

Subject: Re: Utility Fees & Small Claims
From: Michael Huarte <michaelhuarte@gmail.com>
Date: 10/27/2023, 4:56 PM
To: Indigo Machaud <skyoptic6@gmail.com>

Mr. Michaud,

The HVME 2022 water bills are now uploaded to the Google Drive you have access to. There is a folder labeled «Highland Water Bills 2022» let me know if you cannot access them.

I agreed to settle the small claim in the amount you requested. If you do not want to settle that claim for the amount of \$512 + 75 Fees = \$ 587 Total then that is your right. I want to make sure that you are denying my agreement to meet your claim request and send you the money. The checks are prepared and can be sent if you change your mind.

HVME follows state, county and municipal statues in regards to water submetering.

Michael Huarte

On Oct 25, 2023, at 10:50 AM, skybox <skyoptic6@gmail.com> wrote:

To: Mr. Michael Huarte, Owner
CC: Highland View Mobile Estates

Mr. Huarte

I am writing this as an open letter and will post any replies on my website at <https://skysurfer.media/small-claims> as has become the practice with our emails regarding the water. As I know you are aware, I am suing Highland View for refusing to post the facility water bills on the internet as is required by Oregon Law.

*ORS 90.582 Publication of submeter or pro rata bills; tenant inspection.
(1) If a landlord bills tenants for water using pro rata billing or submeter billing, the landlord shall post the facility water bills in an area accessible to tenants, including on an Internet location.*

To settle out of court you offered me the sum of one month's rent, court costs, and sent me an invite link to a GoogleDrive PDF, but I do not consider this to be adequate because it's in the spirit of the law that the bills should be posted for all to see and you are requiring each individual resident to go through the rigamarole you've put me through to get this far. You ignored many years of complaints until you were threatened by a lawsuit, then you tried to offer me copies of my own bill,

and you keep ignoring the problems I've brought to your attention or pretending you don't understand. I think you understand perfectly well and I have chosen not to settle for anything less than I've asked. I filed the Proof of Service by Mail with the court yesterday.

I believe we face two main problems here at Highland View Mobile Estates. The first is environmental, excessive bleach in the water, drug production on the property, dangerous conditions with the infrastructure, and the cumulative use of toxic chemicals. The second is about security, that there are significant violations of privacy by management, a lack of respect for all residents, even harassment on and off the property, and a slew of drug addicts and thieves who have been welcomed here for as long as I've been a resident. I have lived here for more than 16 years and my complaints have been mostly about the absence of honest, open communication to remedy problems. I do believe I've been targeted by management and whether it's under the guise of law enforcement, social services, or the church, my rights have been violated on a criminal level. I am accusing management of identity theft and fraud, as you know. Regarding the water, the focus has been on both the quality and that I think I get overcharged whenever I water my lawn. I have also asked numerous times about the ever rising utility fee on the water bill, but you have neglected to comment about that.

Then yesterday, as I was going back over the law to make sure I had everything in order, I read a law I had previously overlooked in ORS 90.315 which covers utility payments. It may be that you are able to require each resident to make an individual request for the facility water bills, but your lack of cooperation with being so forthcoming means that even elderly and disabled residents would have to read the fine print of the law and file a lawsuit to get a response, and I still think an invite link to a Google Drive PDF is for scammers. Surely ignorance of the law is no excuse, but this is supposed to be a 55 and over park with amenities to accommodate. I don't understand your reluctance to post public utility bills publicly, presuming everyone gets to see the same facility water bill, but you did call it an 'enhanced version' of the bill at one point... that doesn't matter so much now. While my focus has been on over billing for watering my lawn, you have been overcharging everyone in the park with the utility fee. And I think you know this already.

ORS 90.315 Utility or service payments;

(4)(c) Except as provided in this paragraph, a utility or service charge may only include the cost of the utility or service as billed to the landlord by the provider. A landlord may add an additional amount to a utility or service charge billed to the tenant if:

(B) The additional amount is not more than 10 percent of the utility or service charge billed to the tenant;

All of these terms are clearly defined in the law - provider, service, etc. It is so plainly written that it's not really open to a different interpretation. What this means is that you, the landlord, are not allowed to add more than 10% to the water and sewer charges passed on to us from the City of Corvallis. And I don't think the City of Corvallis charges as much in fees as they do for the utility. You are required to make the facility water bills available, but while management may not be

responsible for the accuracy of the submeters, the sum of what we pay must be within 10% of what the City gets. And you know the utility fees we've been charged are far greater than 10%. Originally, the fee was \$5 a month, and that has gone up incrementally to the current \$35. I think you and Ivan were both aware of this law when you recently raised the fee from \$25 a month, and there is simply no excuse for this. I have watched as your manager exploits the homeless, capitalizing on their addictions for power and profit, while cheating old people out of their homes, reducing services, and raising costs - privacy issues and environmental concerns can be dealt with separately, and so can any family issues.

I am writing to inform you that I intend to collect twice the amount of whatever is greater than 10% of the utility fees for the last two years, which I believe I am entitled to by law. Although the law allows a tenant to request the last year of water bills, Civil Court goes back two years and this fraud has been going on for more like a decade. By rough estimate, the damages will be between \$1000 and \$1500, plus court costs. I will give you a more specific amount when I have calculated the numbers. This is not open to the same endless negotiations I've offered before. Neither you, nor management can be trusted to tell the truth - this is a documented fact, now - and all of the residents here deserve honesty. I don't think the standard plausible deniability or reinterpretation of the law will solve this problem. I am hereby demanding that you cease and desist all billing for the water for all tenants until we are able to have a hearing, and I will ask the court if this can be dealt with as part of the case I just filed or if this will require a new case number. If you wish to offer a settlement out of court, it should be a damn good offer that includes everyone in the park, not some pittance of a bribe designed to pacify me so you can continue to defraud us all.

I'm sure this may seem like it could be expensive for you. Although I thought there were more, a quick Google search shows that there are 136 spaces on this property. I suspect the damages for each of the other individual households will be similar, but while this may appear to add up fast please consider that this has been going on for a very long time and I believe you are currently stealing almost \$50,000 a year from those of us who live here. I am going to ask the judge for a park wide audit. It offends me deeply that you and your manager would conspire to cheat retired people and those on disability in the Name of God, while taking advantage of those in need - and helping no one but yourselves. What you've done with the water billing here is not a mistake, it's stealing. And I shouldn't have to tell a Pastor that stealing is wrong. According to the Bible, you should have to pay times seven... I will see you in court.

Indigo Michaud

P.S. I am sharing this letter publicly since it involves more than just my personal business, but I insist on keeping a record of any related communication. So, I am asking that if anyone has questions or comments, please direct them to my [Contact page](#) with your phone number or email address. For legal reasons, unless I obtain an attorney, I will not be meeting with anyone privately to discuss this case.