

Claims Court Procedures Examined

By BARB SEARS

Question: What is the best way to present a case against a landlord in the Small Claims Court?

Answer: Save all pertinent written material such as leases, receipts, advertisements, furniture checklist, etc., and present them as evidence. If possible, take witnesses or other people who have also had trouble with the same landlord and have them testify in support of your case. Consult the Fair Housing Commission for names of other people with similar problems at the apartment. The FHC keeps records of the disposition of such cases and because it handles so many cases, may be able to refer you to someone else with a parallel problem, and you may be able to help each other out when you go to court.

Question: When I graduated, I left A&M and moved to New York. I still haven't received the refund on my apartment security deposit, although I have written both the owner and the manager a number of times. Can I file suit even though I live in New York?

Answer: You can designate an agent to file suit or to file a claim for you. Any member of the FHC would be happy to assist you. However, if your claim is contested then it would require your presence.

Question: When I moved out of my apartment in October, the

manager promised me all of my deposit back although I lived there only a month because I found someone to replace me. There is a new manager now, and I still haven't gotten my deposit back. In fact, the new manager claims that I broke the lease by moving out early and therefore do not deserve a deposit refund. Is the new manager right in withholding my deposit?

Answer: The old manager, acting as the agent of the owner, promised you your deposit back, and therefore, you should receive it. There is no reason for them to keep your security deposit, since there was no loss to the apartment complex because you found someone to take your place. You could easily win this case in the Small Claims Court if you had either a witness to the old manager's statement or the old manager himself to testify.

Listen Up

Cycling Thrills Not A Joy Ride

Editor:

In your illustration issue of December 7 I read an article entitled "Study Shows Biker Violations". I wish to direct a question and contents of this letter toward the two civic minded coeds to whom your newspaper referred.

How do you expect a bicycle and rider to come to a full stop at a stop sign when the rider risks mutilation by the car behind him or being compressed into the air space between the concrete curb and a fender attached to several tons of Detroit iron,

You must recognize the difference between being rear ended or run off the road in a car and on a bicycle. In a car you have some protection, on a bicycle you have none.

On a ten-speed bike it is so easy to roll up to a stop sign in fourth or fifth gear and stop without first remembering to pull the chain up. Few people know what a clutch is any more, but there isn't one on a ten-speed. You must be moving fairly fast to change gears. You're stuck with starting off in a gear that is worse than most fixer speed bicycles.

cycles. You hang in the intersection, grind gears if you choose to do so, and wobble. This is dangerous.

There are always the classic fools who never even stop. They merely slow down and drive past the stop sign as if it were a small billboard for Lovera Cigars. A law-abiding student who does not have eyes or radar in the back of his head, standing at a stop sign on his bike can be easily flattened with such fools about.

Enough has been said of bicycles. I, on my bike, am no less worthy than some character behind the wheel. Yet I have never heard of a driver being cited for clipping a bike's right of way, or for trying to rub dirt on his door off on a bikers trouser leg.

The next time I see a car going twenty miles per hour on this campus I will either faint or paste on it a gold star . . .

John F. Hubbell

Editor:

Vacation in adventurous 4th floor Moses next semester!
SEE! . . . Wild creatures close

Question: We moved out of our apartment on Oct. 29, and on Nov. 29, we still had not received our deposit back. Since the 30 days had passed we sent the manager a registered letter and three days later received our deposit back; the check was predated Nov. 29, but the date on the envelope was December 1. Obviously, the manager realized that they would owe us \$100 plus 3 times the deposit, and so called the owner to have

the refund made. I want to know if I can win if I sue them for the amount.

Answer: You probably can win, for there was no real damage done you, except that you received your refund slightly late. Since this new law is relatively untested, it is difficult to say how it would be interpreted. Technically it sets a cut-off limit of 30 days, but in application, a few days variation will probably be allowed by the courts.

Paul Eakin
Moses 420

We print them to show the world we'll print almost anything turned in to "Listen Up" and to show that college students are not all some people think they are and aren't. Irrelevance is frequently all many minds are cluttered with.—Ed.

Editor:

