

Cheryl Kelmar, (Pro Se)
P.O. Box 367, Santa Barbara, CA 93102
Cheryl@medicalworks.com, 805 869-8583

UNITED STATES DISTRICT COURT, DISTRICT OF OREGON

Cheryl Kelmar

Ms. Kelmar

vs.

**TIFFANY BERG; ROBERT
BERG; TRENTON BERG;
CITY OF BROOKINGS,
OREGON; KELBY MCCRAE;
RAY BRANION; COLIN
KIMBALL; PATRICK SMITH;
~~BRANDON PEREDA~~; JOHN
DOE POLICE OFFICERS 1–5,
in their individual capacities;
and DOES 6–20**

Defendants

3rd Amended COMPLAINT

Case No. 1:26-cv-00221-CL

- FIRST: Unlawful Arrest and Unreasonable Seizure: 4th Amendment
- SECOND: Selective Enforcement and Denial of Equal Protection: 14th Amendment
- THIRD: Coordination Between Private and Government Actors
- FOURTH: Municipal Liability: Monell
- FIFTH: Constitutional Privacy Claim and Request for Extension of 4th and 9th Amendment Protections.
- SIXTH: Invasion of Privacy
- SEVENTH: Invasion of Privacy: Misuse and Publication of Private Recordings
- EIGHTH: Defamation
- NINTH: Interference with Economic Relations
- TENTH: Private Nuisance
- ELEVENTH: Trespass
- TWELFTH: Negligence
- THIRTEENTH: Elder Abuse

**INJUNCTIVE AND DECLARATORY RELIEF
JURY TRIAL DEMANDED**

- 1
- 2 34. The dispute escalated from an ordinary neighbor disagreement into a continuing pattern of
- 3 surveillance, intimidation, harassment using drones and more, publication on social media
- 4 of false allegations by the Bergs with over 1,500,000 views of defamation, and selective
- 5 law-enforcement treatment by Police on behalf of the Bergs.
- 6 35. Tiffany used her position as a former prison guard and her familiarity with law-enforcement
- 7 to obtain favorable treatment from the Police, the City, the Municipal court, and the
- 8 Brookings community with a population of only 6500.
- 9 36. Ms. Kelmar repeatedly sought assistance from the Police concerning conduct by the Bergs',
- 10 but the Police repeatedly declined meaningful investigation, enforcement of criminal
- 11 conduct and harassment, or protection. In contrast, when Tiffany made false allegations
- 12 against Ms. Kelmar, Police acted quickly, resulting in Ms. Kelmar's arrest without probable
- 13 cause and the loss of \$30,000 and more damage.
- 14 37. Disparity by Police was intentional and motivated by bias against Ms. Kelmar as an elderly,
- 15 single woman from California who is viewed as an outsider.
- 16 38. Defendants acted together, either explicitly or through coordinated conduct, to allow the
- 17 Bergs to avoid consequences for their false allegations while Ms. Kelmar was subjected to
- 18 unlawful enforcement action.
- 19 39. The Constitution cannot permit government officials to selectively enforce laws that
- 20 authorize one private party to deprive another person of constitutional protections.

21 VI. FACTUAL ALLEGATIONS

- 22 40. In the summer of 2021, Ms. Kelmar met with Tiffany to view properties in Brookings,
- 23 Oregon. Ms. Kelmar asked Tiffany to notify her of any offers made on the properties she
- 24 toured before Ms. Kelmar undertook the 12-hour drive back to Southern California. After
- 25 Ms. Kelmar returned home, Tiffany informed Ms. Kelmar that one of the properties had
- 26 sold without prior notice. Ms. Kelmar expressed frustration but never threatened to
- 27 "destroy" Tiffany, contrary to false statements made by Tiffany.
- 28 41. Between 2021, Ms. Kelmar had many difficult encounters with realtors in Brookings, such
- as one realtor drawing her a picture of a road that didn't exist, another not disclosing that a
- house wasn't yet approved to be livable, an incident where when Ms. Kelmar requested an

extra day because she had not heard back from the county regarding an illegal house, she was kicked out of escrow, and more.

42. Tiffany sold the property Ms. Kelmar purchased in 2023 located at 914 Marina Heights Road to the prior owners, Michael and Cynthia Thomas.

43. During discovery the sellers kicked Ms. Kelmar out of escrow after she requested 3 more days for discovery when Lauri Zimmer from the City didn't respond to her question about the septic. Ms. Kelmar then had to pay an additional \$40,000, which she did since she had already put her Santa Barbara home into escrow and had looked for a home for two years.

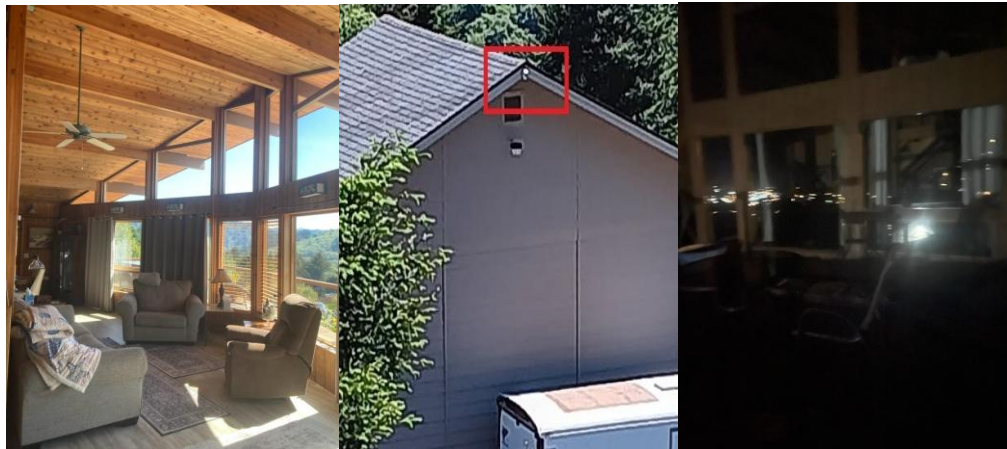
44. In July 2023, Ms. Kelmar purchased the property at 914 Marina Heights Road without knowledge of these defects.

45. On July 20, 2023, Ms. Kelmar traveled to the property with her son and a friend, Jeff Curtis (now deceased), to transport furniture to make the house into a furnished rental unit.

46. Upon arrival, Ms. Kelmar observed that she could not use the outdoor jacuzzi in privacy because of a bright light from the Berg property, which illuminated the deck. ([Exhibit A.](#))

47. Later, Laura Zimmer stated in an email that the light didn't bother other neighbors even though no other neighbor's property faced the Bergs' light directly, only 20 feet away from it. The placement of the Bergs' light is similar to putting a light at the apex of a bowl.

48. Ms. Kelmar could see the Bergs' light from every single window facing forward – toward the ocean. One must close the curtains to avoid the light at night for a house Ms. Kelmar bought for the ocean view and star gazing.



49. Ms. Kelmar attempted to address the lighting issue with Tiffany, who responded, "If you don't like it, move back to California."

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- 2 50. Ms. Kelmar then attempted to speak with Robert Berg about modifying the light and offered
- 3 to pay to convert it to a motion-activated fixture and point the light down. Robert responded,
- 4 "You will have to fight with Tiffany."
- 5 51. On August 22, 2023, the Bergs' son yelled at her, which caused Ms. Kelmar to fear for her
- 6 safety. Police Report L2316259. ([Exhibit P](#))
- 7 52. Also on August 22, 2023, when Ms. Kelmar first walked to the lower portion of her
- 8 property, she encountered Tiffany and Trenton Berg videotaping her. She then attempted to
- 9 discuss the lighting issue. ([Exhibit B.](#))
- 10 53. Afterward, Ms. Kelmar contacted the police because Ms. Kelmar thought that it was not
- 11 legal to videotape someone when they are on their own property. The police report states
- 12 that Bergs' camera was activated after Robert threatened Ms. Kelmar. However, the video
- 13 reflects that recording had already been occurring for more than three minutes before Robert
- 14 made a threat. Officer Ray Branion - Report L2316253.
- 15 54. Ms. Kelmar placed an advertisement in the Pilot newspaper seeking a photographer to
- 16 document the effect of the Bergs' lighting on her property because her phone camera was
- 17 inadequate. Ms. Kelmar received no response. This is important because it demonstrates that
- 18 a drone camera or other type of camera can be inadequate to capture the damage done by the
- 19 Berg's intrusive light on Ms. Kelmar's property.
- 20 55. In August 2023, the Bergs installed a camera on their garage approximately twelve feet
- 21 above ground ([Exhibit Q](#)). Then, while Ms. Kelmar and handyman Larry Sample attempted
- 22 to block the light, Tiffany mocked Ms. Kelmar through the camera. ([Exhibit C.](#))
- 23 56. In August 2023, Tiffany and Robert yelled at Ms. Kelmar's workers during construction of a
- 24 carport from their property. This conduct contributed to the deterioration of Ms. Kelmar's
- 25 working relationship with Larry Sample. ([Exhibit D.](#))
- 26 57. In August 2023, Ms. Kelmar appeared before the Brookings Planning Commission and the
- 27 Brookings City Council advocating for adoption of an outdoor lighting ordinance.
- 28 58. During August 2023, Ms. Kelmar placed advertisements in the local Pilot newspaper
- supporting an outdoor lighting ordinance. Ms. Kelmar was later informed that because of
- those advertisements, she could no longer place any advertisements in the Pilot.

- 1
- 2 59. While Ms. Kelmar was absent from the property in August 2023, Tiffany questioned Ms.
- 3 Kelmar's worker, Manuel Contreras, asking, "What are you doing?" ([Exhibit E.](#))
- 4 60. In September 2023, Robert interfered with Ms. Kelmar's workers while Ms. Kelmar was in
- 5 Gold Beach, Oregon. ([Exhibit F.](#))
- 6 61. On Sept. 2, 2023, a white Toyota drove onto Ms. Kelmar's property and then departed. Ms.
- 7 Kelmar requested that police obtain video from the Bergs' camera facing Ms. Kelmar's
- 8 property, but the police declined. Police Report: L2316843. ([Exhibit P](#)). No action taken.
- 9 62. On September 5, 2023, Ms. Kelmar drove back to her home in Santa Barbara, California.
- 10 63. On October 2, 2023, Ms. Kelmar returned to Brookings to complete her 1031 work.
- 11 64. On October 27, 2023, Ms. Kelmar reported damage to her fence consistent with someone
- 12 climbing over it from the Berg property. ([Exhibit P](#)) Officer Ray Branion - Report
- 13 L2319814. Response: No action taken.
- 14 65. On December 20, 2023, Tiffany told the police that "...she received a message from her
- 15 neighbors' contractor that said her neighbor had asked him to slash her tires and cause harm
- 16 to her any way he could...", which Ms. Kelmar denies. ([Exhibit P](#)) Officer Stewart - Police
- 17 Report L2322619. Response: No action taken.
- 18 66. On October 30, 2023, Ms. Kelmar drove back home to Santa Barbara, California.
- 19 67. In December 2023, Tiffany flew an unregistered drone over Manuel Contreras while he was
- 20 installing a fence for Ms. Kelmar. Ms. Kelmar was in California. ([Exhibit E.](#)) Ms. Kelmar
- 21 contacted the police but received no police report number.
- 22 68. On December 6, Ms. Kelmar drove back to Brookings to deal with Bergs' interference.
- 23 69. On Dec. 21, 2023, Ms. Kelmar drove back home to Santa Barbara, California.
- 24 70. On January 20, 2024, the Bergs again flew a drone near Manuel Contreras while he was
- 25 working on Ms. Kelmar's land.
- 26 71. On January 22, 2024, Ms. Kelmar drove back to Brookings to deal with Bergs' interference.
- 27 72. In January 2024, the Bergs played Ms. Kelmar's 2023 Brookings City Council presentation
- 28 through outdoor speakers – a noise violation and yelled "I'm going to kill you." ([Exhibit J](#))
- This incident is reflected in a Police-stamped document. Response: No action taken.
73. On January 21, 2024, Robert leaned over Ms. Kelmar's fence to interfere with Ms. Kelmar's business. Then, when Ms. Kelmar told him to mind his own business, Robert responded,

- 1
2 "No one likes you," and "Bring it on." ([Exhibit F](#)) This incident is reflected in a Police-
3 stamped document. Response: No action taken.
- 4 74. On January 22, 2024, the Bergs' broadcast Ms. Kelmar's 2023 Brookings City Council
5 presentation over outdoor speakers for three hours during the evening – a noise violation.
6 ([Exhibit J.](#)) Officer Colin Kimball - Police Report L2401112. Response: No action taken.
- 7 75. On January 23, 2024, while Ms. Kelmar was in Brookings to address a legal matter, Tiffany
8 drove recklessly on Highway 101, passing multiple vehicles to come up behind Ms.
9 Kelmar's car to videotape Ms. Kelmar. ([Exhibit G](#)) Officer Aaron, Pettis - Police Report No.
10 L2401168. Response: No action taken.
- 11 76. On Jan 24, 2024, an individual driving a black SUV photographed Ms. Kelmar while she
12 was on her property from the Bergs' causing Ms. Kelmar to fear for her safety. ([Exhibit P.](#))
13 Officer Sue Darger - Police Report L2409412
- 14 77. On January 25, 2024, Ms. Kelmar drove back home to Santa Barbara, California.
- 15 78. In March 2024, Ms. Kelmar returned to Brookings after her tenant, Colin Blaskley,
16 terminated his lease early.
- 17 79. On March 1, 2024, Ms. Kelmar installed lights along the property line. The lights functioned
18 for two hours before failing. The manufacturer later indicated the electrical connections
19 appeared consistent with water having been poured on them. [Exhibit F.](#)
- 20 80. On March 1, 2024, the Bergs also flew a drone over Ms. Kelmar's property and shined a
21 large boat light into Ms. Kelmar's working shed. Officer Colin Kimball - Report L2404338.
- 22 81. On March 22, 2024, while Ms. Kelmar was at the courthouse in Gold Beach, Robert was
23 recorded tampering with a camera Ms. Kelmar installed along the property line. ([Exhibit I](#))
24 Officer Jolley Travis - Police Report L2404337 and L2404338. Response: No action.
- 25 82. In March 2024, Ms. Kelmar observed the Bergs' intrusive light had been turned off but it
26 was turned back on after the Bergs became aware of Ms. Kelmar's return. Ms. Kelmar
27 cancelled a flower order Ms. Kelmar ordered for Tiffany after the light was turned back on.
- 28 83. In March 2024, Ms. Kelmar's friend Billy Bench photographed the light damage affecting
Ms. Kelmar's property. Then, when Ms. Kelmar attempted to show the photographs to
Tiffany by quietly calling her, Tiffany loudly responded, "Don't scream at me." ([Exhibit A](#)).
84. In April 2024, Ms. Kelmar removed the lights she installed on the property line.

