

Pre-filed Testimony for Docket 13-2477-02

Owners: John and Mary Gavrila

Address: 19659 S. Lariat Circle, Lot 5

Please state your name, address and interest in the formal hearing.

Our name is John and Mary Gavrila. We live at 19659 S. Lariat Circle Birdseye, Utah. We are in Lot 5 of the Eagles Landing Subdivision. We have been overbilled by Eagles Landing Water Company, according to the tariff, since May of 2012. In addition, we received a bill for \$4100 for water hookup fees and meter set.

Explain why this billing is in error.

1. Regarding the bill for \$4100.00

Exhibit #5 (nine pages) in the formal complaint provides the timeline for the construction of our home and its original owner Bryan Amundson. The home was finally occupied in 2004. At that time, the water company was owned by John Wilding (Construction Company) and Dave Gardner (developer). Mr. Amundson endured a lot of time and money from his own pocket to get water to his home. He attempted to recover the near \$20k from Dave Gardner to no avail.

We spoke with the subcontractor, Stanton Construction, who lost a significant amount of money in 2003 when they installed the pump, pad, holding tank and ran the water lines to all of the lots in phase one. They indicated that the job was a \$180k job and that Mr. Gardner had Mr. Stanton purchase \$90k worth of building materials because material costs were to go up in price by 10%. He put the materials on his credit card and then Mr. Gardner didn't pay him for close to 8 months. The interest was staggering. He placed a lien on the lots in phase one (see exhibit 1 attached showing lien and release-2 pages) in an attempt to recover some of the loss. Thousands of dollars were left unpaid to Stanton Construction. Per Mr. Amundson's account, he needed to close on his home so he worked with Mr. Gardner and Mr. Bill Hansen (attorney for Stanton Construction) to remove the lien. The liens were supposed to go on unsold lots to recover money when the lots were sold.

Eagles Landing Water Company/development filed bankruptcy in 2005 (see exhibit 2) and was later purchased by Dave Olsen (Hearthstone Development) in 2006. The water fees were taken care of with the original owner and before Mr. Olsen owned the development and water company. Also, the bankruptcy would have erased any fees that may have been unpaid. As water was already hooked up at the time Mr. Olsen purchased the water company, previous fees were obviously satisfied in lot 5 and lot 8 which is currently owned by the Duncans. These two homes were the only ones built when Hearthstone purchased the development. The current tariff dated August 2008 (Service and Connection charges section) states that turn on fees are a one-time cost for initial hookup and meter set. If there were any concerns, this should have been addressed in 2006 with the original homeowner and long before we purchased the home-which held a clean title at closing in 2012.

Until recently, there were meters in the subdivision that were either not working or not in at all, and certainly not being read. Why would a company that is going broke allow this to be?

Mr. Olsen and Mr. Gardner agreed to subsidize the company until further lots were sold and now Mr. Olsen states that he will not build another home or likely be able to sell any other lots. He has also stated that this well was only meant to serve 55 homes and that another well would need to be drilled to accommodate the remaining 40 homes. Exactly who is Dave Gardner and what is his role in Eagles Landing development and Water Company? What does he own?

2. Regarding the billing of \$55.00 a month

Upon moving into our home in March 2012, we were told by the previous owner that the water bill would be \$55 a month. Not being aware there was a tariff stating he could only bill \$35 a month, we contacted Mr. Olsen and provided our name and mailing information so we could begin receiving statements. Starting with May 2012, we have paid an overage of \$20 a month up to and including October 2013. (See exhibit 3) November and December 2013 bills have reflected the correct charge of \$35. We would like a refund for the \$360 overpaid. Being suspicious now, we would like the refund as opposed to a credit on our account.

What resolution do you seek?

We would like the \$4100 billing dismissed, credit for the overage since May 2012 on monthly bills and some sort of assurance that the residents will not be retaliated against for filing this complaint. It wasn't until the informal complaint was filed that we received the \$4100 bills. It felt like an intimidation tactic. We would like to establish a trust in the business practices performed by Mr. Olsen and his associates, feeling confident that honesty would prevail.

Mr. Olsen visited Mr. Allen's home the day after the scheduling conference stating that he was going to call Mr. Smith and "call the whole thing off". He was advised to put it in writing. We do appreciate his efforts to resolve the complaint, but still seek the above mentioned.



