

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

The Staff of the Missouri Public Service Commission,
Complainant,
v.
Aspen Woods Apartment Associates, LLC, Barry Howard, Aspen Woods Apartments, Sapal Associates, Sachs Investing Co., Michael Palin, Jerome Sachs, and National Water & Power, Inc.
Respondents.

Case No. WC-2010-0227

AFFIDAVIT

I, James Mathes, Vice President of Aspen Woods Apartment Associates, LLC (hereinafter "Aspen Woods"), hereby verify that I am over the age of twenty-one, duly sworn, and upon my oath, state that the following facts are true to the best of my knowledge, information, and belief:

A. I currently am a Senior Vice President of Aspen Woods, and have had general supervisory responsibilities for operations at Aspen Woods since September, 2006.

B. In this capacity I am familiar with the facts underlying this affidavit, which I understand is being submitted in support of a joint motion for summary determination in this case. The following statement of facts, with the paragraphs enumerated to correspond to the statement of material undisputed facts in that motion, are true to the best of my knowledge, information, and belief:

1. Aspen Woods owns the Aspen Woods Townhouse and Garden Apartment complex (hereinafter "Aspen Woods Apartments Complex") located in Florissant, Missouri.

2. The Aspen Woods Apartments Complex includes in excess of 400 individual apartments.

3. The Aspen Woods Apartments Complex consists of several separate structures, with each separate individual structure containing multiple apartment units.

4. The Aspen Woods Apartments Complex is located on approximately 33 acres located near the intersection of Santiago Drive and New Halls Ferry Road, Florissant, St. Louis County, Missouri.

5. At the Aspen Woods Apartments Complex water service is supplied to the complex by the Missouri American Water Company.

6. At the Aspen Woods Apartments Complex sewer or wastewater service is provided to the complex by the Metropolitan St. Louis Sewer District.

7. The water service for the Aspen Woods Apartments Complex from Missouri American Water is metered at 38 separate water meters located adjacent to structures located within the complex. Missouri American Water owns the 38 meters. The customer of Missouri American Water is Aspen Woods. Aspen Woods receives a monthly bill with 38 separate account numbers from Missouri American Water for water service supplied to the Aspen Woods Apartments Complex.

8. The sewer or wastewater service for the Aspen Woods Apartments Complex is provided by Metropolitan St. Louis Sewer District. There are not separate sewer meters at the Aspen Woods Apartment Complex. It is my understanding Metropolitan St. Louis Sewer District bills Aspen Woods sewer usage based upon water meter readings obtained from Missouri American Water. The customer of Metropolitan St. Louis Sewer District is Aspen Woods. Aspen Woods receives one monthly sewer bill with 38 separate account numbers from

Metropolitan St. Louis Sewer District Missouri for sewer or wastewater service supplied to the Aspen Woods Apartments Complex.

9. There are no meters measuring individual apartment water usage or wastewater usage at individual apartments in the Aspen Woods Apartments Complex.

10. In its leases with its tenants at the Aspen Woods Apartments Complex, Aspen Woods makes contractual arrangements for the tenants to reimburse Aspen Woods for the tenants' share of Aspen Woods' water and wastewater service bills.

11. Aspen Woods and NWP have a contractual relationship in which NWP provides services with respect to allocating individual tenants' share of water and wastewater bills for the Aspen Woods Apartments Complex.

12. NWP takes the monthly water bills of Aspen Woods, subtracts Aspen Woods' usage for irrigation, swimming pools, and common areas, and allocates the remaining amount to individual apartment tenants. The allocation basis for Aspen Woods Apartments Complex is square footage and number of apartment occupants.

13. NWP takes the monthly wastewater or sewer service bills of Aspen Woods, subtracts Aspen Woods' usage for irrigation, swimming pools, and common areas, and allocates the remaining amount to individual apartment tenants. The allocation basis for Aspen Woods Apartments Complex is square footage and number of apartment occupants.

14. Individually allocated amounts for water and sewer service are billed by NWP to the tenants, collected by NWP from the tenants who remit payment to NWP, or collected by Aspen Woods from tenants paying Aspen Woods in person. Amounts collected by NWP are remitted to Aspen Woods.

15. NWP charges tenants a monthly fee for its services.

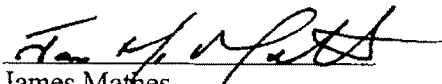
16. This arrangement whereby NWP bills and collects from tenants their allocated share of Aspen Woods' utility bills, and the tenants pay NWP for this service, is set forth in the terms of the lease between the tenants and Aspen Woods.

17. Aspen Woods only leases individual apartments at Aspen Woods Apartments Complex to persons who sign a lease agreeing to the arrangements set forth in paragraphs 10-16 above.

18. Aspen Woods only obtains reimbursement for water and sewer bills, as set forth above, from tenants at the Aspen Woods Apartments Complex.

19. The Aspen Woods Apartments Complex is private property belonging to Aspen Woods, subject to the leasehold interests of tenants.

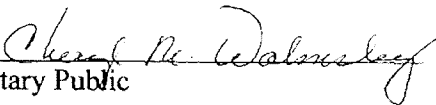
20. With respect to leasing individual apartments at the Aspen Woods Apartments Complex, Aspen Woods does not offer the apartments to the general public indiscriminately. Aspen Woods only leases individual apartments at the Aspen Woods Apartments Complex to persons meeting eligibility criteria of Aspen Woods. This eligibility criteria includes a credit/financial responsibility check of applicants, a background check, employment verification for verification of ability to pay for the lease term, payment of an advance month's rent and a security deposit equal to one month's rent, and entering into a lease contract in a form approved by or acceptable to Aspen Woods, wherein the tenant agrees to the terms and conditions of leasing an apartment from Aspen Woods. Copies of Aspen Woods' eligibility criteria are attached to this affidavit.