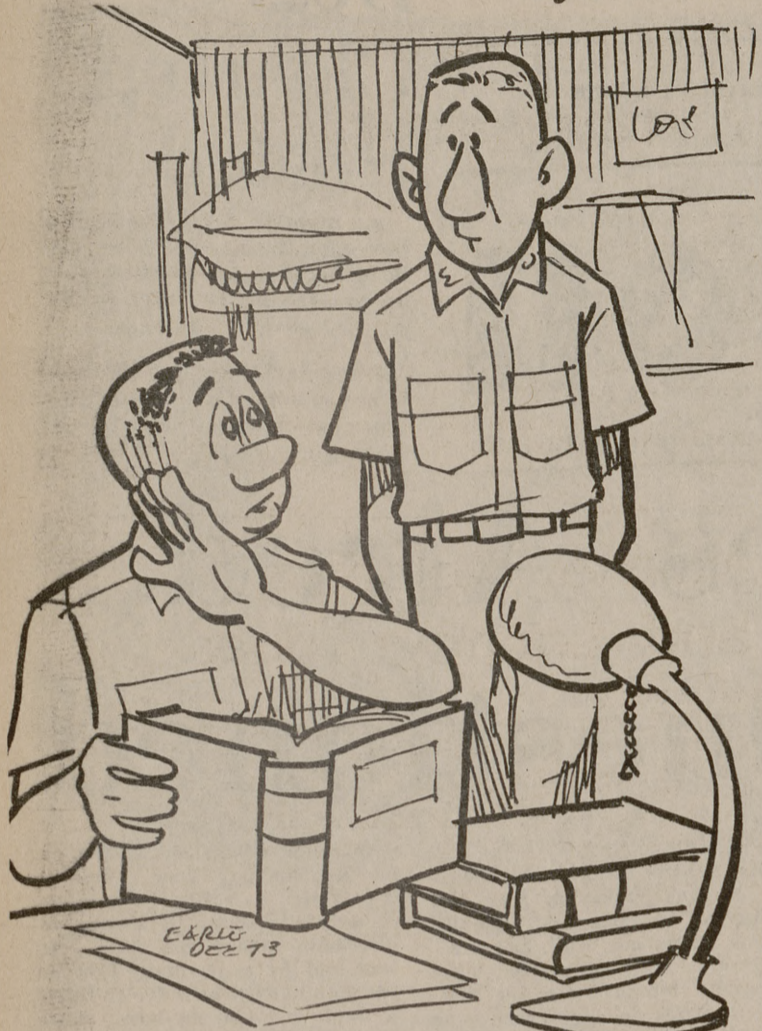
I had planned on writing a long letter commenting on the remarks made by "old army" Robert W. Dally '77 in Tuesday's Battalion, telling him that some of us are here for things other than "maturation in old army traditions," possibly even an education. But, everytime I try to read his letter, I can't stop laughing long enough to type anything. "That a way, old army," don't pull your head out, there's an energy crisis you know and you might catch a cold.

Tom Campbell

Gary Kotara
Moses 422

Editor:

Why the heck do you allow let-



"I thought I'd try a system that we've never experimented with to help with finals — studying!"

Batt Commentary

Town Hall Help

An innovative idea for expanding Town Hall's ability to please the maximum number of people with more numerous, high quality concerts has been suggested. Investigation and student opinion on the idea is definitely necessary and the plan for scheduling concerts is workable.

With people complaining about the poor quality of concerts this year, the Town Hall Committee should look into the prospect of hosting better quality (higher priced) groups with the aid of selling some tickets in bigger cities such as Austin, Houston, San Antonio and Dallas.

Although ticket prices would be higher than they normally are, those here that could afford the concerts could go if they desired to, in addition to those from out of town, who would pay and drive more to get better seats at concerts.

Concerts in the round could be developed in G. Rollie White, with bands and groups placed more in the center of the gym. Seats could then be placed where bands now play from. Overall acoustics could be enhanced considerably. Certainly, sound and sight could get no worse than they are now.

One hangup to this plan is that some groups will not play in the round, but would rather have the security of a back wall to run to. This is frequently a stipulation made in the contract, even before offers are made.

Town Hall workers have said that this would be a possible plan, putting on more spring semester concerts and that the ideas could work here. They also suggest a need for open air concerts, perhaps at the Rudder Fountain area. These would most likely be the concerts priced below \$1,000, and artists might be many of the small-time folk-rock singers.

Interest in these concert ideas must be expressed by students in order for committee workers to seriously consider them. If you have any thoughts on the subject, your ideas are welcome at the Student Programs Office in the Memorial Student Center.

The End

This is the last issue of the Battalion before final exam week and will probably be the last well-read issue by those attending and working at TAMU. Before students and faculty return to face the big trials that will face them scholastically and extra-curricularly, we hope that each individual will stop and think about the future of A&M and at least to make a New Year's wish for our school.

This request may be slightly less than ordinary, but we think it could have a profound effect on the futures of students and faculty here.

With the energy crisis about to engulf the University whether it likes it or not, arguments about the value of heated rivalries between SWC schools and academic values in general, certainly there is enough food for thought. If each person here were to decide that he was going to help right things that are wrong instead of taking pride in stirring up trouble, it might rub off to other people.

There ARE many things that are wrong at TAMU, but only people can change these things. If everyone is as interested as we are in creating the best possible place to obtain an education, we'll see some action in place of thoughts and words. Marked improvements have been made in life thus far in the semester. More can be made.

Please, though, have a good and safe Christmas vacation and a more than prosperous year in 1974. The state of the world may depend on it.

The Battalion

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