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DOCUMENT DETAIL

Document Image Viewer

Entry #: 15325-2004 Recorded: 2/10/2004 3:55:15 PM
Instrument Date: 2/10/2004
Kind of Inst: N LN - LIEN NOTICE
Rec Party: ROBERTS, KIM
Mail Party: DELIVERED
Mail Address:
Tax Address: NOT APPLICABLE
Grantor(s): GARDNER & ASSOCIATES LIMITED COMPANY
EAGLES LANDING DEVELOPMENT LLC
Grantee(s): STANTON CONSTRUCTION INC

Pages: 2
Consideration: \$19,453.00
Fees: \$32.00

- Serial Number(s): 38:311:0001
38:311:0002
38:311:0003
38:311:0004
38:311:0005
38:311:0006
38:311:0007
38:311:0008
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38:311:0064
38:311:0065
38:311:0066
38:311:0067
38:311:0068
38:311:0069
38:311:0070
38:311:0095

Tie Entry(s):
Releases:
Abbv Legal Desc: Lot 1-11 Plat A - EAGLES LANDING MHD
Lot 62-70 Plat A - EAGLES LANDING MHD
Lot 95 Plat A - EAGLES LANDING MHD

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Main Menu

- Comments or Concerns on Value/Appraisal - Assessor's Office
- Documents/Owner/Parcel information - Recorder's Office
- Address Change for Tax Notice

This page was created on 12/4/2013 2:36:48 PM



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DOCUMENT DETAIL

[Document Image Viewer](#)

Entry #: 102191-2004 Recorded: 9/3/2004 3:23:44 PM Pages: 1
Instrument Date: 8/27/2004 Consideration:\$0.00
Kind of Inst: PR LN - LIEN PARTIAL RELEASE Fees:\$10.00
Rec Party: SIMPLIFILE for TITLE WEST TITLE COMPANY
Mail Party: DELIVERED
Mail Address:
Tax Address: NOT APPLICABLE
Grantor(s): STANTON CONSTRUCTION INC
Grantee(s): WHOM OF INTEREST
Serial Number(s): 38:311:0005
Tie Entry(s):
Releases: Type X Entry 15325 Year 2004
Abbv Legal Desc: Lot 5 - EAGLES LANDING MHD PLAT A

[Document Image Viewer](#)

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This page was created on 12/4/2013 2:35:42 PM

View Check: #007877 Amount: \$55.00 Date: 5/21/2012

Print Check

Check Front

JOHN GAVRILA 01-79 31-7955/3210 7877
 MARY E. GAVRILA
 389 N 100 E PH. 435-462-0007
 P.O. BOX 234
 SPRING CITY, UT 81662

DATE 5-4-12

PAY TO THE ORDER OF: Eagles Landing water \$ 55.00
Fifty Five Dollars DOLLARS

MOUNTAIN AMERICA CREDIT UNION
 P.O. BOX 9001 • WEST JORDAN, UT • 84084 • www.macu.com

MEMO Mary Invoice 355 Mary Gavrilas

⑈ [REDACTED] ⑈ 7877

Check Back

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View Check: #007887 Amount: \$55.00 Date: 6/13/2012

Print Check

Check Front

31-7055/3210 7887

JOHN GAVRILA 01-79
 MARY E. GAVRILA
 389 N 100 E PH. 435-462-0007
 P.O. BOX 231
 SPRING CITY, UT 84662

DATE: 6-5-12

PAY TO THE ORDER OF Eagles Landing Water \$ 55.00
Fifty Five Dollars DOLLARS Security Features
Look for Star

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 CREDIT UNION
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MEMO Invoice 364 Mary Gavril MP

⑈ 7887

Check Back

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 061119350

PAY TO THE ORDER OF
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 A 124300327 41
 FOR DEPOSIT ONLY
 EAGLES LANDING
 WATER COMPANY LLC
 061119350

ENDORSE HERE

View Check: #007846 Amount: \$55.00 Date: 8/2/2012

Print Check

Check Front

JOHN GAVRILA 01-79 31-7055/3240 7846
 MARY E. GAVRILA
 389 N 100 E P.O. BOX 231
 P.O. BOX 231 SPRING CITY, UT 81662
 DATE 7-11-12

PAY TO THE ORDER OF Eagles Landing Waters \$ 55.00
Fifty Five Dollars DOLLARS

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MEMO INVOICE 379 Mary Gavrila MP

⑈ 7846

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 CENTRAL BANK
 SPANISH FORK, UTAH 84605
 P 124300327
 FOR DEPOSIT ONLY
 ENGLISH LANDING
 WATER COMPANY, LLC
 (313) 335-5555

View Check: #007858 Amount: \$55.00 Date: 8/28/2012

Print Check

Check Front

JOHN GAVRILA 01-79 31-7655/3210 7858
 MARY E. GAVRILA
 389 N 100 E PH. 435-162-0007
 P.O. BOX 234
 SPRING CITY, UT 84662

DATE 8-6-12

PAY TO THE ORDER OF Eagles Landing Water \$ 55.00
Fifty Five Dollars DOLLARS

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MEMO Invoice 384 Mary Gavrilas AP

