

STATE OF INDIANA

IN THE MARION COUNTY CIRCUIT/SUPERIOR COURT

CAUSE NO. _____

STATE OF INDIANA,

Plaintiff,

v.

BLUE LAKE, INC. d/b/a I-70
MOBILE HOME PARK,

Defendant.

**COMPLAINT
FOR INJUNCTION,
RESTITUTION, CIVIL
PENALTIES, AND COSTS**

I. INTRODUCTION

1. The State of Indiana, by Attorney General Curtis T. Hill, Jr. and Deputy Attorneys General Tamara Weaver and Erica Sullivan, commences this civil action under the Indiana Deceptive Consumer Sales Act, Indiana Code § 24-5-0.5-1 *et seq.*, for injunctive relief, consumer restitution, civil penalties, costs, and other relief.
2. Blue Lake, Inc., (“Blue Lake”) doing business under the unregistered name of I-70 Mobile Home Park owns and operates a mobile home park in Indianapolis. This mobile home park has served as home to dozens of families over the years, who, on approximately August 15, 2019, received notice that the I-70 Mobile Home Park would be closing on October 15, 2019. In the August 15th notice, residents were given the option to move their mobile homes or leave them for disposal. Under circumstances of Blue Lake’s

own creation, these residents are faced with no real choice in the matter; Blue Lake failed to deliver title to mobile homes purchased by residents, so the only “choice” residents have is to abandon their homes, some purchased as recently as June 2019. Blue Lake’s actions are unfair, abusive, and deceptive, and constitute violations of Indiana’s Deceptive Consumer Sales Act.

II. PARTIES

3. The plaintiff, the State of Indiana, is authorized to bring this action under Ind. Code § 24-5-0.5-4(c).
4. The defendant, Blue Lake, Inc., is an Indiana For Profit Corporation engaged in business in Indiana as an owner and operator of at least one mobile home park. Blue Lake, Inc. operates under the unregistered name of I-70 Mobile Home Park. Blue Lake, Inc. has a principal place of business located at 3023 W. Morris St., Indianapolis, Indiana 46241.

III. FACTS

5. Blue Lake owns and operates the I-70 Mobile Home Park located at 3023 W. Morris St., Indianapolis, Indiana 46241.
6. The I-70 Mobile Home Park has approximately 70 lots on which residents can place mobile homes (also known as manufactured homes).
7. Residents may purchase a mobile home from another individual in the park, I-70 Mobile Home Park itself, or if there is room, bring in a mobile home for placement on a lot.

8. Residents make separate payments for the purchase of a mobile home and for the rent paid for the lot of land.
9. Residents make checks and money orders out to “I-70 Mobile Home Park” for lot rent payment and leave them in a drop box in the mobile home park.
10. Residents make payments for the purchase of mobile homes by cash or money order made out to “I-70 Mobile Home Park.”
11. On the respective dates below, Blue Lake sold mobile homes to Indiana consumers, including but not limited to the following:

	Consumer	Mobile Home VIN	Date of Sale
11.1	Robert Adams	unknown	5/27/2014
11.2	Tonia Clark	B131604	6/1/2019
11.3	Carl Gibson	unknown	1/20/2018
11.4	Gilbert Gillison	unknown	6/13/2018
11.5	Ronald Hughes	unknown	3/4/2019
11.6	Nancy Williams	unknown	5/18/2018

12. At the time of the transactions identified in Paragraph 11, the consumers identified made all agreed-upon initial down payments or full payments to Blue Lake on their respective mobile homes.
13. Blue Lake failed to deliver valid titles to the consumers identified in Paragraph 11 at the time of purchase as required by Indiana law.

14. Blue Lake never provided Consumers Adams, Gibson, Gillison, or Williams Vehicle Identification Numbers (“VIN”) for their mobile homes at the time of purchase or at any date since.
15. Blue Lake provided Consumer Hughes with a VIN that returns no results for a title search.
16. Consumers Adams, Gibson, and Gillison were at least 60 years old at the time of their mobile home purchases.
17. The contracts Blue Lake provided to the consumers identified in Paragraph 11 did not specify whether the seller or buyer was responsible for the payment of property taxes assessed against the mobile home as required by Indiana law.
18. Several consumers have been paying personal property taxes owed on the mobile homes even though the consumers themselves do not have title to the mobile homes and the bills from the Marion County Treasurer come addressed to the attention of I-70 Mobile Home Park.
19. Blue Lake did not obtain a Mobile Home Permit from the Marion County Treasurer before attempting to sell mobile homes to the consumers listed in Paragraph 11 above, as required by Indiana law.
20. Blue Lake did not provide the consumers in Paragraph 11 with a copy of a Mobile Home Permit obtained from the Marion County Treasurer before selling them their mobile home, as required by Indiana law.

