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## When neighbors collide

• Dispute escalates; lawyers are called in; wall goes up • How you can avoid bad blood if relationships go south

[B. POOLE](#)

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A new block wall will soon rise in Bob and Linda Jo Grell's side yard in the Catalina foothills, but the emotional barrier between the Grells and their neighbors dates back almost as long as they have lived side by side.

Bad relations started with tree branches falling in John and Susan Lasher's yard, bees swarming in the Grells' tree and smoke from a small fire the Grells lighted to get potash for roses, the Grells said.

A wall cracked by tree roots prompted the Lashers to sue. Through lawyers, there were charges of endangerment, negligence, harassment, lying and vandalism.

Now the Grells and Lashers are stuck in a common situation: neighbors who don't get along.

Most often disputes are about pets. Sometimes they lead to legal entanglement and rarely, as in a recent local case, they lead to homicide.

Dealing with neighbors isn't always easy, but there are things you can do to avoid bad blood and ways to deal with it when it happens.

"If you want a moral to the story," Bob Grell said, "it's communicate. Communication could have prevented all of this."

The Lashers, who declined comment for this article, claim roots from two 50-foot cottonwood trees in the Grells' yard damaged the wall separating the homes. They took the dispute to court, then arbitration.

The Grells don't believe their trees damaged the wall, but after more than a year of legal wrangling, the arbitrator disagreed. In August a judge deemed the Grells 85 percent responsible and the Lashers 15 percent responsible for replacing the wall.

The case will cost the Grells' homeowners insurance company \$28,000 plus thousands in legal fees. It cost the Lashers more than \$12,000 in legal fees, which the judge declined to award them in the lawsuit.

It cost the Grells a lot of time and sleep and drove Bob's blood pressure up, Linda Jo said.

### Who to call

Because arguments between neighbors are not logged as a specific type of crime, Tucson police can't give an exact count of the calls in the city. Sgt. Ron Thompson, a neighborhood crime officer who works on the Northwest Side, estimates a call every other day in his division alone. There are five geographic divisions.

More than 1,000 disputes annually are referred by police, the Pima Animal Care Center and other groups to Our Family Services, which can be a go-between for neighbors, coworkers and others who can't get along.

Mediations referred from Pima Animal Care Center are free. Other mediations cost \$25 per party, except real estate contract mediations, which cost \$100 per party. You do not need a referral for Our Family; about 10 percent of cases are self-referred.

Our Family can help with loud music or pets, trash in yards and landscaping or new construction that encroaches on neighboring yards. By far the most common complaint - three-fourths of Our Family cases - is regarding dogs, but that's usually a red herring, said Andrea Stuart, director of the agency's Community Mediation Program.

"Most often it's not about the dogs. There are usually other things that have escalated," she said.

This year, Our Family beefed up its mediation program, in which teams of volunteer mediators broker agreements between clients. The agency handled more than 1,200 cases in 12 months ending June 30 - more than twice as many as the year before, Stuart said.

Our Family does not focus just on solving specific problems. By getting people to look at how they interact, mediators aim to fix current disputes and head off others, Stuart said.

Neighbor complaints can lead to citations for loud pets or music or for health hazards from trash, but mediation often eliminates the need for charges because differences can evaporate when people get face to face, Thompson said.

"Sometimes all it takes is to get the two parties together at the table," he said.

Getting to know your neighbors before there are problems can lead to better relations when issues arise, Stuart said.

The Lashers claimed in their lawsuit that they twice talked to the Grells about the damaged wall before having their lawyer send a letter, but Bob Grell denies this.

"He didn't seem to care about it. He never said anything for eight years," he said.

The Grells and Lashers did not use Our Family Services. Their homeowners association requires arbitration, which is similar to mediation except that arbitrators' decisions are binding and do not necessarily reflect an agreement.

Our Family urges people to step back and take a figurative deep breath when dealing with neighbors.

Don't let emotions get the better of you, and don't make assumptions, Stuart said.

"People may not have the motives you think they have in a given situation," she said.

Above all, keep the lines of communication open, Stuart said.