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2 85. In 2024, Ms. Kelmar gave a second presentation to the City telling them about the drone and
3 harassment. In an email, one member states that Ms. Kelmar was a bully, which Ms. Kelmar
4 denies. Ms. Kelmar told the City Council that she didn't want to litigate.

5 86. On June 18, 2024, Ms. Kelmar drove to Brookings. Upon arriving, Ms. Kelmar heard a
6 young woman yell, "Let the war begin," followed by a drone flying at Ms. Kelmar's head.
7 ([Exhibit H](#)). Tiffany yelled "Welcome back."

8 87. Officer Ray Branion advised Ms. Kelmar that the drone operation by the Bergs was
9 permissible even though ORS 837.370 provides that a person may not operate an unmanned
10 aircraft system over privately owned premises to harass or annoy. The first violation is a
11 Class B violation. A second is a Class A violation, and with two or more convictions,
12 another violation is a misdemeanor. ORS 837.370 and ORS 837.380 permits a prevailing
13 plaintiff to seek relief and treble damages for injury and damage resulting from the trespass.

14 88. Yet, instead of holding the Bergs to any consequences for their unlawful drone activity with
15 an unregistered drone, Officer Rayn Branion told Ms. Kelmar that she was abusing the 911
16 system. Ms. Kelmar later discovered that the Berg's drone was not registered with the
17 Federal Aviation Administration. Police Report No. L2409180.

18 89. Tiffany falsely told Police that Ms. Kelmar "...may try to start a fire..." Report L2409180,
19 90. Later, Ms. Kelmar received photographs from the City that had been provided by Tiffany,
20 which depicted the interior of Ms. Kelmar's shed, taken by the same drone on June 18, 2024,
21 by the Bergs'. ([Exhibit M](#))

22 91. On June 21, 2024, Robert yelled insults at Ms. Kelmar, including calling Ms. Kelmar a
23 "bitch." ([Exhibit I](#)) making Ms. Kelmar fearful. Officer Stevenson - Police Report
24 L2409338. Response: No action taken.

25 92. In June, while Ms. Kelmar was building an outdoor patio property with Manuel Contreras,
26 Tiffany played Ms. Kelmar's 2023 to the Brookings City Council presentation – a noise
27 violation ([Exhibit J](#) – Video: Celebrity 6-24).

28 93. Ms. Kelmar attempted to interact with Tiffany who addressed her as cray cray, stating that
Tiffany was going to make Ms. Kelmar a celebrity. Tiffany falsely claimed Ms. Kelmar
screamed at her kids, which Ms. Kelmar comment back "...Liar...". Manuel provided an
affidavit. See [Exhibit E](#).

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2 94. To stop the Bergs' harassment, Ms. Kelmar subsequently filed a civil action. Ms. Kelmar
3 filed three amended complaints before service. After the lawsuit was filed, Tiffany deleted
4 social media posts, such as falsely accusing Ms. Kelmar of tax fraud, but admitted to her
5 post. [Exhibit K](#). Judge Stone later denied Ms. Kelmar's motion for summary judgment.
6 Therefore, Ms. Kelmar dismissed the case without prejudice due to perceived bias.



7 Tiffany Shaw Berg · Creator

8 Ya do you believe her! She realized what she
9 did, she 1031 exchanged it so now she is
10 doing tax fraud!



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4d ago Reply

11 95. On June 22, 23, 25, and 26, 2024, the Bergs' broadcast recordings of Ms. Kelmar's 2023
12 Brookings City Council presentation through outdoor speakers for extended periods late into
13 the evening – a noise violation. ([Exhibit J](#)).

14 96. Tiffany was served with a personal citation twice, one on 6-26-2024 and 7-8-2024. Officer
15 Stevenson, Patrick Smith, Brandon Pereda, Andrew Yock, Jessica Golden - Police Reports
16 L2409412, L2409578, L2409630, L2409673, L2409982, L2409920, and L2410582.

17 97. Brookings Police Chief Kelby McCrae, in an email Ms. Kelmar later obtained from the
18 City, stated that Tiffany could play Ms. Kelmar's 2023 City Council presentation "anytime,
19 anywhere". The repeated broadcasts continued despite numerous complaints. ([Exhibit J](#))

20
21 **From:** Kelby McCrae [mailto:mccraek@brookings.or.us]
22 **Sent:** Monday, July 1, 2024 4:51 PM
23 **To:** Lauri Ziemer
24 **Cc:** Tony Baron
25 **Subject:** Re: FW: Tuesday Presentation

Lauri,

Has anyone else made a complaint about Tiffany's light? Also, on Cheryl's complaint about Tiffany
showing Cheryl in a public meeting, there's nothing wrong with that. It was a public meeting and it is free to
replay the public recording anywhere you like for as long as you like. Let Cheryl know it's also on YouTube.

Chief Kelby McCrae
Brookings Police Department
898 Elk Drive
Brookings, OR 97415
mccraek@brookings.or.us
(541) 469-3118 x2200

26 98. In June 2024, Ms. Kelmar installed surveillance cameras along the property line on a small
27 section of the Bergs' driveway after discovering that the Bergs were recording Ms. Kelmar
28 without her knowledge and posting videos of Ms. Kelmar on TikTok.

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2 99. On June 24, 2024, the Bergs broadcast Ms. Kelmar's 2023 City Council presentation
3 through outdoor speakers – a noise violation. At the same time, the responding officers
4 confirmed Ms. Kelmar's cameras were not directed toward the Bergs jacuzzi or their
5 children's bedroom windows. [Exhibit P](#). Officer Sophia Lucero and Jason Barrigar – Police
6 Reports L2322075 and L2322087.

7 100. After police declined to pursue criminal enforcement relating to repeated noise
8 complaints, Ms. Kelmar personally initiated a private noise complaint against Tiffany.
9 [Exhibit J](#).

10 101. On June 25, 2024, while Ms. Kelmar was in Gold Beach, her camera recorded Robert
11 tampering Ms. Kelmar's cameras. ([Exhibit I](#)) Officer Sophia Lucero - Police Report No.
12 L2409567. Response: No action taken.

13 102. On June 26, 2024, Officer Pereda served Tiffany with a second private citation for noise
14 violations. Officer Pereda acknowledged the broadcasts violated Brookings Municipal
15 Code section 8.15.080 but did not issue a citation directly by the Police. [Exhibit J](#). Officer
16 Pereda and Officer Hernandez – Police Reports L2409982, L2409630, and L2409602,

17 103. On June 26, 2024, Ms. Kelmar discovered TikTok accounts operated by Tiffany Berg
18 (@tiffanyberg1) and Trenton Berg (@trentonberg1). These accounts contained false
19 statements accusing Ms. Kelmar of tax fraud and other misconduct. The posts generated
20 more than 900 derogatory comments and collectively had more than 2,500 local followers.
21 ([Exhibit K](#).) Ms. Kelmar attempted to address the Bergs.



Tiffany Shaw Berg · Creator

Ya do you believe her! She realized what she
did, she 1031 exchanged it so now she is
doing tax fraud!



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4d ago Reply

23 104. On July 1, 2024, the Bergs again broadcast Ms. Kelmar's 2023 City Council presentation
24 through outdoor speakers – a noise violation. Officer Andrew York - Police Report.
25 L2409920 and L2409982 ([Exhibit J](#)). Response: No action.

26 105. On July 2, 2024, Officer Pereda contacted neighboring residents to determine whether the
27 broadcasts disturbed them. At least one neighbor reported that the Bergs frequently played
28 loud music. ([Exhibit J](#)) Officer Pereda – Police Report L2409982.

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2 106. July 2, 2024, Ms. Kelmar discovered photographs of the contents of her locked shed
3 posted on the Bergs' TikTok account, which Tiffany acquired from her tenant who did not
4 possess a key to Ms. Kelmar's shed. ([Exhibit M](#)) Police Report L2409956.
- 5 107. On July 1, 3, 5, and 10, 2024, the Bergs broadcast recordings of Ms. Kelmar's 2023 City
6 Council presentation late into the evening – a noise violation. ([Exhibit J](#).)
- 7 108. On July 5, 2024, an individual in a black SUV photographed Ms. Kelmar from the Bergs'
8 property while Ms. Kelmar was on her property causing Ms. Kelmar fear for her safety.
([Exhibit P.](#)) Officer Sue Darger - Police Report No. L2410195.
- 9 109. On July 6, 2024, Tiffany's children shouted threatening profanities at Ms. Kelmar,
10 including "bitch" and "cunt" that made Ms. Kelmar fearful. ([Exhibit L](#)) Officer Andrew
11 Yock - Police Report B20240337.
- 12 110. The same evening, the Bergs falsely accused Ms. Kelmar of yelling at them from her
13 property. ([Exhibit P.](#)) Officer Andrew Yock - Police Report L2410311.
- 14 111. On July 8, 2024, Officer Pereda served Tiffany Berg with a private citation for noise
15 violations requested by Ms. Kelmar, Citation No. 4861849. ([Exhibit J](#))
- 16 112. Thereafter, Ms. Kelmar installed a privacy fence to avoid the Bergs' surveillance camera
17 located approximately 12 feet on their garage, adjacent to her working shed, constructed
18 by Manuel Contreras.
- 19 113. On July 9, 2024, Officer Hernandez confirmed by email that Tiffany obtained photographs
20 of Ms. Kelmar's belongings located inside Ms. Kelmar's locked shed from a former tenant
21 to post on TikTok. ([Exhibit M.](#)) Officer Hernandez - Police Reports Nos. L2410582,
L2409956, and L2409673.
- 22 114. On July 10, 2024, the Bergs broadcast Ms. Kelmar's 2023 City Council presentation
23 through outdoor speakers during the evening hours – noise violation. ([Exhibit J](#)) Officer
Jessica Golen - Police Report L2410582. Response: No action taken.
- 24 115. On July 15, 2024, Ms. Kelmar drove home to Santa Barbara, California
- 25 116. On July 21, 2024, Ms. Kelmar mailed a letter to the Police identifying inaccurate
26 information in various police reports concerning her complaints. ([Exhibit P.](#))
- 27 117. On November 12, 2024, Ms. Kelmar returned to Brookings, Oregon to attend the
28 Municipal court proceedings against Tiffany for noise violations.

1
2 118. During that proceeding, officers who had not previously been identified as witnesses
3 sought to testify in support of Tiffany's noise violations. Judge Milliman limited Ms.
4 Kelmar's evidence and testimony while permitting Tiffany to make unsupported false
5 accusations. Tiffany was fined \$100 and Ms. Kelmar incurred expenses of \$1,500 because
6 Ms. Kelmar was required to appear personally while residing in Santa Barbara, California.
7 119. On November 20, 2024, Ms. Kelmar returned to her home in Santa Barbara, California.
8 120. Ms. Kelmar obtained emails from the City Tiffany provided to them where Tiffany falsely
9 accused Ms. Kelmar of illegally modifying her septic system and of habitual intoxication.
10 One email included a drone photograph from June 18, 2024. Ms. Kelmar denies those
11 accusations. ([Exhibit N](#)).

12 16110 Lower Harbor Road
13 Brookings, Oregon 97415
14 <https://www.oregon.gov/rea/licensing/Documents/Initial-Agency-Disclosure-Pamphlet.pdf>

15 On Mon, Apr 8, 2024 at 3:11 PM Tiffany Berg <tiffanybergrealtor@gmail.com> wrote:
16 There is a shot of the bed and refrigerator in there that they just moved in! She has some Mexican speaking
17 people working there for a few days in the back. I'm sure they were probably setting up the sewer. But where
18 the hell is she leaching it too, there would have to be a pump? Ugh can you imagine if it's just going into the
19 three ft trench they built and going into neighboring property? Ugh. A nightmare this one is. I would think we
20 can find who built it? Not sure what your recourse is. Didn't want to pay for a permit so she just did it herself.
21 Unreal!

