



STATE OF WASHINGTON
OFFICE OF ADMINISTRATIVE HEARINGS

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ATTORNEY GENERAL'S OFFICE
CONSUMER PROTECTION
SEATTLE

February 8, 2010

Colonial Estates
c/o R Alan Swanson
Attorney at Law
Swanson Law Firm, PLLC

Dana Peffley

Jake Bernstein
Assistant Attorney General
Office of the Attorney General
800 - 5th Ave, Suite 2000
Seattle, WA 98104-3188

Cathie Caldwell
Program Manager
Manufactured Housing Dispute Resolution
Program
800 - 5th Ave., Suite 2000
Seattle, WA 98104-3188

Re: Colonial Estates, LLC

Docket No. 2009-AGO-0004

Dear Parties:

Attached please find the signed Stipulated Order Dismissing Appeal and Agreed Order Stipulating Compliance with Notices of Violations for the above-referenced docket.

If you have any questions, please call me at (360) 753-4267.

Sincerely,


Margaret Simmons
Legal Secretary

MS:ms



The Honorable Elmer E. Canfield
Hearing Date: Undefined
Hearing Time:

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**STATE OF WASHINGTON
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE OFFICE OF THE ATTORNEY GENERAL
MANUFACTURED HOUSING DISPUTE RESOLUTION PROGRAM**

IN RE:

Colonial Estates, LLC,

Appellant.

Docket No 2009-AGO-0004
MHDRP Complaint No. 333498
(Dana Peffly)

STIPULATED ORDER
DISMISSING APPEAL AND
AGREED ORDER STIPULATING
COMPLIANCE WITH NOTICES OF
VIOLATION

The Office of the Attorney General (AGO), Manufactured Housing Dispute Resolution Program (MHDRP), by and through Jason E. Bernstein, Assistant Attorney General, and Colonial Estates, LLC by and through its attorney, R. Alan Swanson, stipulate and agree to the following:

I. PROCEDURAL STIPULATIONS

- 1.1. On June 23, 2009, the MHDRP issued a Notice of Violation against Colonial Estates.
- 1.2. The Notice of Violation alleges that Appellant violated RCW 59.20.130(2).
- 1.3. The parties acknowledge that the MHDRP has the power and authority to impose sanctions pursuant to RCW 59.30.040, and that the Appellant has the legal right to appeal the Attorney General's findings that resulted in the Notice of Violation.

STIPULATED ORDER DISMISSING APPEAL
AND AGREED ORDER STIPULATING
COMPLIANCE WITH NOTICES OF
VIOLATION

1 **IV. AGREED ORDER**

2 Based on the preceding Stipulated Facts and Conclusions of Law, Appellant agrees to
3 entry of the following Order:

4 **4.1.** Appellant recognizes and hereby agrees that the rock swales are common areas
5 of the manufactured housing community and that Appellant is responsible for the future
6 maintenance of all rock swales within Colonial Estates, including Mickey Carter's, upon the
7 approval of this Agreed Order.

8 a. Appellant will amend the Park Rules and Regulations to be consistent
9 with this order. The revised Rules and Regulations are attached as Exhibit 1 and
10 hereby incorporated into this Agreed Order.

11 b. Appellant will circulate a revised version of the "Your Rock Swale"
12 document. This revised version is attached as Exhibit 2 and hereby incorporated into
13 this Agreed Order.

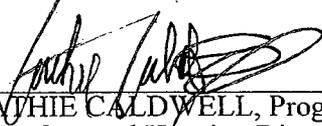
14 c. Appellant will provide for an opt-out process whereby individual
15 Tenants may choose to maintain their own rock swales. If a tenant chooses to so
16 participate, he/she will not have whatever additional maintenance costs are incurred
17 added to rent for the rock swale. An Opt-Out Form is attached as Exhibit 3 and hereby
18 incorporated into this Agreed Order.

19 **4.2.** Appellant does not admit and the Court does not find any violations of the
20 Manufactured/Mobile Home Landlord-Tenant Act. However, in order to expedite settlement
21 of this case, Appellant agrees to pay for half of the total cost of repairs incurred by Ms. Carter
22 of \$1,250 and therefore to pay her \$625.00.

23 **4.3.** If Colonial Estates fails to maintain the rock swales in the future or to reimburse
24 Ms. Carter in accordance with this Order, the AGO may take further action against Colonial
25 Estates pursuant to this Agreement to require that the maintenance be performed as set forth
26 herein.

1 4.4. This appeal is dismissed with prejudice.

2
3 
4 Paul DeTray, Property Owner
5 Colonial Estates, LLC
6 Appellant

7 
8 CATHIE CALDWELL, Program Manager
9 Manufactured Housing Dispute Resolution
10 Program

11 **V. FINAL ORDER**

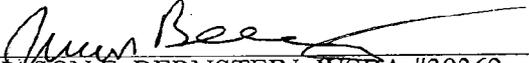
12 The Office of Administrative Hearings, having considered the above-stated Stipulations
13 of the Parties, hereby accepts and enters this Stipulated Order Dismissing Appeal and Agreed
14 Order Stipulating Compliance with the Notice of Violation.

15 ENTERED this 5th day of February 2010.
16 day of December, 2009.

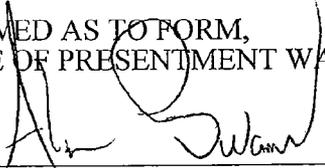
17 
18 ADMINISTRATIVE LAW JUDGE

19 PRESENTED BY:

20 ROBERT M. MCKENNA
21 Attorney General

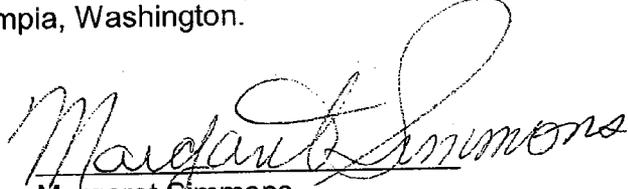
22 
23 JASON E. BERNSTEIN, WSBA #39362
24 Assistant Attorney General
25 Attorneys for State of Washington

26 APPROVED AS TO FORM,
NOTICE OF PRESENTMENT WAIVED:


R. Alan Swanson, WSBA #1181
Attorney for Colonial Estates, LLC

Certification of Mailing

I certify that I mailed true and exact copies of the **Stipulated Order Dismissing Appeal and Agreed Order Stipulating Compliance with Notices of Violation** to the following parties, Certified Mail on the 8th day of February 2010 at Olympia, Washington.


Margaret Simmons
Legal Secretary

Colonial Estates
c/o R Alan Swanson
Attorney at Law
Swanson Law Firm, PLLC



Jake Bernstein
Assistant Attorney General
Office of the Attorney General
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