7858

Check Back

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PAY TO THE ORDER OF
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 FOR DEPOSIT ONLY
 EAGLES LANDING
 WATER COMPANY LLC
 061119350

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 FEDERAL RESERVE REG. CC

View Check: #007901 Amount: \$55.00 Date: 9/19/2012

Print Check

Check Front

MARY E GAVRILA 07-57 31-7955/3240 7901
 A JOHN GAVRILA
 P.H. 801-873-3334
 HC 13 BOX 302
 FAIRVIEW, UT 84629

DATE 9-11-12

PAY TO THE ORDER OF Eagles Landing Water \$ 55.00
Fifty Five Dollars DOLLARS

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MEMO Mary Gavrilas

⑆ [REDACTED] ⑈ 7901

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 SPANISH FORK, UT 84603
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 FOR DEPOSIT ONLY
 EAGLES LANDING
 WATER COMPANY, LLC
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View Check: #007914 Amount: \$55.00 Date: 10/19/2012

Print Check

Check Front

MARY E GAVRILA 07-87 31-7955/3240 7914
 A JOHN GAVRILA
 P.O. BOX 9001
 HC 13 BOX 302
 FAIRVIEW, UT 84629

DATE: 10-11-12

PAY TO THE ORDER OF Eagles Landing Water \$55.00
Fifty Five Dollars DOLLARS

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 P.O. BOX 9001 • WEST JORDAN, UT • 84081 • www.macu.com

MEMO Invoice 404 Mary Gavriela MP

⑈ 7914

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 10/18/2012 0007-0055
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 SPANISH FORK, UTAH 84650
 FOR DEPOSIT ONLY
 EAGLES LANDING
 WATER COMPANY LLC
 CCI 110950

View Check: #007929 Amount: \$55.00 Date: 11/29/2012

Print Check

Check Front

MARY E GAVRILA 07-87 31-7955/3240 7929
 A JOHN GAVRILA
 PH. 801-873-3334
 HC 13 BOX 302
 FAIRVIEW, UT 84629

DATE 11-10-12

PAY TO THE ORDER OF Eagles Landing Water \$ 55.00
Fifty Five Dollars DOLLARS

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 CREDIT UNIÓN
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MEMO Invoice 414 Mary Gavriela

7929

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 EAGLES LANDING
 WATER COMPANY LLC
 001119350

View Check: #007940 Amount: \$55.00 Date: 1/7/2013

Print Check

Check Front

MARY E GAVRILA 07-87 31-7055/3240 7940
 A JOHN GAVRILA
 PH. 801-873-3334
 HC 13 BOX 302
 FAIRVIEW, UT 84629

DATE 12-13-12

PAY TO THE ORDER OF Eagles Landing Water \$ 55.00
Fifty Five Dollars DOLLARS Security Features
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MEMO Invoice 431 Mary Gavrilu RP

⑆ [REDACTED] ⑈ 7940

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DO NOT WRITE WATER COMPANY, LLC
 PHONE: 801-223-1193

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 A-124300327
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 EAGLES LANDING

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View Check: #007951 Amount: \$55.00 Date: 2/1/2013

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MARY E GAVRILA 07-87 31-7955/3240 7951
 A JOHN GAVRILA
 PH. 801-873-3334
 HC 13 BOX 302
 FAIRVIEW, UT 84629

DATE 1-15-13

PAY TO THE ORDER OF Eagles Landing Water \$ 55.00
Fifty Five Dollars DOLLARS

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MEMO INVOICE 442 Mary Gavriela MP

7951

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 WATER COMPANY LLC
 061119350

View Check: #007962 Amount: \$55.00 Date: 3/8/2013

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MARY E GAVRILA 07-87 31-7955/3240 7962
 A JOHN GAVRILA
 PH. 801-873-3334
 HC 13 BOX 302
 FAIRVIEW, UT 84629

DATE 2-14-13

PAY TO THE ORDER OF Eagles Landing Water \$ 55.00
Fifty Five Dollars DOLLARS

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MEMO # 453 Mary Gavrilas

7962

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 SPANISH FORK, UT 84650
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 EAGLES LANDING
 WATER COMPANY LLC
 031119350

View Check: #007974 Amount: \$55.00 Date: 3/28/2013

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MARY E GAVRILA 07-87 31-7955/3240 7974
 A JOHN GAVRILA
 PH. 801-873-3334
 11C 13 BOX 302
 FAIRVIEW, UT 84629