22 Tiffany Berg
23 Broker
24 Oregon Life Homes
25 Mobile: 541-661-4979
26 Email: tiffanybergrealtor@gmail.com
27 16110 Lower Harbor Road
28

From: Tiffany Berg [mailto:tiffanybergrealtor@gmail.com]
Sent: Wednesday, January 24, 2024 4:12 PM
To: Lauri Ziemer
Subject: Kelmar

Hi Lori, I know when I talk to you yesterday I was in the middle of with a client. But I wanted to send you these photos that the poor tenant is having such an issue. She's down there all night long every night drinking drunker than a skunk and I don't know what you saw or if you guys even looked in the shed but it looks to me like there's a bed there's a chair there's a light she's sleeping in the chair she's sleeping in there and she when that guy when that tenant wakes up she's in there sleeping. What do we need to prove that how do we do this, this poor tenant is devastated he's paying \$2200 a month and for her to do what she's doing is just absurd.



121. On March 18, 2025, Ms. Kelmar drove back to Brookings, Oregon.
122. On March 19, 2025, while Ms. Kelmar was at Cascade Hardware in Brookings, Tiffany drove aggressively through the parking lot, making defamatory gestures at Ms. Kelmar who was walking into the hardware store, and departed without entering the store. Ms. Kelmar filed a police report and requested that police obtain the store's surveillance footage. No action was taken in response. Ms. Kelmar did obtain video footage from the store.
123. Around March 2025, Ms. Kelmar asked a neighbor if they would agree to allow her to grow a tress taller than 12 feet to block the Bergs' light. He responded that Ms. Kelmar had threatened Tiffany, which Ms. Kelmar denies.
124. In March 2025, Ms. Kelmar discovered that Tiffany had planted trees within five feet of Ms. Kelmar's leach lines despite Tiffany's knowledge of their location from her involvement in the sale of Ms. Kelmar's property. Ms. Kelmar, through legal counsel, requested removal of the trees, alleging that the plantings created maintenance burdens, threatened Ms. Kelmar's septic system, and obstructed Ms. Kelmar's ocean view.
125. Ms. Kelmar also discovered the Bergs raised their camera to twenty-four feet above ground. This allowed observation of areas of Ms. Kelmar's property that had previously been shielded by Ms. Kelmar's privacy fence. Ms. Kelmar subsequently extended the fence but doing so did not eliminate surveillance. ([Exhibit Q](#))

- 1
2 126. Ms. Kelmar returned to her home in Santa Barbara, California.
3 127. On May 10, 2025, Ms. Kelmar returned to Brookings, Oregon.
4 128. During 2025, after Ms. Kelmar installed an exterior light on her property, four Brookings
5 police officers responded to inspect Ms. Kelmar's light even though there was no
6 ordinance specifically regulating the light. The officers never inspected the Bergs' lighting
7 despite Ms. Kelmar's repeated complaints concerning its impact on her property. Ms.
8 Kelmar then removed the light bulb from her fixture.
9 129. On June 6, 2025, Ms. Kelmar returned to her home in Santa Barbara, California.
10 130. On Jan 20, 2026, Ms. Kelmar returned to Brookings, Oregon.
11 131. On January 20, 2026, Tiffany yelled at Ms. Kelmar's worker, Broc Shropshire, while he
12 was building a flagpole. Tiffany stated, "I fear for my life, and I'm armed," despite no
13 provocation. ([Exhibit O](#)).
14 132. Tiffany then made similar threatening statements to Ms. Kelmar. Those statements caused
15 Ms. Kelmar to fear for her safety. ([Exhibit O](#)) Response: No action taken. Police Report
16 L2601067. Response: No action taken.
17 133. The police advised Ms. Kelmar to seek a stalking protective order and provided her with
18 the necessary paperwork that day. Ms. Kelmar also obtained a notarized affidavit from her
19 worker Broc of Tiffany's deadly threat. ([Exhibit O](#)).
20 134. On January 22, 2026, while Ms. Kelmar was removing blackberry roots from her property
21 and installing a flagpole to block the Bergs' light and camera, Tiffany harassed Ms.
22 Kelmar through the gap in her fence while unprovoked by Ms. Kelmar, stating "I swear to
23 fuckin god, if you kill my bushes, you will..." and "Want to keep assaulting me, stop
24 killing my bushes", falsely accusing Ms. Kelmar of stalking. [Exhibit R](#). Officer Pereda –
25 Report Number: B20260024.
26 135. Upon the officers' arrival, because Ms. Kelmar's worker Broc told her that he feared the
27 police, Ms. Kelmar drove her vehicle to the upper portion of her access road, away from
28 her surveillance cameras that were installed on her working shed after she discovered the
Bergs had obtained pictures of inside the locked shed, to meet with the officers.
136. Unexpectedly, the officers arrested Ms. Kelmar. They handcuffed her and removed her
jewelry in the dark outside the gate of her property at 914 Marina Heights Rd as many cars

- drove by with people staring. While removing Ms. Kelmar's necklace, one of Ms. Kelmar's gold charms valued at \$1,000 fell to the ground without her knowledge.
137. A female officer placed Ms. Kelmar under arrest at the direction of the officer in charge and transported Ms. Kelmar to Gold Beach, Oregon.
138. During transport, Ms. Kelmar informed the officers that \$30,000 worth of precious metals were hidden inside her vehicle. The speaker system inside the police vehicle was activated, allowing others to hear the conversation without Ms. Kelmar's knowledge.
139. During Ms. Kelmar's arrest and while detained she repeatedly requested an attorney. But an attorney was not made available until she had been detained for more than an hour in pain from the handcuffs. Then, the attorney spoke with Ms. Kelmar only briefly. To this day, Ms. Kelmar does not know what criminal offense caused her to be arrested.
140. After approximately two hours she was released in the evening. The police gave Ms. Kelmar a bus pass for a bus that had departed before Ms. Kelmar made her way to the bus stop in the dark – in a town she was not familiar with. Ms. Kelmar was released without her purse, telephone, or transportation back to Brookings. She was sixty-six years old.
141. After returning to Brookings, Ms. Kelmar discovered that 180 silver coins, two gold coins, and \$2,000 in cash were missing from her vehicle where Ms. Kelmar hid them for transport back to Santa Barbara, CA.
142. Ms. Kelmar immediately reported the theft and requested that officer Smith obtain surveillance footage from the Bergs' camera because Bergs' continuously monitor Ms. Kelmar's property, but he declined stating the Bergs had rights. Officer Patrick Smith – Police Report B20260025.
143. Ms. Kelmar reported to Officer Smith that Broc had attempted to sell her a firearm without a background check. The officer confiscated the firearm but did not investigate or interview Broc – the only suspect according to Officer Smith.
144. Ms. Kelmar later examined her phone and discovered that a video showing Broc stating that Tiffany had harassed him in March of 2025 had been deleted. The same individual or individuals who stole her precious metals also deleted information from her phone.

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2 145. Ms. Kelmar was never required to appear for arraignment, and no criminal prosecution
3 followed her January 22, 2026, arrest. The absence of any subsequent criminal prosecution
4 supports her contention that probable cause was lacking.
- 5 146. On January 30, 2026, Ms. Kelmar returned to her home in Santa Barbara, California.
- 6 147. Within 180 days, Ms. Kelmar mailed a Notice of Claim to the City of Brookings
7 concerning the January 22, 2026, incident. ([Appendix B](#))
- 8 148. Ms. Kelmar filed this lawsuit. Later, Tiffany made a declaration for her Motion to Dismiss
9 that Ms. Kelmar has lived in Oregon continuously since 2023 even though there are many
10 comments on TikTok @iceberg214 and within video evidence that contradict Tiffany's
11 false statement. Therefore, because Tiffany monitors Ms. Kelmar with a camera 24/7,
12 Tiffany knew her statement was false.
- 13 149. On May 6, 2026, Ms. Kelmar returned to Brookings. Oregon.
- 14 150. On May 18, 2026, Tiffany screamed at a prospective workers who had arrived to perform
15 work for Ms. Kelmar. The prospective worker declined the work after the encounter.
- 16 151. On June 5, 2026, Ms. Kelmar installed black plastic along her fence to block Tiffany from
17 harassing her through gaps in the fence. Then, later that same day, the Bergs flew a white
18 drone with blue and red markings near Ms. Kelmar's head while Ms. Kelmar was
19 operating a weed trimmer on her property. Officer Patrick Smith – Report L2608017.
- 20 152. In June 2026, Tiffany screamed at a prospective workers who had arrived to perform work
21 for Ms. Kelmar. The prospective worker declined the work after the encounter.
- 22 153. On June 15, 2026, Tiffany harassed another worker while he was working on Ms.
23 Kelmar's property. Officer Smith stated that Tiffany falsely accused her worker of
24 throwing something over the fence, which the worker denied when he spoke to Officer
25 Smith. Officer Patrick Smith – Police Report L2608017.
- 26 154. Ms. Kelmar also reported that the Bergs' surveillance camera was directed toward Ms.
27 Kelmar's working shed and toward Ms. Kelmar's tenants jacuzzi. The officer informed her
28 the camera had already been checked. Later, Ms. Kelmar photographed Tiffany on her
roof repositioning the camera away from the tenants jacuzzi. The camera continued to face
the door, patio, and windows of Ms. Kelmar's working shed.
155. On June 16, Ms. Kelmar returned to her home in Santa Barbara, California.

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2 156. Around July 1st, 2026, the Bergs' turned off their lights. Tenants commented on how nice
3 it was to have the light off. On July 5, 2026, Ms. Kelmar returned to Brookings, Oregon
4 157. On July 5, Ms. Kelmar returned to Brookings. Because Ms. Kelmar was unable to retain
5 workers, she personally weed-trimmed approximately one acre of her property at sixty-six
6 years of age, resulting in bruising to her legs and pain in her hands for several weeks.
7 158. In July of 2026, Ms. Kelmar obtained a forensic analysis of the Berg new' TikTok account
8 @iceberg 214, which contained content from a prior TikTok account (tiffanyberg1 and
9 @trentonberg1) with approximately 1.5 million views.
10 159. Ms. Kelmar contacted her neighbor Bill to ask if their contractor Tiffany claimed to have
11 contacted Tiffany on December 20, 2023, to let her know Ms. Kelmar asked the
12 contractor to slash Tiffany's tires and to cause her harm anyway he could as stated in
13 police report L2322610. Bill said no that he and his wife were in California at the time and
14 expressed that he did not want to get involved. The conversation happened over text.
15 160. Ms. Kelmar remains subject to surveillance, invasion of privacy, intimidation, publication
16 of recordings, interference with her property, and fear of selective law enforcement.
17 161. The Bergs have placed a white trailer near the property line that they regularly enter and
18 exit. Ms. Kelmar believes that the trailer may contain surveillance equipment.

19 **VII. FIRST CAUSE OF ACTION: UNLAWFUL ARREST, UNREASONABLE**
20 **SEIZURE, AND DENIAL OF FOURTH AMENDMENT RIGHTS - 42 U.S.C. § 1983**
21 **(Against Brandon Pereda and John Doe Police Officers 1–5, in Their Individual Capacities)**

22 162. Ms. Kelmar realleges and incorporates all preceding paragraphs.
23 163. At all relevant times, Defendant Brandon Pereda and John Doe Police Officers 1–5 were
24 acting under color of state law.
25 164. The Fourth Amendment protects persons against unreasonable seizures, including arrest
26 without probable cause.
27 165. Officer Pereda is identified in Report No. B20260024 as the officer in charge of the
28 January 22, 2026, arrest of Ms. Kelmar.
166. Officer Pereda and the other participating arresting officers responded to Tiffany's false
allegations and arrested Ms. Kelmar without conducting an adequate investigation.

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Exhibit A

Photographs showing intrusive lighting affecting Plaintiff's property.

Affidavit of Billy Bench

Friend of Cheryl Kelmar at 914 Marina Heights Rd, Brookings, Oregon

I, Billy Bench, declare under the penalty of perjury that the following statements are true and that I have firsthand knowledge of them.

1. Around March 15, 2024, I was a guest staying at 914 Marina Heights in Brookings, Oregon with Cheryl Kelmar
2. I took pictures of a light of Cheryl's neighbor = Tiffany Berg – with my iPhone camera – Make i Phone with NO additional lights on in the home or on the camera as Exhibit A. The picture of Tiffany's light on her garage were taken from outside the home of 914 Marina Heights Drive in Brookings, Oregon 97415.
3. The night was clear with little fog or clouds. The kind of night one would want to sit in the jacuzzi to observe the stars in Brookings, Oregon.
4. When I first arrived to the home, Tiffany's light was off for three days and the house was dark. When the light went back on, the house, including loft and every window, were lit up from Tiffany Berg's light.

