

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

RECEIVED
SEP 27 2005
UTILITY OPERATIONS
DIVISION

Cindy Fortney,

Complainant,

vs.

Case No. _____

Folsom Ridge, LLC (Owning and Controlling
the Big Island and Controlling the Big Island
Homeowners' Association, (BIHOA))

Respondent.

COMPLAINT

FILED³

SEP 27 2005

Missouri Public
Service Commission

1. Complainant resides at: (your address)

3298 Big Island Drive

Roach, MO. 65787

Phone: 573-346-7613

2. Respondent: (Company's name and address)

Folsom Ridge, LLC

Big Island Homeowners Association

P.O. Box 54

Longmont, CO. 80502

is a public utility providing service to the complainant's residence:

3. As the basis of this complaint, complainant states the following facts:

I bought this house July 14th, 2005 from Richard and Carol Hirsch. Richard and Carol Hirsch were not members of the Big Island Home Owners Association (BIHOA). This residence, 3298 Big Island Drive does have a sewer tap that the Hirsch's purchased from Folsom Ridge, LLC, for \$4800 with the contractual agreement and understanding that they would not have to pay additional fees until they hooked up to the system and receive services. (See attachment from David Lees) Sometime after the purchase of the tap, they were coerced by Folsom Ridge, owning and controlling the Big Island Homeowners Association, into paying \$7 a month maintenance fee, to the BIHOA, even though they were not hooked up to the system nor were they members of the BIHOA nor were they receiving services. During the real estate closing of the property I was purchasing, I was coerced to pay \$14 in Association Dues: to Big Island HOA. (See attachment with the line items from closing, line item 1204.) I am not a member of the BIHOA, nor did I agree to become a member in the BIHOA, and I was told by the closing agent, that if I didn't pay this \$14, the closing would be stopped until the issue was resolved. I do not have a law degree, but in my opinion, I certainly don't think it can be legal in the state of Missouri to interfere with, and/or hinder and/or impede a sale of \$275,000.00!

I have not received any documentation about ongoing BIHOA payments nor anything about the BIHOA itself. Maybe this is because Folsom Ridge, LLC owning and controlling the BIHOA, knows that they were in the wrong or they simply don't know who are members, who are not members, who are paying and who are not paying, etc. To my knowledge, a BIHOA membership listing has never been supplied to the property owners of Big Island who are being charged these fees, and/or are receiving services by being connected to the system, and/or who have signed to join the BIHOA. In fact, when representatives of Folsom Ridge are asked who are members and/or who are receiving services, they are unable to answer these questions.

4. The complainant has taken the following steps to present this complaint to the respondent:

Several discussions between Folsom Ridge, LLC representatives and myself to try to resolve these 'fee' issues have been ongoing since my residency here, with no resolve as of the date of this Formal Complaint.

WHEREFORE, complainant now requests the following relief: (What do you want the PSC to do?)

A determination and ruling as to the BIHOA and its operation as an unlicensed public utility that should be regulated by the PSC. Also, because of the legal issues resulting from Folsom Ridge owning and controlling the BIHOA, and now interfering with and obstructing real estate closings, I am requesting that the PSC also make a determination and ruling as to the questionable illegal and certainly unethical business practices of Folsom Ridge, owning and controlling the BIHOA. Furthermore, as a result of the many state regulations that have been violated by Folsom Ridge, and now their attempts to hinder real estate closings, I am seeking the permanent revocation of all permits that allow this out of state developer to operate in the stat of Missouri.

Please regulate this association, as it is operating as an unlicensed public utility, by providing service, and billing people who are nonmembers and non users of the service.

