

Neighbors: Problems arise when city dwellers move to countryside

Continued from Page 1A

Biggest problem

"I think it's the biggest problem for rural property owners," said Dave Hunnicutt, executive director of the Oregonians in Action property rights non-profit group.

Hunnicutt said most of the phone calls he receives about property right disputes relate to neighbors butting heads.

"You should feel blessed to have neighbors that are good," he said.

Often, problems arise when city dwellers move to the countryside expecting idyllic peace, only to have their aesthetic tastes offended by neighbors who don't mow their grass or who populate their yard with rusted pickup trucks on blocks, Hunnicutt said.

Escalating conflicts

The conflict often escalates when the offended landowner recruits a government agency to retaliate against the neighbor, sometimes on regulatory grounds unrelated to the underlying problem, he said.

"The county gets called and the state gets called. They march in, and rather than use diplomacy, go in with guns blazing and make it even worse," Hunnicutt said.

At that point, lawyers are often hired, battle lines are drawn, and the time-consuming and expensive process of litigation begins, said Marti Dane, executive director of the Six Rivers Dispute Resolution Center in Hood River.

"If that's the preferred method, we end up getting ourselves into trouble," Dane said.

Free mediators

She said there is an alternative way to put the pieces back together, though it's often overlooked as tensions increase: using a third-party mediator.

Dane's organization is home to the USDA's Certified Agricultural Mediation Program for Oregon, which is aimed at resolving common rural problems.

Last year, more than 4,000 disputes across the U.S. were referred to it and similar programs.

Cost-wise, mediation has a big advantage over litigation: It's free, as long as the disputes relate to certain issues, such as boundary disagreements, problems with non-farm neighbors, wetland determinations, grazing on public land and internal farm family conflicts, among others.

People are often reluctant to seek mediation, seeing it as a form of "giving up" or compromising, Dane said.

"It's much more of a formal process, much more sophisticated than people thought it was," she said.

A common misconception



Mateusz Perkowski/EO Media Group

Marti Dane, executive director of the Six Rivers Dispute Resolution Center in Hood River, which administers the USDA's Certified Agricultural Mediation Program in Oregon.

tion about mediation is that the antagonists are forced to face each other to hash out their differences.

In reality, a mediator generally interviews each party separately and extensively, learning the nuances of the conflict. Everything that the mediator learns remains confidential and the information is not disclosed to either neighbor.

It's not even necessary for both parties to immediately agree to mediation — one landowner can request it, then the mediator decides how to approach the neighbor.

"I may go a month before I dare put them in the same room together," said Gary Linkous, an attorney and mediator for the USDA program.

Objectivity counts

Mediation works for the simple reason that the mediator doesn't have any feelings invested in the dispute, Linkous said.

They're able to look at the dispute objectively and devise proposed solutions that the antagonists are too angry or defensive to consider.

"Emotionally, people get adversarial pretty quickly," he said. "What you're trying to do is defuse the thing."

Neighbor conflicts often center on practical problems — such as one landowner who cut hay that blocked another's irrigation ditch — that could have practical solutions, Linkous said.

Lawsuits, instead, focus on monetary damages and legal theories that seldom actually pan out in court, he said.

"The reality is 90 percent-plus settle anyhow," Linkous said. "Why not work on it sooner and not spend all that money, if you can?"

Unlike attorneys, who strategically consider what information to reveal, mediators are able to see the bottom line and underlying agenda of both sides while also maintaining secrecy, said Dane.

Mediation can help people realize that a solution is possible where neither side has to be defeated, she said. "If you

can stop wanting the other person to be wrong, then you can make a lot more progress toward creative solutions and less regulation."

Mediator's role

Mediators aim to discern between the neighbors' actual interests and their negotiating positions, said Jack Hebner, executive director of the Fulcrum Institute, an organization in Spokane that provides USDA mediation services in Washington, Idaho and Montana.

People's real motivations can diverge from what they claim, said Hebner.

For example, someone who needs to sell his car to pay for medical care for a sick child isn't likely to admit that fact during sales negotiations, he said.

Rather, he's going to act as if he's trying to get the best deal for the vehicle, so as to avoid losing his bargaining power, Hebner said.

"In our culture, once you say what you need, you become vulnerable," he said.

By having full access to information, mediators can easily clear up disputes that emerge from simple misunderstandings, said Gayle Cooper, associate director of the Fulcrum Institute.

One dispute over water drainage between a private landowner and a federal agency was resolved when it became apparent the government hadn't taken any action to cause the problem, as the landowner believed, she said.