21. Even if Blue Lake had provided consumers with a title to their mobile homes, without a Mobile Home Permit issued by the Marion County Treasurer, the consumers listed in Paragraph 11 are not able to transfer the title to another owner.
22. A consumer must have a mobile home permit issued by the County Treasurer in order to move their mobile home.
23. Without title to their mobile homes, the consumers listed in Paragraph 11 are unable to obtain a permit from the Marion County Treasurer to move their mobile homes.
24. I-70 Mobile Home Park residents expected full legal ownership of their mobile homes when they purchased them from Blue Lake. To that end, residents pay their own utility bills and are responsible for those payments monthly on the home they believe they own.
25. Residents pay for electricity individually through IPL and remit their payment to IPL directly each month.
26. As recently as one year ago, residents paid any water bills due directly to Blue Lake.
27. Within the last year, Blue Lake installed water meters on residents' mobile homes and residents then began getting water bills directly from a company called Spectrum. These bills were paid directly by consumers to Spectrum.
28. On or about August 15, 2019, Blue Lake issued a notice indicating the I-70 Mobile Home Park was closing.

29. The August 15th notice informed residents that they had to either “remove their home to a new location or leave it for disposal.”
30. The August 15th notice informed residents that all utilities on the part of I-70 Mobile Home Park would be shut off on October 15, 2019.
31. The August 15th notice does not provide any contact information for Blue Lake such as a specific person to contact with any questions, a phone number, or an email address.
32. As recently as October 4, 2019, Blue Lake posted a notice at the office of the I-70 Mobile Home Park announcing, “I-70 Residents Move Your Mobile Home,” and provided the name and contact information for another local mobile home park.
33. The October 4, 2019 notice stated, “The deadline is still October 15, 2019.”
34. Many consumers have made significant improvements to their mobile homes, including running additional water lines, replacing water heaters, replacing flooring, building extensions, and other improvements, intending on staying at the I-70 Mobile Home Park for years to come.
35. As residents are moving out of the I-70 Mobile Home Park and leaving their mobile homes behind, individuals looking to scrap metal have been coming in and dismantling mobile homes to retrieve the valuable metals from within.

IV. CAUSES OF ACTION

COUNT I: **VIOLATIONS OF THE DECEPTIVE CONSUMER SALES ACT**

36. The State re-alleges and incorporates by reference paragraphs 1 through 35.

37. Blue Lake's sale of mobile homes are "consumer transactions" under Ind. Code § 24-5-0.5-2(a)(1).
38. Blue Lake is a supplier under Ind. Code § 24-5-0.5-2(a)(3).
39. Blue Lake violated Ind. Code § 24-5-0.5-3(a) by failing to deliver titles to consumers who purchased mobile homes.
40. Blue Lake violated Ind. Code § 24-5-0.5-3(a) by leaving consumers with no choice but to abandon their homes when the I-70 Mobile Home Park closes on October 15, 2019 because of Blue Lake's failure to provide titles to residents who purchased mobile homes.

COUNT II:
VIOLATIONS OF THE SENIOR CONSUMER PROTECTION ACT

41. The State re-alleges and incorporates by reference paragraphs 1 through 40.
42. Blue Lake committed financial exploitation of a senior consumer in violation of Ind. Code § 24-4.6-6-4 when it illegally used the assets or resources of a senior consumer by taking money for the purchase of a mobile home and then not providing title to the mobile home as required by Indiana law.

COUNT III:
KNOWING VIOLATIONS OF THE DECEPTIVE CONSUMER SALES ACT

43. The State re-alleges and incorporates by reference paragraphs 1 through 42.
44. Blue Lake committed the acts alleged in this Complaint with knowledge of its deceptive nature.

COUNT IV:
INCURABLE DECEPTIVE ACTS

45. The State re-alleges and incorporates by reference paragraphs 1 through 44.

46. Blue Lake committed the acts identified in this Complaint as part of a scheme, artifice, or device with intent to defraud or mislead. Blue Lake committed incurable deceptive acts under Ind. Code § 24-5-0.5-8.

V. RELIEF

47. The State requests the Court enter judgment against Blue Lake for the relief described in paragraphs 48 through 54.

48. The State seeks a permanent injunction under Ind. Code § 24-5-0.5-4(c)(1) enjoining Blue Lake, Inc. and its agents, representatives, employees, successor, and assigns from:

- a. committing an unfair, abusive, or deceptive act, omission, or practice in connection with a consumer transaction, by failing to deliver titles to any mobile homes its sells in violation of Ind. Code § 24-5-0.5-3(a); and
- b. illegally using the assets or resources of a senior consumer by taking money for the purchase of a mobile home and then not providing title to the mobile home in violation of Ind. Code § 24-4.6-6-4.

49. The State seeks consumer restitution under Ind. Code § 24-5-0.5-4(c)(2) on Count I payable to the Office of the Attorney General for the benefit of consumers.

50. The State seeks consumer restitution under Ind. Code § 24-4.6-6-5(f)(3) on Count II payable to the Office of the Attorney General for the benefit of consumers.

51. The State seeks costs under Ind. Code § 24-5-0.5-4(c)(4) awarding the Office of the Attorney General its reasonable expenses incurred in the investigation and prosecution of this action.
52. The State seeks civil penalties under Ind. Code § 24-5-0.5-4(g) and Ind. Code § 24-4.6-6-5(f)6) on Count III for Blue Lake's knowing violations of Ind. Code § 24-5-0.5-3(a) and Ind. Code § 24-4.6-6-4, payable to the State of Indiana.
53. The State seeks civil penalties under Ind. Code § 24-5-0.5-8 on Count IV for Blue Lake's incurable deceptive acts, payable to the State of Indiana.
54. The State seeks all other just and proper relief.

Respectfully submitted,

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