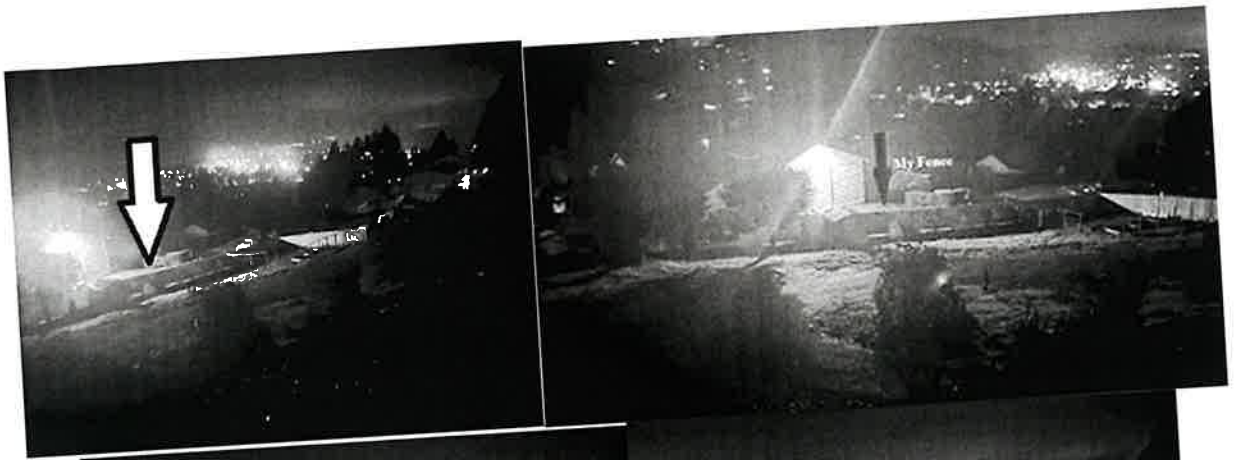
Date 1/27/25

Signature Billy Bench

Exhibit A
Pictures







ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of SANTA BARBARA)

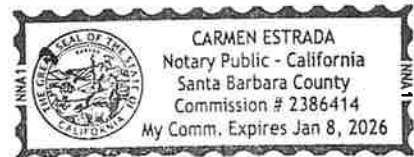
On 01/27/2024 before me, CARMEN ESTRADA, NOTARY PUBLIC
(insert name and title of the officer)

personally appeared BILL WILLIAM BENCH
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



1
2 Attorney Name
3
4
5

6 U.S. STATE COURT OF CALIFORNIA, SANTA BARBARA COUNTY
7

8 Plaintiff
9

Case No.

AFFIDAVIT OF BILLY BENCH

10 vs.
11

12 Defendants
13

14 I, Billy Bench, declare under the penalty of perjury that the following statements are true and
15 that I have firsthand knowledge of them.

- 16 1. On, March 15, 2025, I drove with Cheryl Kelmar to Brookings, Oregon.
17 2. Upon arriving in Brookings, Oregon we drove to Cheryl's property on Marina Heights Rd.
18 3. A little after dusk, Cheryl told me that a light that belongs to her neighbor, the Berg's,
19 situated 14 feet on their garage that faces Cheryl's property, was off.
20 4. I watched Cheryl sit on her couch enjoy8ing the fact that her house was dark. We sat there
21 looking at the stars through the large windows of the house, from the couch.
22 5. Cheryl told me she was ordering flowers for her neighbor Tiffany Berg. Cheryl was excited.
23 6. Two days later, Cheryl and I observed the light back on. I noticed that now Cheryl's house
24 was no longer dark at night.
25 7. Cheryl told me she cancelled the flower order.

26 Date

5/13/25

27 Signature

Billy Bench

28
AFFIDAVIT OF CHERYL KELMAR – Billy Bench

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of SANTA BARBARA

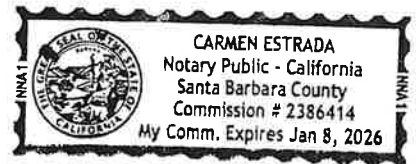
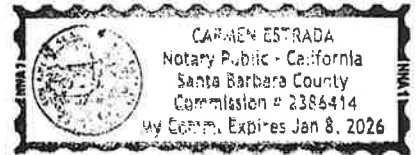
On 05/13/2025 before me, CARMEN ESTRADA, NOTARY PUBLIC
(insert name and title of the officer)

personally appeared BILL WILLIAM BENCH
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



May 15, 2024

Re: Conversation with Tiffany Berg

To Whom It May Concern:

The Soft Lights Foundation is a 501(c)(3) non-profit whose mission is to advocate for the protection of individuals and the environment from the harms of Visible Light radiation emitted by products that use Light Emitting Diodes.

On April 9, 2024, I submitted a letter to Tiffany Berg showing the light trespass nuisance emanating from her property in Brookings, Oregon and detailed the harmful impacts of this light on her neighbor, Cheryl Kelmar. Ms. Berg took no action.

On or about April 10, 2024, I spoke with Ms. Berg via telephone for 45 minutes to discuss the light trespass nuisance. Ms. Berg spent much of the time complaining about Ms. Kelmar. However, at the end of the conversation, Ms. Berg assured me that she would turn off the outside light if Ms. Kelmar would remove her camera system.

I notified Ms. Kelmar of this negotiated settlement, and Ms. Kelmar paid to have the cameras removed.

However, on April 12, 2024, Ms. Berg wrote to me and stated, "I am decided to keep the light on [sic]" and renege on her verbal commitment to keep the light turned off.

The Soft Lights Foundation supports the right of Ms. Kelmar to not be subjected to hazardous artificial light at night which interferes with her right and her tenant's right to quiet enjoyment of their property and we are disappointed that Ms. Berg failed to abide by her agreement to turn off the nuisance light.

Sincerely,

/s/ Mark Baker
President
Soft Lights Foundation
mbaker@softlights.org
www.softlights.org

CITY OF BROOKINGS POLICE DEPARTMENT

Kelby McCrae, Chief of Police



Brookings Police Department Witness Statement

Made 5/25/25

Name: Cheryl Kelmar Case #: _____
Address: 914 Marina Heights
Date of Birth: 3-1-60 Phone: 805 869 8583
Incident Location: → Date 2023 → Time —

Two nights ago at 11 pm 4 officers were sent to take pictures of my light because it lit up her driveway. I would like an officer to come take pictures of how Tiffany's lights, lights up my driveway, garden, jacuzzi, house, and shed.

In 2024 when I installed cameras, the police came to look at the cameras to ensure they didn't take pictures of Bug's pool. Bug's have a camera that can see my jacuzzi and inside of my house and shed, and end of patio.

Sign & Date: Cheryl Kelmar 5/25/25



898 ELK DRIVE
BROOKINGS, OR. 97415
www.brookings.or.us

Phone: (541) 469-3118
Fax (541) 412-0253

BROOKINGS POLICE DEPT
898 ELK DR.
BROOKINGS, OR 97415
541-469-3118

CITY OF BROOKINGS POLICE DEPARTMENT

Kelby McCrae, Chief of Police



COMPLAINT AGAINST OFFICER

Today's Date: 5/23/25

Your Name: Cheryl Kelmar

Address: 914 Marina Heights

Date of Birth: 3-1-60

Phone: 805 869 8583

Date of Incident: 3-23-25

Time of Incident: 11 pm
3/23/25 am/pm

Officer(s) Involved: Sarovan and Henderson

Location: 914 Marina Heights

My complaint is: My sleep was interrupted when 4 officers came onto the Bungs property to take pictures of a light I installed that let up the Bungs driveway. This is NOT a crime but harassment.

I have complained about Tibbans' light for two years and never has the police come to take pictures. This was HARASSMENT and was in fact of the Bungs

I hereby swear and affirm that the above information contained in my statement is true and factual to the best of my knowledge. I understand that making a false statement, or report, to a law enforcement officer or law enforcement agency is a criminal offense and engaging in such conduct could result in my arrest and prosecution under the Criminal Laws of the State of Oregon.

SIGNED: Cheryl Kelmar

Intake Officer: _____

Incident #: _____

Refer to: Chief _____ Sergeant _____ Comm. Supervisor _____

Additional pages _____ yes _____ no

Date/Time: _____



898 ELK DRIVE
BROOKINGS, OR. 97415 45
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BROOKINGS POLICE DEPT.
898 ELK DR.
BROOKINGS, OR 97415
541-469-3118

5/25/25
AS

Nathan L Garcia
Attorney at Law, PC

P.O. Box 2724
Brookings, OR 97415

97829 Shopping Center Ave. Ste G
Harbor, OR 97415

Phone: 541-247-1332
Cell: 541-373-1742
Fax: 800-868-0150
Email: nathan@nathangarcialaw.com
Website: www.nathangarcialaw.com

August 21, 2023

Ms. Tiffany Berg
16110 Lower Harbor Rd.
Brookings, OR 97415
TiffanyBergRealtor@gmail.com

Re: Demand Letter re Flood Light on Cheryl Kelmar's Property at 914 Marina Heights,
Brookings, OR

Dear Ms. Berg,

I represent Ms. Cheryl Kelmar, who recently purchased the neighboring property to yours located at 914 Marina Heights, Brookings, Oregon 97415. I understand that there have been some communications between you and Ms. Kelmar already regarding the floodlight at the top of the side of your home, which causes interference to my client's peaceful use and enjoyment of her property. The floodlight flows through her windows, prevents her from being able to see the stars at night, even when she sits out in her hot tub, prevents her from being able to watch television without her blinds closed, and consistently lights up the entire lower portion of her home and property at night.

Demand is hereby made that you place a cover on the light and/or focus it down so that it does not unreasonably interfere with my client's use and enjoyment of her property. One of the benefits of owning a home on Marina Heights is the view it provides, and Ms. Kelmar's view has been substantially impaired at night due to the floodlight.

Ms. Kelmar is willing to take this to the next level, which would be litigation if the issue is not remedied. There are statutory remedies under ORS 105.505 available for a private nuisance. ORS 105.505 indicates:

"Any person whose property or personal enjoyment thereof is affected by a private nuisance, may maintain an action for damages therefor. If judgment is given for the plaintiff in the action, the plaintiff may, on motion, in addition to the execution to enforce the judgment, obtain an order allowing a warrant to issue to the sheriff to abate the nuisance. The motion must be made at the term at which judgment is given, and shall be allowed of course, unless it appears on the hearing that the nuisance has ceased or that such remedy is inadequate to abate or prevent

the continuance of the nuisance, in which latter case the plaintiff may proceed to have the defendant enjoined."

There is also case law authority that light can constitute a nuisance depending on the fact specific inquiry into the given facts of the case. Frequently these cases deal with public nuisances, but the Oregon Supreme Court weighed in on the matter in *Amphitheaters, Inc. v. Portland Meadows*, 184 OR 336 (1948). Some relevant quotes from the Court in that case are as follows:

"The following cases seem to support the proposition that light cast upon plaintiffs' premises may, under some circumstances, constitute a nuisance, or contribute with other factors to the creation thereof. *Greene v. Spinning*, Mo. App., 48 S. W. (2d) 51; *Kellogg v. Mertens*, supra; *Nugent* [***26] *v. Melville Shoe Corporation*, 280 Mass. 469, 182 N. E. 825; *Hansen v. Independent School Dist. No. 1*, 61 Ida. 109, 98 P. (2d) 959; *Russell v. Nostrand Athletic Club*, 212 App. Div. 543, 209 N. Y. Supp. 76; *National Refining Co. v. Batte*, supra. In *Greene v. Spinning*, supra, the plaintiff and his family had resided for many years in a house located in a residential district. The defendant constructed, and was operating his service station, grease rack and store on adjoining property within 50 feet of plaintiff's house. Gasoline from the defendant's pipe line leaked into and polluted plaintiff's well. The evidence indicated that plaintiff suffered annoyance [*356] from cars stopping at the service station and from the noise of horns, the grinding of brakes, etc., incident thereto. Plaintiff also complained that the work done on the grease rack caused smoke and odors to invade his premises and that the lights from the cars shone into the plaintiff's house and sleeping quarters, destroying sleep and privacy. It also appeared that the defendant caused gasoline explosions on his property. Relying on *National Refining Co. v. Batte*, supra, the court held that [***27] the light of cars shining into plaintiff's home constituted a nuisance. The defendant had indicated a willingness to erect a screen to shut off the rays of light from plaintiff's property. Thereupon an injunction was issued requiring the plaintiff to establish the screen, restraining the defendant from causing explosions on his property and requiring the removal of the grease rack from its then location. The court rejected the doctrine of *Rylands v. Fletcher*, L. R. 3 H. L. 330, and held that the leakage of gasoline was not actionable. The defendant was permitted to continue operations, subject to the limited provisions of the injunction." *Amphitheaters, Inc. v. Portland Meadows*, 184 Ore. 336, 355-356.

"In *Kellogg v. Mertens*, supra, the court enjoined the defendants from conducting rodeos in a residential and farming community. The nuisance consisted in excessive traffic, the quartering of livestock, dust, noise, unsanitary conditions, trespass by the public on plaintiffs' land and the use of flood lights. The court said:

"* * * it was further clearly established that these several grounds of complaint were not mere inconveniences but were positive and existing nuisances which would unquestionably offend the sensibilities of any [***28] ordinary person, and which [**856] would without question seriously interfere with the

reasonable [*357] and proper use and enjoyment of plaintiffs' premises."'
Amphitheaters, Inc. v. Portland Meadows, 184 Ore. 336, 356-357.

"In *Nugent v. Melville Shoe Corporation*, 280 Mass. 469, 182 N. E. 825, the plaintiffs were owners of a dwelling house which immediately adjoined the property of the defendants. The acts complained of occurred in the construction of a building on the defendants' property within 4 feet of plaintiffs' house. The defendants, during the course of construction, maintained windows about 10 feet high and 6 feet wide with steel casings within a few feet of plaintiffs' bedrooms; the opening and closing of the windows caused a loud, slamming noise and the windows were frequently slammed about one o'clock in the morning. It further appeared that the defendants' windows, when fully opened, actually extended on plaintiffs' land a distance of 6 to 8 inches. In the course of construction the defendants also maintained a row of nitrogen lights in their buildings on the side opposite plaintiffs' bedrooms, which lights were turned on about midnight, and which disturbed the sleep of the plaintiffs. Other items of damage were [***29] the destruction of trees and shrubbery and the splattering of cement on plaintiffs' property. A decree was affirmed enjoining the nitrogen lights and the injury to trees and shrubbery, and awarding damages to the plaintiffs. This case also was one in which the interference was with the normal and ordinary use of the plaintiffs' property by persons of ordinary sensibilities." Amphitheaters, Inc. v. Portland Meadows, 184 Ore. 336, 357.