DATE 3-19-13

PAY TO THE ORDER OF Eagles Landing Water \$ 55.00
Fifty Five Dollars DOLLARS

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MEMO INVOICE # 463 Mary Gavrilu

7974

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 WATER COMPANY, LLC
 031110350

View Check: #007989 Amount: \$55.00 Date: 5/3/2013

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Check Front

MARY E GAVRILA 07-87 31-7955/3240 7989
 A JOHN GAVRILA
 P.O. BOX 9001
 HC 13 BOX 902
 FAIRVIEW, UT 84629

DATE 4-20-13

PAY TO THE ORDER OF Eagles Landing Water \$ 55.00
Fifty Five Dollars DOLLARS

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MEMO Invoice 474 Mary Gavrilas

⑈ 7989

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 WATER COMPANY LLC
 061119350

View Check: #008028 Amount: \$55.00 Date: 5/21/2013

Print Check

Check Front

MARY E GAVRILA 07-87 31-7855/3240 8028
 A JOHN GAVRILA
 PH. 801-873-3334
 HC 13 BOX 302
 FAIRVIEW, UT 84629

DATE 5-10-13

PAY TO THE ORDER OF Eagles Banding Water \$ 55.00
Fifty Five Dollars DOLLARS

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MEMO INVOICE 487 Mary Gavrilas RP

8028

Check Back

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 WATER COMPANY LLC
 001119350

View Check: #008042 Amount: \$55.00 Date: 6/27/2013

Print Check

Check Front

MARY E GAVRILA 07-87 31-7855/3240 8042
 A JOHN GAVRILA
 PH. 801-873-3334
 HC 13 BOX 302
 FAIRVIEW, UT 84629

DATE 6-13-13

PAY TO THE ORDER OF Eagles Landing Waters \$ 55.00
Fifty Five Dollars DOLLARS

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MEMO Invoice 498 Mary Gavrilas MP

⑈ 8042

Check Back

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 CENTRAL BANK
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 FOR DEPOSIT ONLY
 EAGLES LANDING
 WATER COMPANY LLC
 051119350

View Check: #007993 Amount: \$55.00 Date: 7/19/2013

Print Check

Check Front

MARY E GAVRILA 07-87 31-7955/3240 7993
 A JOHN GAVRILA
 PH. 801-873-3334
 HC 13 BOX 302
 FAIRVIEW, UT 81629

DATE 7-12-13

PAY TO THE ORDER OF Eagles Landing Water \$ 55.00
Fifty Five Dollars DOLLARS

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MEMO Invoice 509 Mary Gavrilas MP

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Check Back

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 FOR DEPOSIT ONLY
 EAGLES LANDING
 WATER COMPANY LLC
 061119350

View Check: #008002 Amount: \$55.00 Date: 8/13/2013

Print Check

Check Front

MARY E GAVRILA 07-87 31-7955/3240 8002
 A JOHN GAVRILA
 PH. 801-873-3331
 HC 13 BOX 302
 FAIRVIEW, UT 81639

DATE 8-10-13

PAY TO THE ORDER OF Eagles Landing Water \$ 55.00
Fifty Five Dollars DOLLARS

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MEMO INVOICE 521 Mary Gavrilas AP

⑈ 124300327 ⑈ 8002

Check Back

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 FOR DEPOSIT ONLY
 EAGLES LANDING
 WATER COMPANY LLC

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FEDERAL RESERVE BOARD OF GOVERNORS REG CC

View Check: #008011 Amount: \$55.00 Date: 9/20/2013

Print Check

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MARY E GAVRILA 07-87 31-7955/3240 8011
 A JOHN GAVRILA
 PH. 801-873-3334
 HC 13 BOX 302
 FAIRVIEW, UT 84629

DATE 9-9-13

PAY TO THE ORDER OF Eagles Landing Water \$ 55.00
Fifty Five Dollars DOLLARS

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MEMO Invoice 532 Mary Gavrilas

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 FOR DEPOSIT ONLY
 EAGLES LANDING
 WATER COMPANY LLC
 061119350

View Check: #008055 Amount: \$55.00 Date: 10/25/2013

Print Check

Check Front

MARY E GAVRILA 07-87 31-7955/3240 8055
 A JOHN GAVRILA
 PH. 801-873-3334
 HC 13 BOX 302
 FAIRVIEW, UT 81629

DATE 10-10-13

PAY TO THE ORDER OF Eagles Landing Water \$ 55.00
Fifty Five Dollars DOLLARS

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MEMO Invoice 543 Mary Gavrilu

8055

Check Back

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Deposit Only