FILED
August 6, 2019
Data Center
Missouri Public
Service Commission

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

In the Matter of Carl R. Mills Trust for a Certificate of Convenience and Necessity Authorizing it to install, own, acquire, construct, operate, control, manage and maintain water systems in Carriage Oaks Estates.

File No. WA-2018-0370

APPLICANT'S FINAL BREIF

Mr. Morgan displayed irritable and uncontrolled behavior by contacting homeowner Mrs. Shirley Funk telling her to sell her home and leave the subdivision if she is not going to join his suit against Mr. Mills. Also, telling her not to pay the home owners assessments. He and the interveners have still not paid for 2018 assessments, all others have.

Mr. Morgan is a member of the home owners association, but not part of the executive board of directors. He inflects stress by creating things that Mr. Mills is or is not doing to the home owners so they will side with him. No other homeowner in the association had any complaints other than Mr. Morgan of any kind regarding Mr. Mills management of the water or sewer. No other home owner has presented a formal complaint other than Mr. Morgan on any issues. Once because of the heavy rains, there was one occurrence where the rain caused considerable dirt located on Mr. Morgan's road shoulder easement to wash down on a considerable part of his driveway. This was caused by him or his builder designing a retaining wall that was not high enough, and left a 60% slope with no grass vegetation to hold the dirt.

He has placed blame on Mr. Mills for this, stating he did not build the subdivision roads appropriately for rainfall. He also hired attorneys and threatened a lawsuit. This required Mr. Mills to bring in a Civil Engineer to evaluate the roads, and prove to Mr. Morgan that he or his developer was remiss in their slope design. Mr. Morgan's attorney disappeared at this point.

It was also worthy to note that Mr. Morgan did not buy these lots from Mr. Mills, the developer. He bought them from two separate individual owners. After which he asked Mr. Mills if he would remove the lot line between his two lots, so that he could acquire a building permit from stone county. The county advised he could not build across lot lines because of setback requirements. Mr. Morgan then manufactured a statement that Stone County Planning & Zoning told him only the Developer could remove a lot line in a private subdivision. Mr. Mills thought

this very strange that only the developer could remove a lot line, but at this point did not question Mr. Morgan's honesty because it was the first time he had ever met him.

Mr. Mills told Mr. Morgan if he could wait about six or eight months while Mills was Re-surveying Phase II, that he would include removing the lot line in the new survey. Mr. Morgan seemed very happy to wait, because Mr. Mills did not require Mr. Morgan to sign an affidavit stating that he would pay for two assessments, one for each lot, Mr. Morgan agreed. After Mills combined them into one lot, and then filed the new survey. It was December and the annual assessments were sent out for that year. Mr. Morgan paid the two assessments for the year. It was not until the next year assessments were sent out that Mr. Morgan maintained that he no longer had two lots, that was last year, he now only owned one lot, and would only pay one assessment for the "One" lot he owned. When Mr. Mills reminded him of their agreement that he would pay two assessments. Mr. Morgan claimed he did not recall saying he would pay two assessments.

Mr. Morgan claimed later in court that he did not want Mr. Mills to remove the lot line, but since he did, then he decided to build on only the one lot that had been created from two, and he should only need to pay one assessment for only one lot from then on. When Mills charged him for two lot assessments, Mr. Morgan took it to court, claiming he, Morgan, did not remove the lot line and was not responsible for the two lots becoming one, and that he should only pay only one assessment. After reading the Deed Restrictions which states one assessment for each lot regardless of size, the court had no choice but agree, what was written would apply in this case, and there was no evidence that Mr. Morgan signed anything to the contrary.

Mr. Morgan knew at the time that he bought his lots from the two separate individuals, he would be obligated to pay two assessments, but he also knew the covenants and restrictions of the subdivision. Now after the purchase of his lots, he simply needed to change and manipulate "Who" platted and "Who" recorded them into one lot, so he would not be responsible, but could benefit from it. It was very clever and it worked, because Mr. Mills was not suspecting anything like this to happen.

Mr. Morgan's attorney also made a false claim that there will never be any lots sold in the future even after knowing a lot was sold in March of this year. This information was notified to all home owners that there will be a new Lot Owner. With this said, Mr. Morgan's attorney continues to make false statements that the subdivision lots are not likely to be sold.

Mr. Morgan's attorney claims that I have fired my attorney. This is not true, I have chosen to represent myself without my attorney at the hearing, which I have the right to do. I still communicate with my attorneys and have a working relationship with them. I chose to come on my own to present my case.

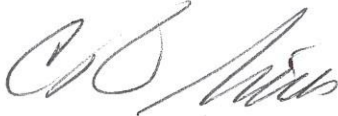
It should be noted that water tests have been conducted since 1999. Since then there has only been one water test that failed due to a contamination of a sample. Mr. Morgan's attorney has made a statement that 33% of water tests have failed. This statement is completely false.

Also Mr. Morgan and the intervenors are demanding Chlorination, which is an option that all homeowners must agree upon. The DNR recommended chlorination only being needed if you have 15 homes or 25 people in the subdivision, and they will not get involved with any subdivision having less homes or people than this. Consequently, they will not come out to Carriage Oaks to check out Mr. Morgan's claim that rocks had stopped his sprinklers and Pre-Filter. The DNR did make an editorial comment that the suction screen that protects the water pump and other related equipment will only pass something less than one sixteenth of an inch, thereby making Mr. Morgan's claim impossible to pass rocks. If he wants to verify this, he could request that the pump/motor and line be pulled up for inspection purposes.

I have nothing against Mr. Morgan; however, I do not want him to push the other home owners to where they are stressed and feel cornered to join his agenda against Mr. Mills. Using the innocent home owners who have lived in a harmonious fashion until Mr. Morgan moved into the subdivision and causing disruption continuously. The statement made to the home owner, that if they do not join his group, they might as well sell their house and move out of the subdivision is not acceptable.

According to the intervenor's attorney, they are stating that I've had major surgeries including the heart, which is incorrect. I have had two minor vascular procedures in both legs. I am in great physical health and am very capable of managing the utilities at Carriage Oaks Estates. I have always been honest in my dealings with the home owners. Mr. Morgan sends e-mails accusing me of lying which I have not done. He is very disruptive at HOA meetings. One time he cried, and then showed emotion and gestures in despair when he could not get his way. In the same manner when he was on the stand on the 24th of June evidentiary hearing, I thought I heard Mr. Morgan say, if Mills gets the CCN, I will be at the PSC on a monthly basis rendering complaints.

Respectfully submitted.



C. R. Mills