9-24-05

Date

Andy L. Folsom

Signature of Complainant

Big Island

1. We will have a monthly fee for the waste water system ,of \$10.00 per month..This fee will be deposited to the Homeowners interest bearing account..
- 2, It is anticipated with the number of users to this system, that we will have an excess of funds in the interest bearing escrow account.
3. The schedule to oversee this system will be on a as needed basis. We have been advised that to oversee this particular system, to clean filters, check equipment and take samples will require 2 to 3 visits a week. Whoever is chosen, is to be state licensed and accountable to the state of Missouri.
The cost to maintain and operate the system will depend entirely on the units and flow to the waste water system.
4. If a homeowner hooks up to the system , the fee is \$10.00 a month. If they elect to pay their \$4800.00, and a waste water stub is installed at their property, they will not be charged a monthly fee until they hook up.
5. We intend to accommodate each homeowner with the location of the stub out, most convenient to their needs.
- 6..The funding for the new asphalt road has been funded and is the sole responsibility of the Folsom Ridge LLC. The monies for this project are in escrow at Central bank , Camdenton, Mo.
7. There will be 5 board members which will consist of the 3 developers , one new property owner and one existing property owner.
8. It is your option to hook up to this system. You are under no obligation to do so. If you have any concerns about the developers financial capabilities as stated, feel free to call Jeff Welsh at Central Bank of Camdenton, Mo. Telephone # 573 346 2203 and satisfy yourself as to the LLC's financial capabilities..
9. This offer to hook up to this system is completely voluntary to any existing homeowners. It is mandatory by the DNR for any new homeowners .

We hope that this addresses some of your concerns. If not feel free to contact me at 573 346 6158 . FAX same number..

Sincerely, Dave Lees

811.		
812.		
813. Wire Fees to First National Bank	40.00	
814.		
900. Items Required By Lender To Be Paid In Advance		
901. Interest from 07/14/05 to 08/01/05 @ \$28.17 /day	507.06	
902. Mortgage Insurance Premium for months to		
903. Hazard Insurance Premium for 1 years to Allied Insurance POC \$634.00b		
904. years to		
905.		
1000. Reserves Deposited With Lender		
1001. Hazard Insurance months @ \$ per month		
1002. Mortgage Insurance months @ \$ per month		
1003. City property taxes months @ \$ per month		
1004. County property taxes months @ \$ per month		
1005. Annual assessments months @ \$ per month		
1006. months @ \$ per month		
1007. months @ \$ per month		
1008. Aggregate adjustment months @ \$ per month		
1100. Title Charges		
1101. Settlement or closing fee to Chalfant & Tompkins	250.00	
1102. Abstract or title search to		
1103. Title examination to		
1104. Title insurance binder to Chalfant & Tompkins		
1105. Document preparation to Chalfant & Tompkins		
1106. Notary fees to		
1107. Attorney's fees to		
(includes above items numbers:)		
1108. Title insurance to Chalfant & Tompkins	725.00	
(includes above items numbers:)		
1109. Lender's coverage \$ 175,000.00 premium 50.00		
1110. Owner's coverage \$ 275,000.00 premium 675.00		
1111.		
1112. Return of Pkg-Courier to CTIC	47.00	
1113.		
1200. Government Recording and Transfer Charges		
1201. Recording fees: Deed \$ 30.00 ; Mortgage \$ 69.00 ; Release \$	99.00	
1202. City/county tax/stamps: Deed \$; Mortgage \$		
1203. State tax/stamps: Deed \$; Mortgage \$		
1204. Association Dues; to Big Island HOA	14.00	
1205.		
1300. Additional Settlement Charges		
1301. Survey to		
1302. Pest inspection to		
1303.		
1304.		
1305.		
1400. Total Settlement Charges (enter on lines 103, Section J and 502, Section K)	3,925.06	

I have carefully reviewed this Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the Settlement Statement.

Borrower(s) Cynthia L. Fortney 07/14/05 Seller(s)
Dean L. Fortney 07/14/05
 Dean L. Fortney

The Settlement Statement which I have prepared is a true and accurate account of funds received and funds disbursed or to be disbursed for this transaction.

07/14/05

Lisa A. Peterson

Lisa A. Peterson, Settlement Agent

WARNING: It is a crime to knowingly make false statements to the United States on this form. Penalties upon conviction can include a fine and imprisonment. For details see: Title 18 U.S. Code Section 1001 and Section 1010.