

Mold/Leased Residence: Lessee Files Circuit Court of Washington County Complaint Alleging Certain Causes of Action



Walter Wright, Jr.

wwright@mwlaw.com

(501) 688.8839

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Stacy Harper (“Harper”) and her minor daughter (“T.T.”) filed a December 23rd Complaint in the Circuit Court of Washington County, Arkansas incorporating the following causes of action due to the alleged presence of mold in a residence they leased:

- Fraudulent concealment.
- Toxic tort.
- Negligence.
- Breach of contract.
- Unlawful eviction.

Harper alleged that she and her daughter leased a residence in Washington County, Arkansas from Michael Colly (“Colly”). Harper and her daughter are stated to have occupied the home from about 2015 through November 2023. Elevation Real Estate Management, LLC (“Elevation”) is stated to have served as property manager for the residence with the responsibility of maintenance and providing necessary repairs.

The Complaint alleges that Colly repaired the residence’s HVAC in a manner inconsistent with proper maintenance and repair, causing a buildup of moisture in the unit and ceiling which caused the growth of mold. This is alleged to have occurred more than once. Elevation, along with a subsequent company, Sequoyah Holdings LLC (“Sequoyah”), are alleged to have concealed the condition of the HVAC and an ongoing buildup of moisture and continuous water leak.

The Complaint references testing indicating that a black substance was found which was:

...toxic mold infestation.

Medical testing is alleged to have identified mold of the same type found in the residence in Harper’s body. T.T. is alleged to have suffered from unusual skin conditions and breathing issues as a result of the “infestation”. Harper is stated to have been diagnosed and treated for breast cancer. The mold is alleged to have caused a hormone imbalance which developed into Harper’s cancer.

The Complaint alleges certain damages to both Harper and T.T. involving:

- Health impacts.
- Medical expenses

- Pain.
- Suffering.
- Mental anguish.
- Future loss of earnings.
- Loss of earning capacity.
- Disfigurement and other visible results.
- Other injuries.

Punitive damages are also requested.

A copy of the Complaint can be downloaded [here](#).