"A case which somewhat resembles the one at bar is *Hansen v. Independent School Dist.*, supra. In that case, upon school district property which was located in a residential district, an athletic field was equipped and lighted and made ready for night baseball. The plaintiffs were the owners of property immediately adjacent to the ball park, and brought suit for an injunction [***30] alleging that the maintenance of the ball park in a residential district constituted a nuisance. The specific charges were that the games were played at night, that large crowds of noisy people attended, that the games continued on some occasions until one o'clock in the morning and that the plaintiffs were unable to rest because of noise, dust and beacon lights which lighted up the surrounding area, that automobiles were parked in such manner as to interfere with ingress and egress to appellants' property, and that baseballs were batted into the yards of the plaintiffs and that persons trespassed thereon for the purpose of recovering the balls and have thereby caused damage to the plaintiffs' property. In the first opinion of the court it was held that the flooding of plaintiffs' homes with excessive light, preventing sleep and rest, creation of excessive noise, trespass of balls and people and parking of automobiles resulted in the creation of a nuisance. The judgment of the trial court for the defendant was reversed. A strong dissent was filed by Budge, J. A rehearing was granted. The second opinion acknowledges that night baseball is a whole-some sport, entertaining many who [***31] could not enjoy the same in daytime. The court adhered to its former [*359] decision to the extent of saying that "in the pursuit of this entertainment and pleasure, its devotees have no right to trespass upon the premises or disturb the ordinary use and enjoyment of the

homes of lawabiding, industrious citizens". The case was sent back to the trial court for additional evidence upon the single issue as to the reasonable hour at which the games should close in order to properly protect the rights of the plaintiffs. The case was again before the Supreme Court upon plaintiffs' appeal from the decree of the lower court which was issued pursuant to the mandate of the Supreme Court on rehearing. The final injunction which was approved by the Supreme Court merely enjoined the defendants from allowing games to be played, noise incident to said games to exist, and lights used in connection with the games to [**857] shine on plaintiffs' premises so as to interfere with their sleep and with the reasonable and necessary enjoyment of their property *after the hour of 10:45 P. M.* The injunction also restrained defendants from allowing baseballs to be batted on the plaintiffs' premises. [***32] The final decree appears to have reduced the entire case to a tempest in a teapot." Amphitheaters, Inc. v. Portland Meadows, 184 Ore. 336, 358-359

"The only case which has been brought to our attention, and in which it has been held that light unaccompanied by any other element of an offensive character constitutes a nuisance, is the case of *The Shelburne, Inc. v. Crossan Corporation*, supra. The plaintiff was the owner of a large hotel on the board walk in Atlantic City which had been operated in the same location for many years. Sixty of its bedrooms had a southerly or southwesterly exposure. The defendant corporation was the owner of property immediately to the southwest, upon which was erected an apartment house. On the roof of the apartment house defendants had erected a sign 66 feet in height and 72 feet in length on which there were 1084 15-watt lights and 6 100-watt lights and 28 75-watt lights. The sign was parallel to the wing of the hotel and about 110 feet distant therefrom. The evidence disclosed that the sign "lights up 40 [***34] or 45 rooms in the new wing of the hotel", disturbs the guests [*361] and lowers the value of the rooms. The court held that light "may become a nuisance if it materially interferes with the ordinary comfort physically of human existence". The trial judge held that the complainant was entitled to a decree restricting the operation of the electric lights during each night *after the hour of 12 o'clock midnight*. The plaintiff's hotel was located on the famous board walk at Atlantic City, where the primary activity appears to be the entertainment of luxury-loving people. We suspect that the court was moved by a comparison of the utility of plaintiff's hotel in that district with the utility of an advertising sign. In any event, the interference was with the normal and ordinary sensibilities of dwellers in the hotel, and with the ordinary use of property." Amphitheaters, Inc. v. Portland Meadows, 184 Ore. 336, 360-361

Ms. Kelmar's case would definitely involve legal issues that would be quite costly for both parties to research and litigate, as nuisance cases are very fact specific, and it seems that this could all be avoidable by making appropriate accommodations so that the floodlight doesn't unreasonably interfere with my client's use and enjoyment of her property. I understand that there is a history between you and Ms. Kelmar that predates her purchase of the 914 Marina Heights home. I have also seen neighbor disputes play out over the years that I've been in practice and my experience has been that it's always

better when neighbors can learn to get along and be neighborly with each other than take an adversarial stance and have to resort to litigation. Commons sense dictates that it's difficult living next to someone that you have deep seeded ill will towards. This is not my hope for you or Ms. Kelmar.

While I understand that a demand letter from an attorney may not be viewed as "neighborly," if the floodlight issue is resolved, Ms. Kelmar intends to be nothing less than a friendly neighbor and won't let any past issues interfere with your future relationship as neighbors. While the two of you may not be the best of friends, you at least do not need to be enemies.

Please let me know by August 30, 2023 whether you intend to take corrective action with respect to the floodlight. If I do not hear from you by then, or otherwise hear from my client that corrective action has been taken, I will assume that your answer is no and will determine the next steps to take with my client. This will likely be court action, as she would have no other choice if she wishes to enjoy the full and beneficial use of her property that she anticipated when purchasing it.

Thank you for your consideration and courtesies.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nathan L. Garcia', is written over the typed name.

Nathan L. Garcia
Attorney at Law

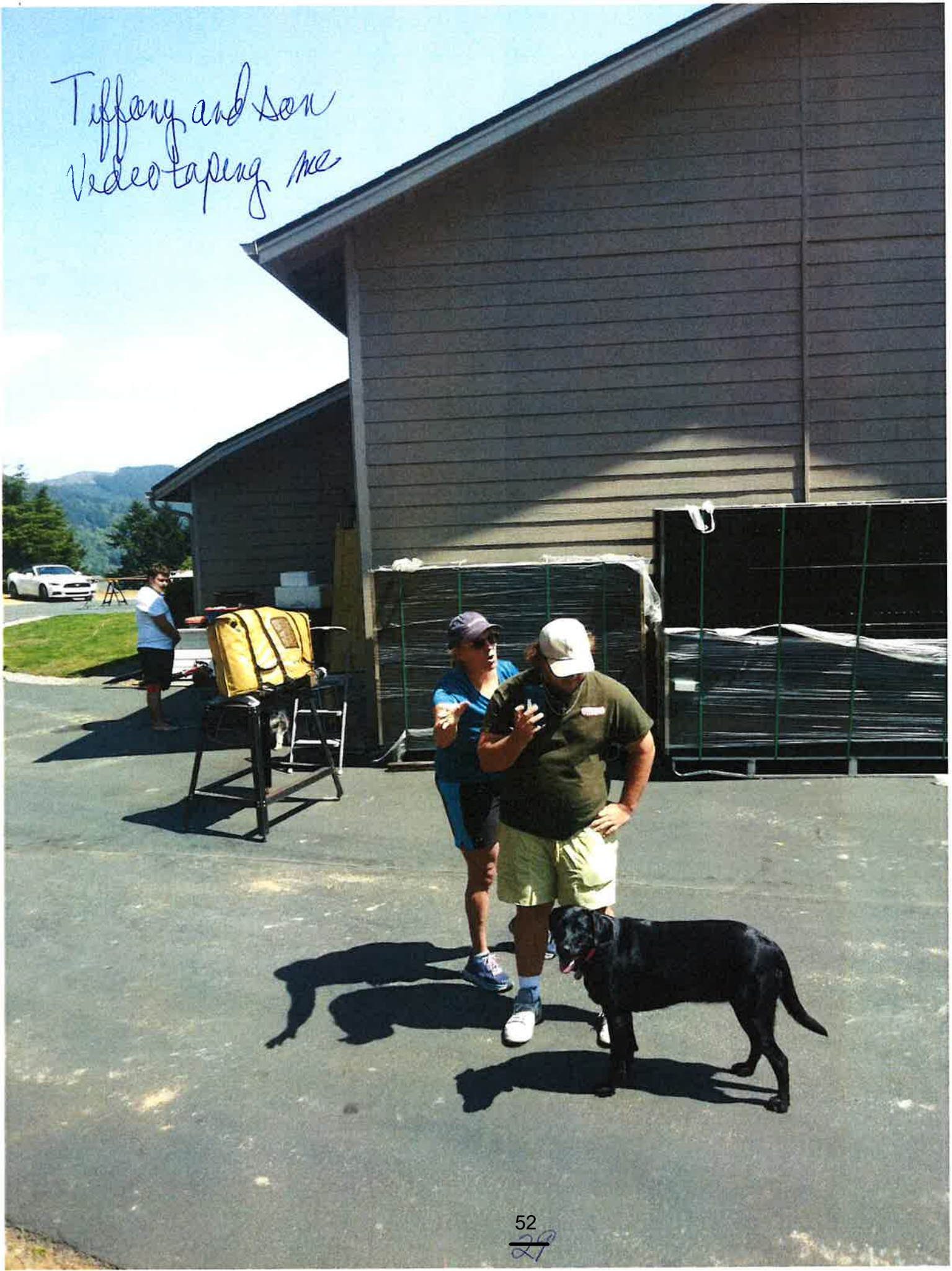
cc: Client

Exhibit B

Video showing Bergs recording Plaintiff when Plaintiff first walked on the lower part of her property . Evidence Number: Video 1

Time	Description	Point
00:00 to 0:38	Cheryl didn't expect to see Tiffany and Trenton videotaping her when she walked to the lower part of her property, so starting waving in a high voice. Notice, the dog going up to her wagging his tail.	Cheryl did not scream at them to justify being videotaped and was not videotaping them first.
0:38 to 0:46	Tiffany insults Cheryl's lipstick and calls her Cray Cray	Beginning of Tiffany's defamation calling Cheryl crazy online.
0:46 to 1:30	Tiffany continued to call Cheryl crazy and Cheryl focused on light	Cheryl did not know it was legal to videotape her while on her own property and did not video tape Berg's. Trenton made up a false statement about Cheryl having video of him.
1:31 to 1:40	Cheryl told Berg's they could not videotape her while on her own property. Trenton states "You have video of me just now."	Berg's falsely accused Cheryl of initiating the conflict and of videotaping Berg's when Cheryl did not.
1:41:00 to 1:56	Tiffany states "You are down here" and Trenton accuses Cheryl of initiating an altercation to justify videotaping Cheryl. But Cheryl was surprised that she was being videotaped when she walked down to her property. Berg's were waiting for her.	
1:57 to 3:04	Tiffany continues to call Cheryl crazy. Trenton states "If you don't want video of you, then go back up to your house" when Cheryl has a legal right to be on the lower portion of her property. Cheryl take a photo of them videotaping her, which is attached.	Trenton admits that Berg's intend to videotape Cheryl when Cheryl is on the lower portion of her property. It also demonstrates the condensing tone of Tiffany toward Cheryl
3:05 to 3:28	Trenton states "Why would we take it down." Cheryl tries to discuss the light issue and Tiffany just laughs	Tiffany laughs often to provoke Cheryl rather than having any fruitful discussion.
3:29 to 3:48	Robert Berg threatens Cheryl	The police report is wrong regarding when Berg's began to take video of Cheryl - probably based on Berg's false testimony
3:49 to 3:56	Tiffany states " ...You walk down her for no reason..." Tiffany accuses Cheryl of coming down to the lower part of the property to attack Berg's. Cheryl did not even know they were there ready to videotape her.	Berg's attitude is that Cheryl had no right to develop the lower part of her property or even walk down onto the lower portion of her property. If she did, Berg's accuse her of causing them trouble.

Tiffany and son
Videotaping me





Brookings Police Department

898 Elk Drive Brookings, OR 97415 541-469-3118

Police Chief Kelby McCrae



Incident Redacted: L2316253

Current As Of:

7/12/2024 1:35:20 PM

Rpt Date/ RcvdTime 8/22/2023 1:38 PM **Offense:** THREATS **Offense2:**
BeginDate/ DispTime 1:39 PM **Location** 914 Marina Hts **Offense3:**
Officer 59820 **EndDate/ArvdTime** 1:47 PM **Apt:** **CityState:** Brookings **Dispatcher:** 56945
BRANION, Ray **Reorder/CldTime** 2:10 PM **Grid:** CITY **Disclose:** Yes

Incident Summary 805-869-8583...Cheryl Kelmar was walking at the bottom of her property, next to Tiffany Berg's property, and Berg's father threatened to hit RP and her son began video taping RP on her property
08/22 13:40:40...219 advised...56945
08/22 13:46:28...202 to 216...Kelmar was asked to leave City Hall this morning for disorderly behavior, making comments about her neighbors...56945
08/22 13:46:57...219 12-97...56945
08/22 13:47:12 ...219 Added ...
08/22 13:55:12...219 spoke to RP, sounds like it was only a verbal dispute. Having issues with a light on Berg's garage, that when it turns on, it shines in RP's bedroom window. This is the cause of this dispute....56945
08/22 13:56:03...219 out at at 241 Marine Dr...56945
08/22 14:10:06 ...219 spoke to other half, all civil at this time. 12-34...56945

CAD Note from 56945 on 08/22/2023 14:21 12-4 from Kelmar indicating she is not satisfied with LE response and she "knows how well connected Berg, Tiffany is in this community". RP was assured that BPD responds to every call the same, irregardless of who is involved. 219 was advised and will be making 12-4 contact with Kelmar.

