

10 Dec 2013

In the Matter of the Formal Complaint of Duncan, Gavril, Workman, Bates, et al.
against Eagles Landing Water Company, LLC
Docket #: 13-2477-02

Pre-filed Testimony
Respondent: Bryan & Teresa Young
Address: 19719 Elkhorn circle, Birdseye, UT 84629

Your Honor:

Homebuilders and developers pass on impact fees as well as utility service fees to homebuyers during the planning stages of a home. Some *utility fees* could be electric, gas, sewer or water services. Water meters and hook-up fees would be charged at the time of purchase, paid by the builder or even the homebuyer as a separate cost or, included within the financing and closing cost of a home.

- We bought our home as the SECOND owner in Aug 2012, at 19719 Elkhorn Circle, Birdseye, Utah. The house was built in 2008 and occupied by the original owner/builder. All utilities were available and turned on at the time of our closing and move in. Financing was done by the Utah community credit union and title research was performed by Bachman Title services. Both entities returned a clear title and clean HUD-1 document.
- Eagles Landing Water Company, owned and operated by Mr. Dave Olsen, was provided hard copy documentation of our HUD-1 we have on file. We also provided him an extract of explanations in regards to line item entries on the HUD-1. In any and all categories where Mr. Olsen had the opportunity to assess financial charges towards the property, there were none listed. According to Ms. Candido at Bachman title, our house was "free and clear" of any liens or financial obligations.
- We also told Mr. Olsen we had no intentions of paying his charge of \$4100 for a meter that was already installed on our property at the time we assumed possession. We referred him to the HUD-1 we had mailed him as reason for our decision for refusing payment. Mr. Olsen never responded to our letter in any manner, either positively or negatively. We mailed this letter to the same address we have been submitting our \$55 monthly over payment too, for over a year now. He has never approached us to tell us he was not receiving his monthly payment so the address is assumed to be correct, as copied from his correspondence to us.

After living in our home for a few months we had not received a water bill, so my wife contacted a local neighbor to establish a payment arrangement. We started to send the water company \$55 as we understood was the neighborhood practice. During this time frame our payments have shown to have been posted to his water company. At no time

have we ever received a bill containing a factual account of water being provided to our home.

It is our contention that Mr. Olsen is operating outside of any reasonable or legal boundaries. In fact, the members of Eagles Landing subdivision have made numerous attempts to reach out to him and work through issues regarding past services outages and unforeseen charges incurred by the neighborhood members and he has not only been unavailable to try to work with us but has actually ignored our approaches.

When Mr. Dave Olsen purchased Eagles Landing Development in 2006 through a bankruptcy of the original developer, any outstanding liens would have all been cleared at that time. Therefore, Eagles Landing Water Company has no legitimate claim on any fees associated with current property homeowners, as was documented by title searches. The fees Mr. Olsen has attempted to harass current homeowners into paying are "one-time only" fees that should be assessed to an original homeowner only. Any attempt to collect these fees multiple times is not legal and borders in criminal actions.

We feel the commission should direct Eagles Landing Water Company to credit each resident for past monthly overpayments, and monthly water bills should be deducted from that overpayment until such time all residents' accounts have been repaid. We ask the court to dismiss all assessed meter set fees and hookup fees that have been levied by Eagles Landing Water Company and, determine whether the court should forward these issues to the state attorney general's office.

Sincerely,

Bryan & Teresa Young