"They were operating from misinformation," Cooper said.

Linkous said he advises parties in mediation to be open with any documents or other proof that buttresses their position.

Such information would eventually be turned over during the discovery process in litigation, but only after the case had cost more time and money, he said.

Though Linkous is an attorney, he doesn't provide legal advice to neighbors in mediation.

However, if he does encounter relevant case law or regula-

tions that undermine one side's position, Linkous asks the people or their attorneys how they plan to deal with the precedent.

This approach can help clear up legal issues that could drag out in a formal lawsuit.

"They take on a life of their own," he said.

Farmers are generally more receptive to mediation because they're often acquainted with their neighbors and face similar obstacles, said Dane.

On the other hand, the familiarity among farm families can also cause them to have preconceptions about each other — such as believing negotiations are pointless because the other family is unreasonable, she said.

Seemingly complex disputes may boil down to personal affronts that one or both parties are loathe to admit, she said.

In one case, for example, the fundamental problem was that one landowner had moved his excavator through a neighbor's horse pasture, creating a hazardous rut, she said.

The dispute nearly escalated into a lawsuit over road-building and other unrelated issues, but it was ultimately resolved through mediation, which convinced one landowner to simply fill in the rut on his neighbor's property.

"They just needed to understand there had been an offense," said Dane.

Time to vent

Mediation allows people to vent, which can then put the situation into clearer perspective, she said.

Initially, people tend to react with outrage to a perceived provocation by a neighbor, simply because that's a way of drawing attention to the problem, Dane said.

"People, when they get off their emotional roller coaster, tend to be very reasonable," she said.

The prospect of mediation and litigation can be preempted altogether if neighbors address a touchy issue without allowing tempers to flare.

"It's the tone with which you approach them," said Cooper. "As soon as you put someone on the defensive, they start to have an emotional reaction."

If a landowner is planning to take some action to which neighbors might object or worry about, it's best to talk to them beforehand, said Linkous.

"It's telling that neighbor you're thinking about them," he said.

Conversely, if a landowner is alarmed by a neighbor's activity, it's better to ask questions politely about the action rather than immediately demanding it be stopped or changed, said Dane.

"People will definitely get defensive when you tell them what to do," she said.

WORLD IN BRIEF

Associated Press

Top GOP leader: Senate to probe reports of Russia hacking

NEW YORK — The top Senate Republican said Monday that Congress will investigate a CIA assessment that Russia interfered in the November election on behalf of Donald Trump, an intelligence conclusion that the incoming commander in chief has called "ridiculous."

Majority Leader Mitch McConnell told reporters that an inquiry would be conducted by the Senate intelligence panel. Two key Senate Republicans — John McCain of Arizona and Lindsey Graham of South Carolina, a leading Trump critic — have joined with two Democrats in seeking a bipartisan investigation into the Kremlin's activities during the election.

"Obviously any foreign breach of our cybersecurity measures is disturbing, and I strongly condemn any such efforts," McConnell said.

Unlike Trump, who has expressed admiration for Russian leader Vladimir Putin, McConnell said flatly, "The Russians are not our friends."

Asked about McConnell's support for a congressional probe, Trump spokesman Jason Miller said the focus on Russian interference in the election is "an attempt to delegitimize President-elect Trump's win."

The CIA recently concluded with "high confidence" that Russia sought to influence the U.S. election on behalf of Trump, raising red flags among lawmakers concerned about the sanctity of the U.S. voting system and potentially straining relations at the start of Trump's administration.

Trump said Sunday the recent CIA assertion that Russian hacking had sought to help his candidacy was "ridiculous," and he praised ExxonMobil CEO Rex Tillerson, who has emerged as the leading contender to lead the State Department.

Terminally ill 5-year-old boy dies in Santa's arms

KNOXVILLE, Tenn. — A Tennessee Santa Claus says a terminally ill 5-year-old boy died in his arms after he gave the boy a present in the hospital.

The Knoxville News-Sentinel reports Eric Schmitt-Matzen, who does about 80 events a year as Santa, was asked a few weeks ago to visit the dying boy.

Schmitt-Matzen says after giving the boy a toy, the boy asked how he would be able to tell when he got to where he was going after he died. Schmitt-Matzen told him to tell them he was "Santa's No. 1 elf" and they would let him in.

He says the boy gave him a big hug, asked "Santa, can you help me?" and died in his arms.

