

# KIVEL & HOWARD LLP

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September 11, 2020

Woodland Park Special Road District  
P.O. Box 443  
Chiloquin, OR 97624

Re: Floyd Esqueda  
Our File No.: OR-79H-J33

Greetings:

I am writing off on behalf of Floyd Esqueda regarding his property located in Chiloquin, Oregon, near the corner of Sunnybrook and Burr Road. Mr. Esqueda has discovered that the road district, through its agents and services, have removed earth from his property. Snowplows have bladed away earth from Mr. Esqueda's property, taking away a portion that measures approximately 3 feet by 10 feet and has removed, likely inadvertently, the property's corner survey marker.

Mr. Esqueda hired Adkins Engineering and Surveying to measure and reinstall a corner survey marker on his property at a cost to him of \$3,079.00. Additionally, he estimates that the cost to replace the removed earth from the corner of his property will be approximately \$1,400.00.

While the road district provides the service of plowing the roads, their agents or contractors have a duty of care regarding the property of the residents along the road district. In this particular they have been negligent and in their use of their snowplow which has caused Mr. Esqueda significant expenditures of time and financial resources. This is a formal demand for the road district to reimburse him for his costs in this matter in the amount of \$4,478.00.

Mr. Esqueda is not a litigious individual and hopes this matter can be resolved amicably, however Mr. Esqueda reserves the right to pursue this matter to its full legal conclusion. If you need to contact our office, please do so in writing to avoid any miscommunication. You may email us at [document@khlaw.com](mailto:document@khlaw.com); please reference our file number in the subject line of any email.

Sincerely,

S/ Dirk W. Schouten

Dirk W. Schouten  
Attorney at Law

DWS/cjc  
cc: Floyd Esqueda