

RING,

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KPD had its large command post trailer on site, with Sgt. Bob Trump running the show.

"Six victims have recovered property so far," Trump said in the afternoon as large items still filled the driveway and front yard. "They took new appliances and doors from new home sites all around Salem-Keizer."

Brad Whittenburg was one of the victims recovering stolen property on Tuesday.

"My stuff was taken from a job site here in Keizer," Whittenburg said. "They stole my trailer with all kinds of tools inside on Sept. 24. It was about \$20,000 worth of stuff."

Whittenburg's trailer was covered by insurance but not all of the tools were. While a large amount of his stuff was found, not everything was accounted for.

"I figured I would never see the items again," he said. "I'm glad to see it, or at least part of it. I'm angered every day, whenever I go for a tool and it's not there. I'm just glad to see one else will lose their stuff."

Sgt. Darsy Olafson with the KPD noted four trailers were

found in the backyard of the house and expected it to take a couple of days to process the whole scene.

"Keizer Public Works helped us drag out things from the backyard," Olafson said. "This is just the stuff that was outside. We haven't gone inside the house yet."

Four adults have been arrested so far, but authorities are still investigating to see if more people are involved or if more items are elsewhere.

"This is definitely in the top few we've seen in terms of how much stuff was taken," Trump said. "We're trying to identify victims by serial numbers and markings."

In addition to the stolen items, Trump said three pistols were also recovered. There were also charges of possession and delivery of methamphetamine.

Neighbors called police with complaints. That got the Community Response Unit - run by Trump - involved.

"The neighbors were fed up," Trump said. "These people were up all day and night, running ATVs all night. They weren't working, so far as we can tell. It was a real neighborhood problem. It was absolutely a livability issue. This house certainly stands out for all the bad reasons."

LAWSUIT,

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The Kuhn family moved to McNary Estates in 2005, describing LeDoux and his wife as close friends. Khrizma, who has numerous disabilities and depends on her parents for full-time care, moved into the home on a full-time basis in 2010. Among other things, Khrizma suffers from Down Syndrome, autism and suffers from severe bladder and bowel incontinence. The bowel issues increased in severity in 2014, according to the lawsuit filed in federal court, requiring Khrizma to be close to a toilet at all times.

Since Khrizma also needed access to a shower in case of uncontrollable diarrhea accidents, the Kuhn family met with doctors last March. The decision was made for the family to purchase a motorhome so that Khrizma could have the proximity to both a toilet and shower.

The next month, the Kuhns submitted a request for accommodation to the McNary Estates HOA, seeking permission to park a motorhome in their driveway.

"We very innocently made the request," Gary told the *Keizertimes*.

Renee said a thorough packet was given to the HOA, including a description of

Khrizma's medical conditions, a letter from a doctor and pictures of RVs they were looking at.

"We lived there for 10 years and never asked for any help or exceptions," Renee said. "This was the first time we needed our neighbors."

At the May McNary Estates HOA meeting, the topic was brought up and Kevin Harker, the HOA's lawyer, sat next to the Kuhn family. A few days later he called Renee.

According to Renee, Harker asked two questions.

"His first question was can you park (the RV) off-site at a storage facility," Renee said. "I told him this is a daily driver. She has to go everywhere in the RV, so it has to be parked in the driveway. This isn't some vehicle we only take to go camping, this is a medical transport RV. His next question was about putting a porta-potty in a van. Many times, just having a toilet is not enough. I said we won't be backed into a corner."

Harker told the *Keizertimes* the HOA board was trying to accommodate the family.

"I feel the board went out of its way to resolve this and to come up with a resolution," Harker said. "The board found a smaller Sprinter van with a toilet and even looked up how many RV storage areas there are nearby. The first time I talked to the Kuhns, I was asked to talk about alternatives. They wouldn't even listen to it. The second time, I said let's have a mediator to come to a resolution. They said no so I canceled. The third time, the board said let's submit to binding arbitration. Whatever the arbitrator said, both sides would agree. The board would have accepted the outcome. They said no thanks."

Harker said there "absolutely" could have been a compromise worked out if the Kuhns had more dialogue with the board.

The Kuhns, however, bristled at that notion.

"We did dialogue," Renee said. "Kevin conveniently forgets that conversation. It was the next week after the meeting. I just didn't give them the answers they wanted."

Gary said the HOA

scheduled mediation and the family was under no obligation legally to interact with the HOA.

"But I did interact," Renee said. "We disclosed all of the needed information. It didn't matter. I didn't give (Harker) the answers he wanted. He keeps saying there was no dialogue, but we had the dialogue."

As the process evolved, the Kuhns learned about the Fair Housing Act. They also learned the McNary Estates HOA had lost the 2011 case for violating FHA rules. They also discovered the Fountains HOA had been violating its own bylaws and state laws for 10 years. Gary said he brought up the topic with LeDoux while at the mailbox area last May.

According to the lawsuit, LeDoux pushed Gary twice, clinched his fist and said he wanted to punch Gary in the nose before saying, "Don't talk to me and I don't want to talk to your wife, either."

The incident happened shortly after the Kuhns made the medical waiver request, plus right after the questions arose about the legality of the board LeDoux was president of.

"He shoved me twice," Gary said. "I didn't react."

Renee said it was surprising their "dear friend" reacted like that.

"It was just a nightmare," she said.

In July, the Kuhns bought their RV. In accordance to a letter from the FHA, they parked it in the driveway, even though they had concerns about how neighbors would react.

Harker said there was sympathy towards the family's plight, but said there was no legal standing.

"There's no connection between the RV and being allowed to use it at the dwelling," Harker said. "I get that there's a need, but it doesn't fall under the criteria of the Fair Housing Act."

Dennis Steinman, the attorney representing the Kuhn family, has a different take.

"It was discouraging to know the HOA was not learning from its prior experience from the (2011) case and did not take the Fair Housing Act issues

more seriously," Steinman said. "The advice from Mr. Harker was not appropriate or legally accurate. His arguments are simply not supported by the law. I was disappointed."

According to the lawsuit, in August Girod and LeDoux sent a letter to Fountain Court Drive homeowners that the McNary Estates HOA had not voted to allow the medical waiver exemption and was taking appropriate action to defend the provisions of the HOA's Covenants, Conditions and Restrictions (CC&R). The letter also stated the HOA would be offering binding arbitration and if the Kuhns didn't accept the offer, action should be filed in court to require compliance with the CC&Rs.

The Kuhns said the following week Kathie Stevens, the former Fountains HOA president who lived across the street from them, had begun sitting in her open garage, monitoring the family's actions.

"She had a chair and a notepad and did it for days," Gary said. "She was trying to log our behavior."

Shortly after, the Kuhn family decided to sell their home. They eventually found a home in Woodburn, but had to live in a hotel for a month in between, putting a large stress on the entire family - but especially Khrizma.

"It's been a whirlwind," Renee said. "It's hard to meet Khrizma's needs, even in a home environment. It was very difficult for 30 days to not have a home base."

The family had to sell a car, meaning the RV is Renee's daily driver while Gary still has his car to drive to work at Chemeketa Community College.

Renee said their new HOA in Woodburn is completely different.

"You go 15 miles down the road and it's a totally different thing," Renee said. "We're so thankful to be here. It's proof what we were fighting for (in Keizer) could happen. People can run boards fairly. Those people (in McNary Estates HOA) have problems. It was never our goal to do any of this."

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CREATORS NEWS SERVICE By Charles Preston

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