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TV LISTINGS

Evening listings
MONDAY

MONDAY EVENING												DECEMBER 12	
A	L	6 PM	6:30	7 PM	7:30	8 PM	8:30	9 PM	9:30	10 PM	10:30	11 PM	11:30
2	KATU	(2) KATU News at 6		Jeopardy!	Wheel of Fortune	The Great Christmas Light Fight (N)	The Great Christmas Light Fight (N)	The Great Christmas Light Fight (N)	The Great Christmas Light Fight (N)	The Great American Baking Show	KATU News at 11	(35) Jimmy Kimmel	
3	KOMO	(4) KOMO 4 News		Jeopardy!	Wheel of Fortune	The Great Christmas Light Fight (N)	The Great Christmas Light Fight (N)	The Great Christmas Light Fight (N)	The Great Christmas Light Fight (N)	The Great American Baking Show	KOMO 4 News	(35) Jimmy Kimmel	
5	KING	(5) NBC Nightly News	KING 5 News	KING 5 News	Evening	The Voice "Live Finale" The final four artists perform for the coaches. Pt. 1 of 2 (N)	The Voice "Live Finale" The final four artists perform for the coaches. Pt. 1 of 2 (N)	2 Broke Girls (N)	Odd Couple (N)	Scorpion "This Is the Pits" (N)	KING 5 News @ 11	(35) Tonight Show	
6	KOIN	(6) KOIN 6 News at 6	CBS Evening News	Extra	Ent. Tonight	Kevin Can Wait (N) Man Plan (N)	Kevin Can Wait (N) Man Plan (N)	2 Broke Girls (N)	Odd Couple (N)	Scorpion "This Is the Pits" (N)	KOIN 6 News @ 11	(35) S. Colbert	
7	KIRO	(7) KIRO 7 News	CBS Evening News	The Insider	Ent. Tonight	Kevin Can Wait (N) Man Plan (N)	Kevin Can Wait (N) Man Plan (N)	2 Broke Girls (N)	Odd Couple (N)	Scorpion "This Is the Pits" (N)	KIRO News	(35) S. Colbert	
8	KGW	(8) KGW News at 6:00 p.m.		Live at Seven	Inside Edition	The Voice "Live Finale" The final four artists perform for the coaches. Pt. 1 of 2 (N)	The Voice "Live Finale" The final four artists perform for the coaches. Pt. 1 of 2 (N)	2 Broke Girls (N)	Odd Couple (N)	Scorpion "This Is the Pits" (N)	KGW News at 11	(35) Tonight Show	
9	KRCW	(9) Last Man Standing	Last Man Standing	Modern Family	Modern Family	Grandma Got Run Over by a Reindeer	Grandma Got Run Over by a Reindeer	Holiday Commercials (N)	Holiday Commercials (N)	KGW News at 10	Two and a Half	Two and a Half	Met Your Mother
10	KOPB	(10) This Old House	Business (N)	PBS NewsHour	Modern Family	Antiques Rd. "Bismarck (Hour Two)"	Antiques Rd. "Bismarck (Hour Two)"	Ore. Experience	Ore. Experience	Antiques Rd. "Bismarck (Hour Three)"	Xmas Without China		
12	KPTV	(12) 6 O'Clock News		Family Feud	Family Feud	Gotham "Better to Reign in Hell"	Gotham "Better to Reign in Hell"	Lucifer "Liar, Liar, Slutty Dress on Fire"	Lucifer "Liar, Liar, Slutty Dress on Fire"	10 O'Clock News	11 O'Clock News	2 Broke Girls	
13	KPDx	(13) Mike & Molly	Mike & Molly	Big Bang Theory	Big Bang Theory	FOX 12's 8 O'Clock News on PDX-TV	FOX 12's 8 O'Clock News on PDX-TV	FOX 12's 9 O'Clock News on PDX-TV	FOX 12's 9 O'Clock News on PDX-TV	Family Guy	Family Guy	American Dad	Cleveland Show
14	KCPQ	(14) Modern Family	Modern Family	Big Bang Theory	Big Bang Theory	Gotham "Better to Reign in Hell"	Gotham "Better to Reign in Hell"	Lucifer "Liar, Liar, Slutty Dress on Fire"	Lucifer "Liar, Liar, Slutty Dress on Fire"	Q13 News at 10	Q13 News	The Simpsons	
20	TBS	(20) Family Guy	Family Guy	Family Guy	Family Guy	Family Guy	American Dad	People of Earth (N) Family Guy	People of Earth (N) Family Guy	Family Guy	Full Frontal (N)	Conan	
22	KZJN	(22) Two and a Half	Two and a Half	Last Man Standing	Last Man Standing	Modern Family	Modern Family	Q13 News at 9	Q13 News at 9	Big Bang Theory	Big Bang Theory	Friends	Friends