People Involved:

Involvement	Name	Citation/Charge/Offense	Date Officer
Involved/Cont	BERG, Robert Ward	BRANION	8/22/2023
Involved/Cont	BERG, Trenton	BRANION	8/22/2023
Involved/Cont	BERG, Tiffany	BRANION	8/22/2023
Complainant	KELMAR, Cheryl May	BRANION	8/22/2023

Officer's Signature: _____ **Date:** _____

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Exhibit C

Photographs showing Plaintiff attempted to block Berg's light.



INVOICE

From:

Larry Sample

(541) 661-3328

760 cypress ave
Brookings ore 97415

Bill to:

Cheryl Helmer
914 marina heights
Brookings ore. 97415

Description/ Item	Quantity	Rate	Total
Fabricate & place			
Test Tiffany pole	3.5hr	25hr	87.50

Total Amount Due:

87.60

Paid 10-1-23
Janet Jones

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Exhibit D

Video evidence of Berg's yelling up at worker Larry Sample.

Evidence Number: Berg's Yelling at Larry

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Exhibit E
Manuel Worker Contreras Affidavit

I, Manuel Contreras, declare under penalty the following is true.

1. I do not possess a key to Cheryl Kelman's (ie "Cheryl") shed(s).
2. On or in December of 2023, when erecting a fence along the property line between Cheryl and Tiffany Bug (ie "Tiffany"), Tiffany inquired into what I was doing. Then, I observed a drone over my head as I worked at Cheryl's property.
3. Tiffany would often inquire into what I was doing when working at Cheryl's.
4. In June of 2024, I observed what appeared to be Tiffany's dad put his head over Cheryl's fence to argue with Cheryl, after Cheryl asked them to mend their own business when a friend of mine said hi. Apparently, Cheryl thought the Bugs were again questioning me about what I was doing.
5. On at least 3 occasions I heard Tiffany playing Cheryl's words from a presentation ^{being} ^{very} loud.

Signature Manuel Contreras

Date 7/1/2024

Print Manuel Contreras

Affidavit of Manuel Contreras
Worker for Cheryl Kelmar at 914 Marina Heights Rd, Brookings, Oregon

I, Manuel Contreras, declare under the penalty of perjury that the following statements are true and that I have first hand knowledge of them.

1. I provided W9 information to Cheryl Kelmar as one of her hired workers at the address provided above.
2. Cheryl Kelmar told me that the work being done up to the end of December was part of a 1031 exchange and that my labor would be subject to tax.
3. I was present with two other men who worked for me on _____ while Larry was present.
4. On the day specified in #3, Cheryl left unexpectedly to drive to Grants Pass to obtain an electrical panel for a job I was working on. She communicated that to us.
5. During the 4 hours she was gone, and I was present, I only saw Larry bring one item down from the main house, where he spent most of his time. He used his car to carry a large box and while he was there, our cars crashed as I was trying to do my job that required me to drive my truck down the lower road. Larry unexpectedly parked his car at the base of the lower road.
6. I only saw Larry plant two trees at the end of the day; at around 4 pm.

Date 1-22-24

Signature Manuel Contreras

CITY OF BROOKINGS POLICE DEPARTMENT

Kelby McCrae, Chief of Police



Brookings Police Department Witness Statement

Name: Cheryl Kelmar Case #: L 2401112
Address: 914 Marina Heights Dr Brookings OR
Date of Birth: 3/1/60 Phone: 8658698583
Incident Location: 914 Marina Heights Date: 1/25/23 Time: _____

Tiffany fled a drone over my
house when my worker
Manuel Cantreiras was working
and again on the night of 1/22/2024

*See declaration
of Manuel*

Sign & Date: Cheryl Kelmar 1/23/2024



898 ELK DRIVE
BROOKINGS, OR. 97415
www.brookings.or.us

Phone: (541) 469-3118
Fax (541) 412-0253

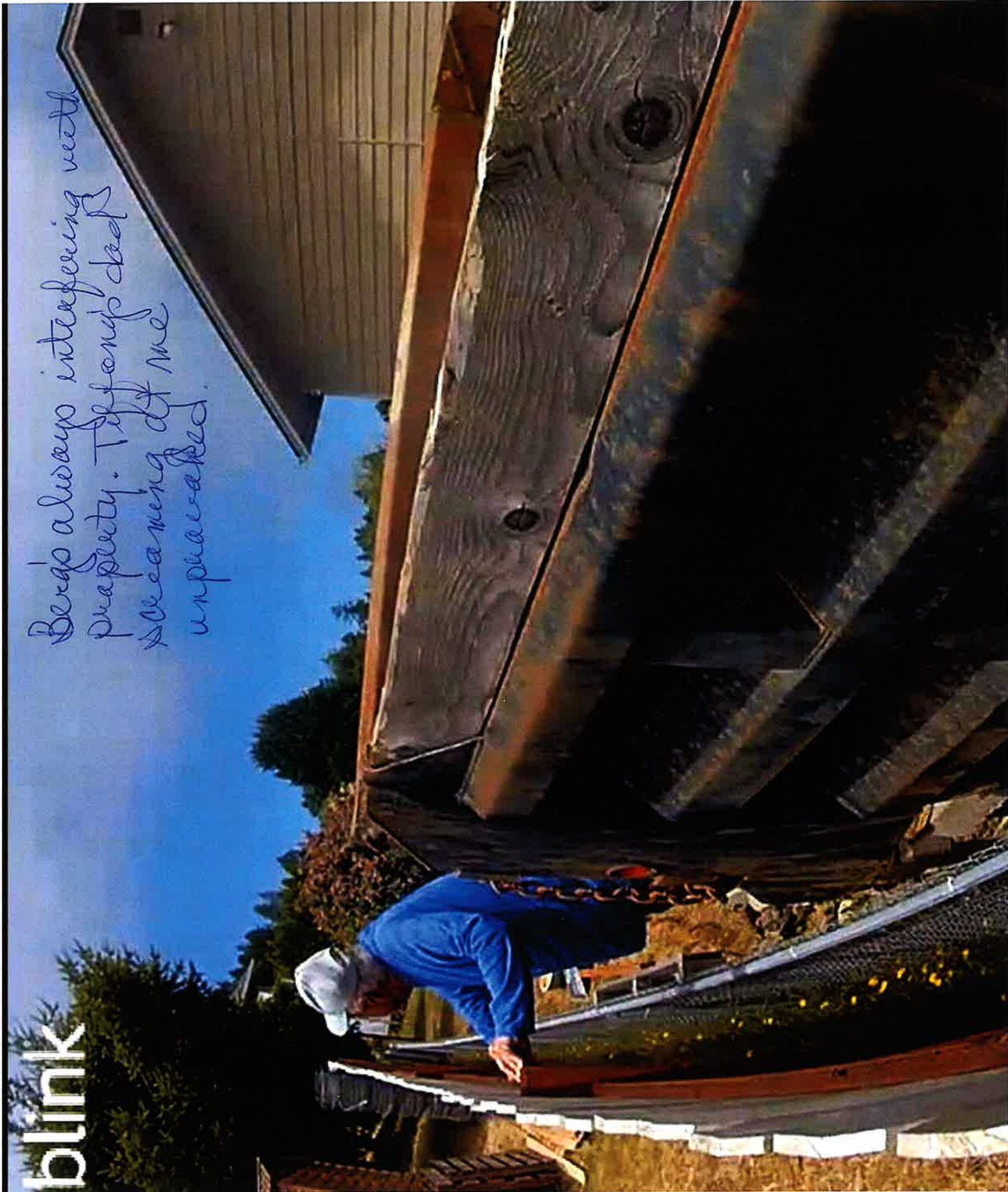
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Exhibit F

Video of Robert Berg interfering with internet workers when
Plaintiff not on property, but at Gold Beach and interference on 1/21/2024
Video Evidence – DadOverFence and Robert Back to CA

blink

Bergs always interfering with
property. Tiffany's dog
screaming at me
unprovoked.





Brookings Police Department

898 Elk Drive Brookings, OR 97415 541-469-3118

Police Chief Kelby McCrae



Incident Redacted: L2401112

Current As Of:

7/12/2024 1:35:17 PM

Rpt Date/ RcvdTime 1/22/2024 10:25 PM **Offense:** CIVIL PROBLEM **Offense2:**
BeginDate/ DispTime 10:25 PM **Location** 914 Marina Hts **Offense3:**
Officer 63858 **EndDate/ArvdTime** **Apt:** **CityState:** Brookings **Dispatcher:** 56753
KIMBALL, Colin **Reorder/CldTime** 12:02 AM **Grid:** CITY **Disclose:** Yes

Incident Summary C/Cheryl, 805-869-8583, put lights up on her fence, thinks tiffany berg's family tampered w/ them, because she doesn't want her lights on her prop, RP adv that she put lights up in her yard that light up tiffany's yard, because Tiffany put up lights in her yard that light up RPs house, RP adv that she knows that this is civil and will contact civil courts, adv this was documented, may call back if she wants 12-4 w/ an officer, 218 adv
01/22 23:09:46...911/ Cheryl...reporting that the neighbor Tiffany is now shining a flood light at her home...Cheryl was advised to call the non emergency number with civil complaint...she did so and was transferred to 218...48969
01/23 00:02:16 ...218 Added ...

CAD Note from 56753 on 01/23/2024 01:20 218 spoke 12-4 may come in w/ further, adv that no crim vio has occurred but if she has evidence to bring it in, wants to go along w/ the civil route, RP is leaving the shed that she has been living in on the prop, which Tiffany adv she is not allowed to be living in

CAD Note from 46005 on 01/23/2024 10:21 Kelmar is wanting to add information about Berg flying a drone over Kelmar's residence; statement scanned to this CAD

CAD Note from 46005 on 01/23/2024 10:24 207 met w/Kelmar in lobby - she is making same complaint - but now her lights don't work and believes Berg tampered with her lights . been adv'd to take civil action regardings lights and cameras; and it is not illegal to fly a drone in Oregon

People Involved:

Involvement	Name	Citation/Charge/Offense	Date Officer
Involved/Cont	BERG, Tiffany	KIMBALL	1/22/2024
Complainant	KELMAR, Cheryl May	KIMBALL	1/22/2024

Officer's Signature: _____ **Date:** _____



Brookings Police Department

898 Elk Drive Brookings, OR 97415 541-469-3118

Police Chief Kelby McCrae



Incident Redacted: L2404338

Current As Of:

7/12/2024 1:35:16 PM

Rpt Date/ RcvdTime	3/22/2024	12:11 PM	Offense: THEFT	Offense2:
BeginDate/ DispTime		12:12 PM	Location 914 Marina Hts	Offense3:
Officer 61556	EndDate/ArvdTime	12:15 PM	Apt:	CityState: Brookings
JOLLEY, Travis	Reorder/CIRDTime	12:18 PM	Grid: CITY	Dispatcher: 64370
Incident	805-869-8583			Disclose: Yes
Summary	Cheryl Kelmar reporting that one of her security cameras was stolen from her house.. 64370			
	03/22 12:12:16 ...211 Added ...			
	03/22 12:12:20...Info to 211...64370			
	03/22 12:14:05...211 out with the rp in the lobby...64370			
	03/22 12:18:05...211 spoke with the rp, requesting documentation only for now, 12-34 ...64370			

People Involved:

Involvement	Name	Citation/Charge/Offense	Date Officer
Complainant	KELMAR, Cheryl May	JOLLEY	3/22/2024

Officer's Signature: _____ **Date:** _____



Brookings Police Department

898 Elk Drive Brookings, OR 97415 541-469-3118

Police Chief Kelby McCrae



Incident Redacted: L2409488

Current As Of:

7/9/2024 5:18:59 PM

Rpt Date/ RcvdTime 6/24/2024 8:32 AM **Offense:** CIVIL PROBLEM **Offense2:**
BeginDate/ DispTime 8:36 AM **Location** 241 Marine Dr **Offense3:**
Officer 63534 **EndDate/ArvdTime** 8:41 AM **Apt:** **CityState:** Brookings **Dispatcher:** 62043
HERNANDEZ JR **Reorder/CldTime** 12:10 PM **Grid:** CITY **Disclose:** Yes
Incident Summary BERG calling because 215 and 220 were out at her residence for a noise complaint called in by KELMAR on Saturday and BERG showed them some cameras KELMAR has installed on the shared fence of their property lines. 215 and 220 made comment to BERG that they were not sure if the placement of the cameras was legal but had to break for a priority call. BERG wanting to know if the camera placement is in fact legal or not...62043
06/24 08:36:26...216 enroute...62043
06/24 08:41:00...216 12-97...62043
06/24 09:03:36...12-4 from Kelmar wanting it relayed to 216 that the camera is pointing down, not at the jacuzzi; and will be coming in to PD to file a complaint about PD's handling of these issues...46005
06/24 09:05:23...216 advised KELMAR that she needs to remove all cameras pointing at deck and jacuzzi area...62043
06/24 09:32:17...KELMAR in the lobby filling out a complaint form and talking to 216...62043
06/24 09:43:14 ...203 speaking with KELMAR in lobby...62043
06/24 09:47:55 ...216 will be advising KELMAR on how to fill out a citizen citation...62043
06/24 10:05:31...216 12-34...62043
06/24 12:10:29 ...216 Added ...