James Mathes

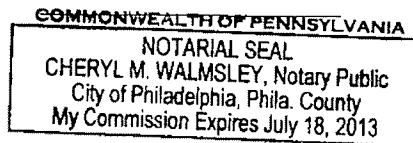
STATE OF PENNSYLVANIA)
)
COUNTY OF DELAWARE)

(notary seal)

Before me this 15th day of October, 2010, personally appeared James Mathes, duly sworn and on his oath, deposed and said the foregoing affidavit was true to the best of his knowledge, information, and belief.


Notary Public

My seal expires:





Madison At Aspen Woods
 2990 Santiago Dr.
 Florissant, Mo 63033
 314-831-3333

INITIAL: _____

INITIAL: _____

OCCUPANCY GUIDELINES

1. Occupancy is based on the number of bedrooms in an apartment home. A bedroom is defined as a space within the premises that is used primarily for sleeping, designed to be closed with a door and a closet space for clothing.
2. Occupancy ceiling is two persons per bedroom (plus a child who is less than 12 months old).
3. Residents who have a newborn less than 12 months old at the time of rental application or lease renewal and residents whose newborn has reached 12 months of age during the term of the lease will be required upon expiration of their current lease term to either (a) move to another dwelling of the owner which has more bedrooms or (b) move from the community

APPLICATION PROCESS

The following steps must be followed to become a resident:

1. You must select your apartment or town home.
2. An application for residency must be completed on the designated form complete with signature.
3. You may then required to pay a non-refundable application fee and either pay a holding deposit that will become a Security Deposit upon move-in or enroll in the Sure Deposit program.
4. Each application will be processed expediently upon receipt. It may take up to five working days for approval depending on the accessibility of vital information.
5. Upon application approval, a lease agreement wherein each resident agrees to abide by the rules & regulations of the community will be required to be signed.
6. Fraud Prevention Services - All applicants must present valid forms of identification prior to move in. Valid forms of identification are decided by the management company, and may include items such as: US Driver's license, US State Photo ID, US Military ID, Civil birth certificate, US Visa, US Citizenship and Immigration Services photo ID, SSN card, or letter from the Social Security Administration.
7. Red Flag Warnings - Fraud prevention cautions and warnings may be displayed alongside recommendations from our credit screening company. Applicant(s) may then be required to provide additional information from one or more resources to verify identity, address, or related item.

GENERAL REQUIREMENTS

1. A complete & accurate signed application reflecting information for the past 24 months is required and must include middle name, date of birth, social security number and all other vital information. (Incomplete applications will be returned to the applicant)
2. All applicants must be 18 years of age or older. It is necessary that all individuals 18 years or older that will be occupying the premises, complete the application process and be listed as a leaseholder. Emancipated minors must present written legal proof.
3. Inaccurate or falsified information will be grounds for denial of residency.
4. Residency may be denied if an applicant has any criminal history that we believe is a threat to others, including:
 - . Any felony convictions
 - . Any terrorism related convictions
 - . Any drug related convictions, including petty offenses
 - . Any sex related convictions
 - . Any convictions for crimes against persons or property
 - . Any of the above related charges resulting in "Adjudication Withheld" and/or "Deferred Adjudication"
 - . Active status on probation or parole resulting from any of the above

DISABLED ACCESSIBILITY

It is the policy of Madison Apartment Group, LP to allow existing premises to be reasonably modified at the expense of the disabled individual in accordance to fair housing guidelines.

The following is required:

1. Written proposals detailing the extent of the work to be done.
2. Written assurances that the work be performed in a professional manner by a licensed/bonded contractor.
3. Written approval by the landlord before modifications are completed.
4. Appropriate building permits and required licenses made available for landlord inspection.
5. A restoration deposit may be required per Fair Housing Guidelines

APPROVAL for RESIDENCY IS DETERMINED BY A COMBINED RISK FACTOR SCORE BASED ON THE FOLLOWING: CREDIT

Rating of credit report to be processed for each applicant that will take into account:

1. Current payment status of all accounts
2. Outstanding debt to previous landlords
3. Outstanding debt to an electric or gas utility provider

EMPLOYMENT & INCOME

Total monthly combined income (bench mark is three (3) times the amount of the monthly market rent)

1. Current employment or source of adequate monthly income
2. Stability of employment history
3. Salary of future income (must be verifiable)
4. Last three consecutive paycheck stubs as income verification if employment cannot be verified in writing by employer or over the telephone
5. Verifiable income will be required for applicants who are self-employed or receive money from non-employment sources. Applicants must be able to show proof of income through (1) copies of the previous year's tax return, (2) a financial statement from a CPA verifying employment and income or (3) photocopies of the three most current bank statements illustrating the ability to pay rent for three times the market rent through the entire lease term. (Other verifiable income may include, but is not limited to, alimony, child support, trust accounts, social security, grants, and/or loans)

RENTAL HISTORY

1. 12 months of current, verifiable rental history (If rental history is not available, applicant may be asked to verify reason)
2. Any eviction history within the 7 years prior to the application date
3. Rental history reflecting monies owed to a previous landlord
4. History of late payments and NSF checks



Madison At Aspen Woods
2990 Santiago Dr.
Florissant, Mo 63033
314-831-3333

INITIAL: _____

INITIAL: _____

Initials are found on the top of this page, my full signature is found on the Rental Application.