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## Tenant sued by park manager

William Schultz is evicted after taking complaints to proprietor; he intends to pursue a class-action suit.

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**West Valley City** » After weeks of not seeing Riverside Mobile Home Park's manager, William "Ed" Schultz saw her in the office Sept. 29 and stopped to talk to her about some issues.

According to Schultz, the following conversation took place: He needed to file paperwork for an RV parking spot that manager Cristina Herrera had promised him. She said it was no longer available. He then asked her to check his water bill for \$7 in overcharges because of past problems with his bill. She refused. He then reminded her of flooding problems on his property that he first complained about in spring 2008.

According to Schultz, Herrera said she didn't know what he was talking about.

The two started screaming and arguing, Schultz said, and Herrera eventually kicked him out.

Schultz, 74, told her he would sue the park if his property issue was not fixed.

"I had had enough," he said.

When Schultz returned to his home less than four hours later that day, he found an eviction notice taped to the door of his mobile home -- where he has lived for four years, recently co-organized the park's homeowners association and said he'd never had a problem with management or late rent payments.

Schultz pays the park \$481 a month to rent the land under his mobile home and for water. It could him cost up to \$20,000 to move his mobile home, he said.

In the two-page "Landlord's Immediate Lease Termination," Herrera stated Schultz "came into the office screaming, swearing and behaving in a threatening matter." She also said "a police report" was filed on the incident and said Schultz should remove himself from the park immediately.

According to West Valley Police Department records, Herrera did not file a police report. However, WVPD was out to the park, and a police officer wrote a brief note that said "civil problem involving Christina Hererra with ARC and a tenant, William Schultz ... who was complaining about a water bill and yelled at the manager. ... Park management will start an eviction notice."

An hour later the same day, Schultz's wife, Sandra "Jo," gave Herrera the couple's October rent check at the office. Herrera then returned it to the Schultz home 15 minutes later, saying they should talk to the park's lawyer.

The next day American Residential Communities, which owns the mobile home park, filed a suit in West Jordan 3rd District Court against the Schultzes for \$468 in rent, \$45.30 in damages for each day they remain in the park starting Sept. 29, and legal fees.

Herrera did not immediately return a message left by *The Salt Lake Tribune*.

ARC operates 275 manufactured-home communities nationwide, including 23 in Utah, said Todd Baker, the Denver-based company's sales and marketing senior vice president.

In an e-mail, Baker said the company's policy is not to comment "in matters where the rights of individual privacy are concerned." He also referred to the court complaint.

After the incident, Schultz called Melinda Gurr -- the mobile home parks outreach and advocacy project coordinator at Salt Lake City-based Community Action

Program -- who had helped Schultz and other park residents organize a homeowners association.

Gurr, who has known the Schultzes for six months and has assisted the couple in their case, said the "retaliation eviction" is not fair.

"He's obviously invested in his community and wants it to be a good place," Gurr said.

In 2005, the Schultzes sold their 3,500-square-foot home in Kearns to downsize and buy a mobile home. They are retired, but he drives an airport shuttle bus up to 60 hours a week and she is a full-time employee of a check-printing company.

Schultz said he chose Riverside because it was a well-kept community with "tight rules and regulations."

In spring 2008, Schultz said he pumped out some 800 gallons of water from under his mobile home. He's complained about the problem about once a month ever since. The park's maintenance man tried to fix the problem using a pump, but it didn't work, Schultz said.

Schultz said the water is damaging his home and he's afraid of mold.

"I lease the land," he said. "The property is their responsibility."

Schultz said he filed a response to the lawsuit Friday and plans to have a hearing on the case within two weeks. He said he's also talking to a lawyer and seven other neighbors with flooding problems about filing a class-action lawsuit against the company.

Schultz said ARC won't scare him off, and he's standing up for his rights.

"I'm not playing their silly games anymore," Schultz said. "I've never sued anyone in my life ... but I think I've been wronged."

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