People Involved:

Involvement	Name	Citation/Charge/Offense	Date Officer
Complainant	BERG, Tiffany	HERNANDEZ JR	6/24/2024
Involved/Cont	KELMAR, Cheryl May	HERNANDEZ JR	6/24/2024

Officer's Signature: _____

Date: _____



Brookings Police Department

898 Elk Drive Brookings, OR 97415 541-469-3118

Police Chief Kelby McCrae



Incident Redacted: L2409567

Current As Of:

7/9/2024 5:19:00 PM

Rpt Date/ RcvdTime 6/25/2024 5:39 PM **Offense:** CRIMINAL TRESPASS **Offense2:**
BeginDate/ DispTime 5:53 PM **Location** 914 Marina Heights **Offense3:**
Officer 62279 **EndDate/ArvdTime** 9:52 PM **Apt:** **CityState:** Brookings **Dispatcher:** 48969
LUCERO, Sophia **Reorder/CIRDTime** 9:52 PM **Grid:** CITY **Disclose:** Yes
Incident Summary Kelmar reporting that she just returned home and has video of neighbor climbing on the fence and messing with RP's cameras
.....no damage however wants neighbor arrested for trespass...was asked to send video via e mail for officer review...agreed to do
so
18:24 Kelmar called back ...she was advised no video has been rec'd and stated she was going to send tomorrow...and wanted to
advise that neighbor is playing loud music...declined to have officer contact
06/25 21:52:18 ...235 Added ...

People Involved:

Involvement	Name	Citation/Charge/Offense	Date Officer
Complainant	KELMAR, Cheryl May	GOLDEN	6/25/2024

Officer's Signature: _____

Date: _____

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Exhibit G

Police report regarding January 2024 Tiffany Berg reckless driving on highway 101 to harass.

Tiffany passed 5 cars to come behind me to videotape





Brookings Police Department

898 Elk Drive Brookings, OR 97415 541-469-3118

Police Chief Kelby McCrae



Incident Redacted: L2401168

Current As Of:

7/12/2024 1:35:17 PM

Rpt Date/ RcvdTime 1/23/2024 9:57 AM **Offense:** HARASSMENT **Offense2:**
BeginDate/ DispTime 9:57 AM **Location** 914 Marina Hts **Offense3:**
Officer 59682 **EndDate/ArvdTime** 10:05 AM **Apt:** **CityState:** Brookings **Dispatcher:** 46005
PETTIS, Aaron **Reorder/ClrdTime** 10:25 AM **Grid:** CITY **Disclose:** Yes

Incident

Summary 01/23 10:00:08...C/Kelmar in lobby reporting on going harassment by Berg; today while driving home from Gold Beach - Berg came up close to her in her vehicle - C/took a picture of the vehicle tailgating her
C/Also wants to continue complaint made on L2401112...46005
01/23 10:00:12...207 enr...46005
01/23 10:05:54 ...206 Added ...
01/23 10:23:18...207: Kelmar claims that a white BMC operated by Berg came flying up behind her almost causing a crash on 101 near Carpenterville ...46005

People Involved:

Involvement	Name	Citation/Charge/Offense	Date Officer
Involved/Cont	BERG, Tiffany	PETTIS	1/23/2024
Complainant	KELMAR, Cheryl May	PETTIS	1/23/2024

Officer's Signature: _____ **Date:** _____

1
2 **Exhibit H**

3 Evidence relating to June 18, 2024, drone incident.
4

5 The following is a picture Tiffany provided to the City of Brookings to falsely accuse
6 Cheryl of modifying her septic without a permit. See Exhibit N. Cheryl arrived with the
7 UHaul trailer on 6-18-2024 and returned it on 6-19-24 as shown in Exhibit N.
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17 Video Evidence of Tiffany yelling “We Missed You” – Plaintiff will have audio increased
18 professionally so a jury can hear it.
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Brookings Police Department

898 Elk Drive Brookings, OR 97415 541-469-3118

Police Chief Kelby McCrae



Incident Redacted: L2409180

Current As Of:

7/9/2024 5:18:58 PM

Rpt Date/ RcvdTime 6/18/2024 6:12 PM **Offense:** MISUSE OF 911 **Offense2:**
BeginDate/ DispTime 6:15 PM **Location** 914 Marina Hts **Offense3:**
Officer 59820 **EndDate/ArvdTime** 6:15 PM **Apt:** **City/State:** Brookings **Dispatcher:** 56945
BRANION, Ray **Reorder/CldrTime** 7:10 PM **Grid:** CITY **Disclose:** Yes

Incident Summary 805-869-8563...Cheryl Kelmar has a drone flying over her house. Advised caller that that is not illegal, she does not own the airspace over her property. Then RP stated that her neighbor, Tiffany Berg, is verbally threatening her. Requesting officer contact.
06/18 18:17:17 ...219 Added ...
06/18 18:17:41 ...219 left VM, RP did not answer attempted 12-4...56945
06/18 18:20:11...Business lineBerg looks like neighbor/property owner is moving into a shed on her property with no water, sewer or power. Weeds/grass is up to about 4 feet high and she may try to start a fire. Xfer to 219...56945
06/18 18:33:09...805-869-8583 Kelmar calling 911 again, wanting to know where officer is. Xfer to 219...56945
06/18 18:37:15 ...219 unable to have a civil conversation 12-4 with RP, she would not stop yelling and cursing. Disconnected call and will be enr to residence to attempt to calm her down...56945
06/18 18:38:46...219 will be out at Berg residence 1st...56945
06/18 18:38:54...220 out with 219...56945
06/18 18:46:11...Kelmar in lobby stating BPD does not care about her safety and that officers always side with Berg. She drove 12 hours today to be assaulted with a drone over her house. Advised Kelmar that officer was on his way to her house after she yelled at him on the phone. Kelmar denies yelling at 219. Kelmar now writing a written complaint in lobby. 219 was advised...56945
06/18 18:46:18...219 clear enr 12-3...56945
06/18 18:52:01...Kelmar provided written statement and that will be scanned into this CAD...56945
06/18 18:52:15...219 out with Kelmar in lobby now...56945
06/18 19:06:10...Both parties were counseled to leave each other alone. Tiffany is concerned about Cheryl living in the shed. Forward to Tony Baron for the violation of city code...56945
06/18 19:07:04...219...Kelmar was warned for misuse of 911...56945
06/18 19:10:34 ...CAD emailed to Baron...56945

CAD Note from 52065 on 06/19/2024 12:00 205/adv KELMAR was explained the rules on part 107, she was also provided the phone number for Oregon dept of aviation to file any harassment complaints regarding drones. she adv she wanted to rescind her complaint and she will deal with ODA

** Kelmar wears hearing aids that were out of power*

People Involved:

Involvement	Name	Citation/Charge/Offense	Date Officer
Involved/Cont	BERG, Tiffany	BRANION	6/18/2024
Complainant	KELMAR, Cheryl May	BRANION	6/18/2024

Officer's Signature: _____

Date: _____

CITY OF BROOKINGS POLICE DEPARTMENT



Kelby McCrae, Chief of Police

22409180

COMPLAINT AGAINST OFFICER

Today's Date: 6/18/24

Date of Incident: 6/18/24

Your Name: Cheryl Kelmar

Date of Birth: 3-1-60

Address: 914 Marina Heights
Brookings, OR

Phone: 8058698583

Officer(s) Involved:

Location: 914 Marina Heights

Time: 6:00 am/pm

My complaint is: I drove up to my shed after a long drive, got out of my car and immediately heard a woman yell "Let the war begin - we are going to get you!" Then, a drone flew over my house and right at my head as I stood outside my shed. The police showed no concern as I fear for my safety. I was almost hit in the head with a Tuffy Buggy drone. This isn't about my shed. It's about my safety.

I hereby swear and affirm that the above information contained in my statement is true and factual to the best of my knowledge. I understand that making a false statement, or report, to a law enforcement officer or law enforcement agency is a criminal offense and engaging in such conduct could result in my arrest and prosecution under the Criminal Laws of the State of Oregon.

SIGNED:

Intake Officer: Brandon

Incident #:

Refer Chief Detective Sergeant

Additional pages ☒ yes ☐ no

Date/Time:

BROOKINGS POLICE DEPT.

898 ELK DR.

BROOKINGS, OR 97415

541-469-3118



898 ELK DRIVE
BROOKINGS, OR. 97415
www.brookings.or.us

Phone: (541) 469-3118
Fax (541) 412-0253

22409180

6/18/2024

Redacted Log of Call

6/21/2024 10:27:36 AM

Call	Location	Date Rcvd	Disp	Enrout	Arvd	Clrd	Unit	Offense	Zone
9178		6/18/2024	18:12	18:15	18:15	19:10	Ray Branion	MIS911	CITY

914 Marina Hts

Blotter:

914 Marina Hts

Inc# L2409180

Agency

Narrative: 805-869-8563...Cheryl Kelmar has a drone flying over her house. Advised caller that that is not illegal, she does not own the airspace over her property. Then RP stated that her neighbor, Tiffany Berg, is verbally threatening her. Requesting officer contact.

06/18 18:17:17 ...219 Added ...

06/18 18:17:41 ...219 left VM. RP did not answer attempted 12-4...56945

06/18 18:20:11...Business line ...Berg looks like neighbor/property owner is moving into a shed on her property with no water, sewer or power. Weeds/grass is up to about 4 feet high and she may try to start a fire. Xfer to 219...56945

06/18 18:33:09...805-869-8583 Kelmar calling 911 again, wanting to know where officer is. Xfer to 219...56945

06/18 18:37:15 ...219 unable to have a civil conversation 12-4 with RP, she would not stop yelling and cursing. Disconnected call and will be enr to residence to attempt to calm her down...56945

06/18 18:38:46...219 will be out at Berg residence 1st...56945

06/18 18:38:54...220 out with 219...56945

06/18 18:46:11...Kelmar in lobby stating BPD does not care about her safety and that officers always side with Berg. She drove 12 hours today to be assaulted with a drone over her house. Advised Kelmar that officer was on his way to her house after she yelled at him on the phone. Kelmar denies yelling at 219. Kelmar now writing a written complaint in lobby. 219 was advised...56945

06/18 18:46:18...219 clear enr 12-3...56945

06/18 18:52:01...Kelmar provided written statement and that will be scanned into this CAD...56945

06/18 18:52:15...219 out with Kelmar in lobby now...56945

06/18 19:06:10...Both parties were counseled to leave each other alone. Tiffany is concerned about Cheryl living in the shed. Forward to Tony Baron for the violation of city code...56945

06/18 19:07:04...219...Kelmar was warned for misuse of 911...56945

06/18 19:10:34 ...CAD emailed to Baron...56945

06/19 12:00:24 ...CAD Note from 52065 on 06/19/2024 12:00 205/adv KELMAR was explained the rules on part 107, she was also provided the phone number for Oregon dept of aviation to file any harassment complaints regarding drones. she adv she wanted to rescend her complaint and she will deal with ODA

06/19 12:00:24 ...CAD Note from 52065 on 06/19/2024 12:00 205/adv KELMAR was explained the rules on part 107, she was also provided the phone number for Oregon dept of aviation to file any harassment complaints regarding drones. she adv she wanted to rescend her complaint and she will deal with ODA

Received By 56945

BSP

Origin: 911 Call

Units on this Call 219

Name	KELMAR	CHERYL	HAZ	Complainant
Name	BERG	TIFFANY	BRO	Involved/Contacted



Brookings Police Department

898 Elk Drive Brookings, OR 97415 541-469-3118

Police Chief Kelby McCrae



Incident Redacted: L2409602

Current As Of:

7/9/2024 5:19:01 PM

Rpt Date/ RcvdTime	6/26/2024	10:01 AM	Offense:	CRIMINAL TRESPASS	Offense2:	
BeginDate/ DispTime		10:01 AM	Location	914 Marina Hts	Offense3:	
Officer 63534 EndDate/ArvdTime		10:34 AM	Apt:		CityState:	Brookings
HERNANDEZ JRReorder/CIRDTime		12:47 PM	Grid:	CITY	Disclose:	Yes
					Dispatcher:	46005

Incident

Summary

06/26 10:02:10...Kelmar in lobby filing an Officer Complaint as well as wants to press charges for trespass; has pic of person on her fence...46005

06/26 10:02:15 ...216 Added ...

06/26 10:30:43 ...216 enr to 241 Marine Dr to formally trespass both Berg"s from 914 Marina Hts...56945

06/26 10:35:01 ...216 12-97...56945

06/26 10:44:35...Email received from Kelmar: 06/26/2024 08:26

"Complaint against Tiffany Berg

On June 18, 2024, I arrived and immediately had derogatory comments made at me by a young woman living at Tiffany Berg's house and then a drone over my head - unregistered. When I called the police, they told me I had no rights and it was OK that Tiffany was flying a drone by my head and over my property - and I claim that it is obviously done with an intent to annoy and harass. Later, I spoke to officer Thomas or Tom - I must have written it down - who confirmed what I had stated that flying a drone over another to harass and annoy is a crime, and a drone must be registered. But still the police has done nothing to Tiffany.

On June 19, 20, 22, 23 and 25th Tiffany has played my presentation to the City Council, done almost a year ago, loudly so it could be heard - and was heard by my tenants and my workers - over 50 feet. I reported it on June 19, 22 and over and over on the night of the 25th. Yet, the police have done nothing. In fact, my tenants confirmed that the police did come by when the audio was playing but didn't cite Tiffany. Tiffany turned off the audio and then turned it on as soon as the police left.

On the 25th, when I made a complaint, again nothing was done. Instead, I have video of the police getting out of the truck to investigate my property. Why is Tiffany above the law where I am being subjected to constant harassment?

Yesterday, I made a complaint that Tiffany's father climbed onto my fence and altered my video camera. The video is attached. The police asked me what damages? It doesn't matter, a trespass is a trespass. Tiffany and her family have no right to climb onto my fence to look over. This behavior is part of continued harassment of me, my workers, and my tenants over that past year.