29	ESPN	(29) (5:15) NFL Football	Baltimore Ravens at New England Patriots (L)	Last Man Standing	Last Man Standing	Modern Family	Modern Family	Q13 News at 9	Q13 News at 9	Big Bang Theory	Big Bang Theory	Friends	Friends
30	ESPN2	(30) (5:00) 30 for 30	"Catholics vs. Convicts"	The Drone Racing League	The Drone Racing League	Drone Racing "Sport of the Future"	Drone Racing "Sport of the Future"	The Drone Racing League	The Drone Racing League	SportsCenter	SportsCenter	Nación ESPN	
31	NICK	(31) Henry Danger	Henry Danger	Henry Danger	The Thundermans	The Thundermans	The Thundermans	Full House	Full House	Full House	Full House	Friends	Friends
32	DISN	(32) Hannah Montana	Hannah Montana	Stuck in Middle	Stuck in Middle	★ Alvin and the Chipmunks: The Squeakquel Jason Lee. (35) K.C. Underc.	★ Alvin and the Chipmunks: The Squeakquel Jason Lee. (35) K.C. Underc.	Stuck in Middle	Stuck in Middle	Girl Meets World	Jessie	Bunk'd	
34	FAM	(34) (5:30) The Nightmare Before Christmas	★★★ The Polar Express '04	★★★ The Polar Express '04	Voices of Leslie Zemeckis, Eddie Deezen, Tom Hanks.	★★★ Elf (2003, Comedy) James Caan, Bob Newhart, Will Ferrell.	★★★ Elf (2003, Comedy) James Caan, Bob Newhart, Will Ferrell.	The 700 Club	The 700 Club	The 700 Club	The 700 Club	The 700 Club	
35	FMC	(35) (5:00) The Tourist	(55) ★★ The Tourist	(55) ★★ The Tourist	Angielina Jolie, Paul Bettany, Johnny Depp. (45) FXM Presents	Intervention	Intervention	Billboard Women/Music Billboard names Madonna 2016 Woman of the Year. (N)	Billboard Women/Music Billboard names Madonna 2016 Woman of the Year. (N)	Intervention	Intervention	Intervention	
36	LIFE	(36) To Be Announced		To Be Announced		Intervention	Intervention	Billboard Women/Music Billboard names Madonna 2016 Woman of the Year. (N)	Billboard Women/Music Billboard names Madonna 2016 Woman of the Year. (N)	Intervention	Intervention	Intervention	
38	ROOT	(38) (5:00) NPGF Lined L.A./Pho.		Champions Tennis Legends PowerShares Series		AMA Supercross -- St. Louis, Mo.	AMA Supercross -- St. Louis, Mo.						
39	FST	(39) NCAA Basketball Under Armour Reunion	South Carolina vs. Seton Hall (L)	South Carolina vs. Seton Hall (L)		Fox Sports Live	TMZ Sports (N)	Speak for Yourself	Speak for Yourself	Skip and Shannon: Undisputed Opinions on the biggest sports topics of the day.	Skip and Shannon: Undisputed Opinions on the biggest sports topics of the day.	Skip and Shannon: Undisputed Opinions on the biggest sports topics of the day.	
43	COPIE	(43) Cops	Cops	Cops	Cops	Cops	Cops	Cops	Cops	Cops	Cops	Cops	
44	SPK	(44) Futurama	Futurama	Futurama	Futurama	South Park	South Park	South Park	South Park	South Park 2/3	South Park 3/3	The Daily Show (N) @midnight (N)	
45	HIST	(45) To Be Announced		American Pickers	American Pickers	American Pickers "Hydro Homestead"	American Pickers "Hydro Homestead"	American Pickers "Time Warp" (N)	American Pickers "Time Warp" (N)	(05) Pawn Stars (N) (35) Pawn Stars (N)	(05) The Selection "Dip in the Fire"	(05) The Selection "Dip in the Fire"	
46	A&E	(46) The First 48		The First 48 "Bad Medicine"		Remini: Scientology "Disconnection"	Remini: Scientology "Disconnection"	Remini: Scientology "Fair Game"	Remini: Scientology "Fair Game"	To Be Announced	To Be Announced	To Be Announced	
