

Mold infests Mesa condos

By Lindsey Remington - Scottsdale Tribune

\$5M suit claims shoddy workmanship

December 19, 2001 - Gerald and Joyce Higley thought they were buying a home in which they could spend their twilight years.

Instead, the Mesa couple purchased a home they say has leaking roofs, windows and fireplaces, along with several other defects.

After three years of battling the builder, U.S. Home Corp., over claims of shoddy construction, the Higley's and other residents of Dartmouth Trace condominium complex say they recently found another problem, stachybotrus -- a type of mold, permeating their homes.

A group of residents have filed a lawsuit against U.S. Home Corp. The residents' attorney Tom Miller said they are going to file for the case to be expedited and heard within the next 90 days.

"We are asking for \$5 million in damages, to get rid of this cancer growing in these units," Miller said. "We'll handle the health issues from the mold on an owner by owner basis."

Gerald Higley, 74 said the mold is just one in a list of things that are wrong. He now is worried about the mold causing serious health problems.

"I cough constantly when I'm here," said Higley, an asthmatic. "I was in the building business for 45 years and I would never leave anybody in this situation."

The 15-year-old complex, located on University Drive between Dobson and Price roads in Mesa, has 118 units. Mold has been found in at least one third of the homes, said Buddy Farr, president of the homeowners association.

"When we first saw the homes, they were beautiful," Farr said. "We even bought three of them, and before we even moved in part of the roof blew off."

Gregory Falls, a Phoenix attorney who represents the builder, said he could not comment on the specifics of the lawsuit. But he said the company denied any wrong doing at the complex.

Higley believes the builder should be held accountable.

"(They) could care less about these problems," he said. "A normal house has a life-span of 40 years. These are 15 years old and have had nothing but trouble for 10."

Luis Hill, an indoor environmental specialist at the Environmental Protection Agency, says stachybotrus mold can cause such symptoms as respiratory problems, headaches and itchy eyes.

"This is a mold that gives off toxins. Some people react to these toxins and some people don't," she said. "The first thing that people need to do when they clean up the mold is to make sure that they have a company that knows exactly how to do it, so they don't spread it to other areas of the residence."

Even though it may be a risk to still be living in the condo, Gerald Higley said its not easy to just move.

"When you're retired, you're on a fixed income, and its not easy to just move for a couple of months," said Higley.

Despite all of the problems the Higeleys said they still love living in the complex.

"It would just be nice if they fixed things perfectly," said Joyce Higley.