearing and pay the fee required (below) **OR**
- Demand a jury trial and pay the fee required (below). This option is available **only** if amount claimed is more than \$750.

If you fail to do one of the above within 14 DAYS* after you get this notice, the plaintiff may ask the court to enter a judgment against you. The judgment will be for the amount of the claim, plus filing fees and service costs paid by the plaintiff, plus a prevailing party fee. If you are not able to respond in time because you are in active military service of the United States, talk to a legal advisor about the Servicemembers Civil Relief Act.

COURT NAME / ADDRESS / PHONE #

Benton County Courthouse
120 NW 4th Street
Corvallis, Oregon 97339
(541) 766-6828
<http://courts.oregon.gov/Benton>

Defendant's Filing Fees (*must be filled in by the PLAINTIFF*):

(1) To demand a hearing if the amount claimed is \$2,500 or less	\$ <u>57.00</u>
(2) To demand a hearing if the amount claimed is more than \$2,500	\$ <u>102.00</u>
(3) To demand a jury trial (only if amount claimed is over \$750)	\$ <u>170.00</u>

You can fill out and file your *Response* online at www.courts.oregon.gov/iforms. If you have questions about filing procedures, go to www.courts.oregon.gov. Or you may contact the court clerk. The clerk *cannot* give you legal advice about the claim.

***NOTE:** If the plaintiff is an adult in custody (ORS 30.642) AND the defendant is a government agency or other public body (ORS 30.260), the defendant must respond within **30 days** after receiving this Notice.

Claim Description, cont.

I am attempting to investigate unusually high water charges that I believe may be fraudulent, and I would like to know what the plan is for replacing the pipes, among other things. I have been a resident here for many years but neither the manager nor the owner will answer my questions. Although the law now states that management is not responsible for the accuracy of the submetering system, according to Chapter 90.582 it's required that the facility water bills be posted on an internet location. On August 8th, I wrote a letter to the Owner, Michael Huarte, and sent a copy to the Manager, Ivan Erdman, informing them that I would file in Small Claims on the week of September 11th for the amount of a months rent if they continued to ignore my requests... the Owner has tried to get me to settle for a breakdown of my bill alone, and I believe the Manger has tried to cause problems for me on and off the property, but my questions still have not been answered. There appear to have been problems with the meter last December (2022) and besides discrepancies in the amounts, the service fee has gone up from the original \$5 to almost \$35, and if I water my lawn I get charged double. On average, the bills have been about the same for years - except when there's a sprinkler, then they go up exponentially. My average usage is between 1500 to 2000 gallons of water - but when I water my lawn, I get charged at least four times as much - one bill had my usage at 17,900 gallons, which is like 600 gallons a day. Originally, the agreement to install submeters included that I would be able to read my own meter and check it against the bill. That's not possible with the meter at this unit, and the auditing clause in the newest version of Chapter 90 allows me to go to the office for essentially the same spreadsheet file showing me how much I'm being charged, but this is useless as what I'm requesting is to know is how much water Highland View actually gets from the City or Corvallis. There are 5 water mains on this property with a history of leaks, so somewhat of a breakdown is necessary. This is an attempt to force communication which I think I am entitled to. There are several unresolved issues here and a history that goes back 16 years. I see there is a place for attaching documents and I will upload my letter of intent with the most recent replies, but I have just posted all of the related emails going back 2 years and photos of some bills on my website, skysurfer.media/water-emails - although I believe I may be getting defrauded for a whole lot more, I'm asking for the amount of one month's rent which is \$512 for the unreasonable amount of time and energy I've expended trying to get information that I have a legal right to. Beyond the small amount I'm claiming, I would like the Court to order Highland View to be forthcoming about the status and plans for the infrastructure, including the use of chemicals on the property, if not requiring a full audit.