47	TLC	(47) Long Lost Family		To Be Announced		Little People "Gonna Be a Long Road"	Little People "Gonna Be a Long Road"	Little People "Pumpkins in Jeopardy"	Little People "Pumpkins in Jeopardy"	Little People "Embrace the Booty"	Little People "Embrace the Booty"	Little People "Gonna Be a Long Road"	
48	DISC	(48) Street Outlaws		Street Outlaws		Street Outlaws: Full Throttle (N)	Street Outlaws: Full Throttle (N)	Street Outlaws (N)	Street Outlaws (N)	Fast N' Loud: Revved Up (N)	Fast N' Loud: Revved Up (N)	Street Outlaws	
49	NGEO	(49) Mars "Grounded"		Mars "Pressure Drop"		Mars "Power"	Mars "Power"	Mars "Darkest Days"	Mars "Darkest Days"	Explorer	Explorer	StarTalk "Jay Leno"	
50	TNT	(50) Bones "The Mastodon in the Bedroom"	★★★★ The Wizard of Oz ('39, Musical) Frank Morgan, Ray Bolger, Judy Garland. (15) Special	★★★★ The Wizard of Oz ('39, Musical) Frank Morgan, Ray Bolger, Judy Garland. (15) Special									Movie
51	AMT	(51) (5:00) ★★ Back to the Future (85) Michael J. Fox.	★★★ Back to the Future II (1989, Sci-Fi) Christopher Lloyd, Lea Thompson, Michael J. Fox.	★★★ Back to the Future III (90) Christopher Lloyd, Pat Buttram, Michael J. Fox.									
52	USA	(52) (5:30) ★★ The Other Guys (2010, Comedy) Mark Wahlberg, Will Ferrell.				WWE Monday Night Raw	WWE Monday Night Raw						
53	FOOD	(53) Home Cooking Southern Kitchen	Mark Wahlberg, Will Ferrell.	Guy's Monday "Holiday Madness" (N)	Cake Wars "Santa's Workshop" (N)	Chopped "The Holiday Kitchen"	Chopped "The Holiday Kitchen"	Chopped "Back in Time"	Chopped "Back in Time"				
54	HGTV	(54) Love It or List It "Separate Spaces"	Love It/List It "New Kid on the Block"	Love It/List It "New Kid on the Block"	Love It or List It	House Hunters	House Hunters	TinyHouseHunters	TinyHouseHunters	TinyHouseHunters	TinyHouseHunters	TinyHouseHunters	
55	FX	(55) Rise of the Guardians (12, Ani) Voices of Alec Baldwin, Isla Fisher, Hugh Jackman.	★★★ How to Train Your Dragon 2 (2014, Animated) Kit Harington, Kristen Wiig, Jay Baruchel.	★★★ How to Train Your Dragon 2 (2014, Animated) Kit Harington, Kristen Wiig, Jay Baruchel.									
57	CNN	(57) Anderson Cooper 360		CNN Tonight With Don Lemon		CNN Tonight With Don Lemon		Anderson Cooper 360	Anderson Cooper 360	Anderson Cooper 360	Anderson Cooper 360	CNN Tonight With Don Lemon	
58	FNC	(58) The Kelly File With Megyn Kelly		Hannity		The O'Reilly Factor		The Kelly File With Megyn Kelly	Hannity	Hannity	Hannity	On the Record	
61	CNBC	(61) Shark Tank		Shark Tank		Shark Tank		Billion Dollar Buyer	Billion Dollar Buyer	Billion Buyer "Scale Up or Give Up"	Billion Buyer "Scale Up or Give Up"	Paid Program	Paid Program
63	BRVA	(63) Vanderpump Rules "Call It Like I See It"		Vanderpump Rules "Thirsty Girls"		Vanderpump Rules		Vanderpump Rules (N)	Vanderpump Rules (N)	Timber Creek Lodge (N)	WatchWhat (N)	Vanderpump Rules	
64	TCM	(64) (5:00) Meet Me in St. Louis	★★★★ In the Good Old Summertime (49) Van Johnson, Judy Garland.	★★★★ In the Good Old Summertime (49) Van Johnson, Judy Garland.		Night at the Movies		Night at the Movies	Night at the Movies	(15) ★★ Bachelor Mother ('39) Ginger Rogers.	(15) ★★ Bachelor Mother ('39) Ginger Rogers.	(45) Bundle of Joy	
65	SYFY	(65) ★★ Galaxy Quest (1999, Comedy) Sigourney Weaver, Alan Rickman, Tim Allen.		★★ National Treasure: Book of Secrets (2007, Adventure) Jon Voight, Ed Harris, Nicolas Cage.		Shutter Island ('09) Leonardo DiCaprio.							