### **Deadly dispute**

Neighbor disputes sometimes go far beyond verbal exchanges, Thompson said.

"People let them build and build, then pretty soon somebody gets a weapon," he said.

On June 22, Tucsonan Wayne L. Popin, 45, was shot in the back and killed after an argument at the Knollwood Terrace Apartments, in the 3500 block of East Second Street, where he had been staying with a friend.

Daniel B. Midcap, 58, who lived at the complex, is in the Pima County Jail charged with first-degree murder.

The men argued in the weeks before the shooting about noise Popin made while loading tools in his truck early in the morning, residents at the apartment complex said.

Thompson urges restraint when dealing with neighbors. Try to talk it over. Then if you can't resolve your dispute and tempers rise, call police, he said.

"Just don't take things into your own hands," he said.

Inga Popin said her ex-husband was a loud man who often whistled or sang, but neighbors who complained could have easily solved the problem, she said.

"All those people had to do was go and ask him to be quiet and he would have," she said.

Former paramedic Kathlene Pate, who knew Popin, performed CPR on her friend until an ambulance crew arrived.

She was shocked that an argument between neighbors could lead to death, but she doesn't blame her neighborhood, she said.

She and Thompson agreed that problems with neighbors can turn dangerous in any part of town. After Pate's brush with violence, she finds herself warning friends not to curse other drivers in traffic: "You've got to watch out who you irritate because you never know."

### **WHAT TO DO**

- Get to know your neighbors. Knowing them (and having them know you) can keep things civil when differences arise.
- Don't make assumptions. Often we are wrong when we think we know why neighbors do what they do. Your neighbor may not realize you are bothered by his tree or dog or new fence.
- Keep landscaping under control. If your trees or bushes damage someone else's property or are a nuisance to them, you are responsible.
- Try to talk through the problem. Often when people get together, solutions can be found without police or lawyers. Simply telling a neighbor you are upset can be enough to generate a solution.
- If you can't agree on a solution but agree one might be found, call a mediation service such as Our Family Services.
- If you can't talk your way to a solution, call authorities. Do not confront unruly neighbors.
- If you suspect criminal activity, such as drug dealing, call police.

### **WHO TO CALL**

**Pet noise:** Call the Pima Animal Care Center at 743-7550. The agency will send a letter to the pet owner asking that the complaint be resolved within seven to 10 days. If there is no resolution, the complaint is forwarded to Our Family Services, which will contact parties for mediation. If you complain and then refuse mediation, Animal Care will log the complaint but won't take action. If mediation is unsuccessful, a citation could be issued.

**Pet waste:** Call the Pima Animal Care Center at the same number. It will inform the pet owner of the alleged violation and the law. After an inspection, the agency's officers can close the case if there is no violation, issue a notice of violation and schedule another visit to check conditions, or cite the pet owner if a violation is found and the home has a history of violations.

**Other complaints:** Call local law enforcement agencies with complaints about loud music or people, trespassing, suspicious activity or harassment. In Tucson, call the Tucson Police Department nonemergency line at 791-4444. Nonemergency reports can be filed online. If you can't resolve a problem with your neighbor but are both willing, call Our Family Services at 323-1708 for mediation without an agency referral.

**ON THE WEB**

Animal noise and waste laws for Pima County, Tucson, South Tucson, Oro Valley and Marana ([www.pimaanimalcare.org/phs/an\\_code.asp](http://www.pimaanimalcare.org/phs/an_code.asp))

Pima Animal Care Center animal noise complaint process ([www.pimaanimalcare.org/phs/an\\_cp.asp](http://www.pimaanimalcare.org/phs/an_cp.asp))

Tucson Police Department online nonemergency crime reporting ([www.ci.tucson.az.us/police/On\\_Line\\_Reporting/on\\_line\\_reporting.html](http://www.ci.tucson.az.us/police/On_Line_Reporting/on_line_reporting.html))

Our Family Services Community Mediation Program ([www.ourfamilyservices.org/ofs/programs/prog005.html](http://www.ourfamilyservices.org/ofs/programs/prog005.html))