I do get upset since the behavior by Tiffany's family has caused me unacceptable stress. Thus, I will be filing in court to attempt to get assistance by the court and to take up some matters from the seller, such as not telling me about this light. In 2022, when Tiffany showed me my house as the broker back then she did not mention this light and so I

Incident Redacted: L2409602

Current As Of:

7/9/2024 5:19:01 PM

will be filing a complaint with the Oregon Real Estate commission even though I am not optimistic.

It appears as if a Change of Venue is necessary because of the defamation I have endured by Tiffany online and the favoritism from the police to keep her from any consequences for her actions. My cameras are legal and are there because Tiffany has hidden at the property line in the past, even at night, and then when I see her and get upset, she posts only my getting upset online calling me names. Discovery if I could get her phone and YouTube video uploads would confirm that she edited the video she took online.

Videos and pictures are attached. My cameras were not focused toward her jacuzzi."...56945

06/26 10:45:36...Photos and videos will be attached to this CAD...56945

06/26 10:46:20...216...clear will dispo 12-3...56945

06/26 11:03:47 ...216 Removed

06/26 12:46:08...216...Robert has been formally trespassed from Kelmar property. He denied being on property despite photo evidence shown to him. Stated he will do this any time he pleases and will reach across fence any time he chooses. Was strongly advised against this to avoid criminal charges....56945

06/26 12:47:04 ...216 Added ...

People Involved:

Involvement	Name	Citation/Charge/Offense	Date Officer
Suspect	BERG, Tiffany	HERNANDEZ JR	6/26/2024
Suspect	BERG, Robert Ward	HERNANDEZ JR	6/26/2024
Complainant	KELMAR, Cheryl May	HERNANDEZ JR	6/26/2024

Officer's Signature: _____

Date: _____

CITY OF BROOKINGS POLICE DEPARTMENT

Kelby McCrae, Chief of Police



~~COMPLAINT AGAINST OFFICER~~

Today's Date: 1/20/24

Date of Incident: _____

Your Name: Cheryl Kelmer

Date of Birth: 3-1-66

Address: 914 Marina Heights

Phone: 805 869 8583

Officer(s) Involved: _____

Location: _____

Time: _____ am/pm

My complaint is: Today, I installed cameras on fence after speaking to police about her flying a drone at my head. Tiffene started playing my presentation to the city loudly to provoke me, which she always does. Then, when making her truck to block my camera, she yelled at me working on my camera "I'm going to kill you".

I hereby swear and affirm that the above information contained in my statement is true and factual to the best of my knowledge. I understand that making a false statement, or report, to a law enforcement officer or law enforcement agency is a criminal offense and engaging in such conduct could result in my arrest and prosecution under the Criminal Laws of the State of Oregon.

SIGNED: Cheryl Kelmer

Intake Officer: _____

Incident #: _____

Refer _____ Chief _____ Detective _____ Sergeant _____

Additional pages _____ yes _____ no

Date/Time: _____

BROOKINGS POLICE DEPT.
898 ELK DR.
BROOKINGS, OR 97415
541-469-3118



898 ELK DRIVE
BROOKINGS, OR. 97415
www.brookings.or.us

Phone: (541) 469-3118
Fax (541) 412-0253

Call 9178 made on June 18, 2024. This police report is important since flying a drone at your neighbor's head is illegal in Oregon, but the police report does not state this. It only emphasizes that Cheryl was speaking loudly. It does not mention that Cheryl advised the police that she wears hearing aids and had been driving 12 hours. Therefore, her hearing aids are out of order. It also does not include Cheryl's written write up. Also, Cheryl did take a picture of the drone once it moved away from her head. Please, include these in the report. Further, it does not include the fact that the police required proof of the event, which they don't when Tiffany reports something.





U.S. Department
of Transportation
**Federal Aviation
Administration**

Aviation Safety
Flight Standards District Office

Flight Standards District Office
3180 NE Century Blvd.
Hillsboro, Oregon 97124
503-615-3316, Fax: 503-615-3300
1-800-847-3806
christian.tanmajo@faa.gov

January 27, 2025

Cheryl Kelmar
P.O. Box 367
Santa Barbara, CA 93102

Dear Ms. Kelmar:

This letter is in response to your inquiry on October 23, 2024, regarding your neighbor flying their drone over you and your property in Brookings, Oregon. Our findings indicated further action was warranted and an investigation was conducted.

The investigation revealed the drone operator was not in compliance with Federal Aviation Regulations. I have since worked with the operator and have returned them to compliance. Please refer to local law enforcement if you feel the harassment with the drone and operator continues.

If you have any additional information or questions, please contact me via telephone at (503) 615-3316 or email at christian.tanmajo@faa.gov.

Thank you for your time and cooperation in this matter.

Sincerely,

CHRISTIAN
TANMAJO
Christian Tanmajo
Aviation Safety Technician

Digitally signed by
CHRISTIAN TANMAJO
Date: 2025.01.30
09:07:23 -08'00'

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Exhibit I

Robert Berg threats and insults. Police report and video

Video Evidence – Tiffany Dad 6-25 4

Tiffany did climbing
on my fence on 6/25





Brookings Police Department

898 Elk Drive Brookings, OR 97415 541-469-3118

Police Chief Kelby McCrae



Incident Redacted: L2409338

Current As Of:

7/9/2024 5:18:59 PM

Rpt Date/ RcvdTime 6/21/2024 10:34 AM **Offense:** **CIVIL PROBLEM** **Offense2:**
BeginDate/ DispTime 10:40 AM **Location** 914 Marina Hts **Offense3:**
Officer 64353 **EndDate/ArvdTime** 10:40 AM **Apt:** **CityState:** Brookings **Dispatcher:** 62043
STEVENSON, SeReorder/CIRDTime 10:51 AM **Grid:** CITY **Disclose:** Yes

Incident Summary RP/ KELMAR 805-869-8583 in lobby to report that as her worker arrived to her house yesterday BERGS father put his head over her fence and asked them what they were doing. KELMAR told the subject to mind his own business and it was going to court, to which the subject replied "you bitch, we'll get you", " No one likes you" and " bring it on cunt". RP states she did nothing to provoke the subjects reaction outside of telling him to mind his business. RP states the BERG family then played her presentation she gave to the city council about their flood light in 2023 over a loud speaker for 3 hours until 9pm....62043
06/21 10:40:57...Hand written complaint by RP scanned into cad and original handed back to RP...62043
06/21 10:47:14...220 spoke with RP, she advised that BERGs father peeked over fence while she had workers on property and was talking to her workers. KELMAR asked why and BERGS father began cursing at her and stated "we are going to get you". 220 advised to doc interactions and present to civil court. 12-34...62043
06/21 10:47:45 ...220 Added ...
06/21 10:51:14...KELMAR req copy of cad from today, yesterday and tuesday. Redacted copies provided and \$15 placed in 202s box...62043

People Involved:

Involvement	Name	Citation/Charge/Offense	Date Officer
Involved/Cont	BERG, Tiffany	STEVENSON	6/21/2024
Complainant	KELMAR, Cheryl May	STEVENSON	6/21/2024

Officer's Signature: _____

Date: _____

CITY OF BROOKINGS POLICE DEPARTMENT

Kelby McCrae, Chief of Police



Brookings Police Department Witness Statement

Name: Cheryl Kelman Case #: L 240 11 ¹² ~~18~~
Address: 914 Marana Heights Rd Brookings OR
Date of Birth: 3/1/60 Phone: 805 869 8583
Incident Location: 914 Marana Heights Rd Date: 1/22/24 Time: app 9p
I installed lights and camera on fence because Tiffany Beng has been video taping me on my own property and posting it online. My lights worked for first ten last night after 1pm. At 9pm they were no longer working. I suspect Tiffany damaged my property to cause lights to fail. I said she was a bitch while on my own property 100 ft away. Later, she flew a drone over my property and shined a large light into my shed window from 200+ ft away for hours.
Sign & Date: Cheryl Kelman 1/22/2024



1
2 **Exhibit J**

3 Police reports and video of Berg's playing Plaintiff's 2023 presentation to Brookings City
4 Council over an outside loudspeaker night after night.

5
6 Video Evidence – 10-23 Tiffany play presentation, 6-22-24, Tiffany play presentation, 6-25-
7 24 Tiffany play presentation, 6-26-24 Morning Tiffany play presentation, 6-26-24 Tiffany
8 play presentation, Celebrity 6-24, and 7-1-24 Tiffany play presentation, and Plaintiff has
9 more such videos.

10 The following is an email delivered on a read only CD from an attorney representing the
11 City of Brookings of the Brookings Chief of Police stating that Tiffany could harass me
12 anytime, anywhere by playing my presentation to the Brookings City Council in 2023 over
13 and over into the night from her outdoor speaker without consequences even after Plaintiff
14 filed many complaints. Thus, Plaintiff was forced to incur an expense of \$1500 to appear in
15 Municipal court in person for noise pollution where Tiffany Berg was only fined \$100.

16 **From:** Kelby McCrae [mailto:mccraek@brookings.or.us]
17 **Sent:** Monday, July 1, 2024 4:51 PM
18 **To:** Lauri Ziemer
19 **Cc:** Tony Baron
20 **Subject:** Re: FW: Tuesday Presentation

21 Lauri,

22 Has anyone else made a complaint about Tiffany's light? Also, on Cheryl's complaint about Tiffany
23 showing Cheryl in a public meeting, there's nothing wrong with that. It was a public meeting and it is free to
24 replay the public recording anywhere you like for as long as you like. Let Cheryl know it's also on YouTube!

25 Chief Kelby McCrae
26 Brookings Police Department
27 898 Elk Drive
28 Brookings, OR 97415
mccraek@brookings.or.us
(541)-469-3118 x2200

CITY OF BROOKINGS POLICE DEPARTMENT

Kelby McCrae, Chief of Police



~~COMPLAINT AGAINST OFFICER~~

Today's Date: 1/22/2024

Date of Incident: _____

Your Name: Cheryl Kelmar

Date of Birth: 3-1-66

Address: 914 Marina Heights

Phone: 805 869 8583

Officer(s) Involved: _____

Location: _____

Time: 4 am/pm

My complaint is: Tiffany has been playing my presentations to the city about her fight for 2 hours. She played it for 3 hours last night. I had to leave my home. My tenants heard the recording.

The police appear to embolden Tiffany's harassment of me by doing nothing.
Witnesses: Amanda 6615492634
Witnesses: Nanci Centurion 709 218 7528

I hereby swear and affirm that the above information contained in my statement is true and factual to the best of my knowledge. I understand that making a false statement, or report, to a law enforcement officer or law enforcement agency is a criminal offense and engaging in such conduct could result in my arrest and prosecution under the Criminal Laws of the State of Oregon.

SIGNED: Cheryl Kelmar

Intake Officer: 270944 230125

Incident #: 22409412

Refer _____ Chief _____ Detective _____

Additional pages _____ yes _____ no

Date/Time: _____

BROOKINGS POLICE DEPT.

898 ELK DR.

BROOKINGS, OR 97415

541-469-3118

Phone: (541) 469-3118

Fax (541) 412-0253



898 ELK DRIVE
BROOKINGS, OR. 97415
www.brookings.or.us

Redacted Log of Call

6/21/2024 10:28:06 AM

Call	Location	Date Rcvd	Disp	Enrout	Arvd	Clrd	Unit	Offense	Zone
9304		6/20/2024	17:54	18:11	18:11	18:11	18:28 Jason Barrigar	DISFT	CITY
914 Marina HTS		Blotter:							
914 Marina HTS		Narrative: 805-869-8583, Kelmar calling to report that while she was putting up a security camera outside her neighbor Berg has been threatening her and playing a video of Kelmar very loudly attempting to provoke her. Kelmar was advised to remain separated from Berg and an officer would be making contact with her as soon as ava...62648 06/20 18:11:05...207 out with KELMAR in the lobby reporting the same, also wrote down the complaint against her neighbor, copy scanned to CAD and original given to Kelmar. Kelmar will be coming in tomorrow to pick up a copy of this CAD and a CAD from yesterday regarding a drone. ...62648 06/20 18:28:24 ...207 Added ...							
Inc# L2409306	Agency								
Received By	62648	BSP	Origin: Telephone Units on this Call 207						

Name	KELMAR	CHERYL	HAZ	Involved/Contacted
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Name	BERG	TIFFANY	BRO	Involved/Contacted
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Brookings Police Department

898 Elk Drive Brookings, OR 97415 541-469-3118

Police Chief Kelby McCrae



Incident Redacted: L2409412

Current As Of:

7/9/2024 5:18:59 PM

Rpt Date/ RcvdTime 6/22/2024 2:56 PM **Offense:** LOUD NOISE **Offense2:**
BeginDate/ DispTime 2:58 PM **Location** 241 Marine Dr **Offense3:**
Officer 64353 **EndDate/ArvdTime** 6:47 PM **Apt:** **CityState:** Brookings **Dispatcher:** 62043
STEVENSON, S **Reorder/CIRDTime** 6:47 PM **Grid:** CITY **Disclose:** Yes

Incident Summary Rp/ KELMAR 805-869-8583 reporting BERG playing a loud recording of her presentation to the city council about BERGS flood light. RP reporting this is on going harassment....62043
06/22 14:58:05...220 copies...62043
06/22 15:17:22 ...220 Added ...
06/22 15:12:46...220 and 215 12-97...62043
NOTE: units had to clear at 15:31 for a priority call, physical dispute in progress.
06/22 15:52:25 ...RP called back reporting she is still doing it at full blast for the last 2 hours. RP req officer resp and contact...62043
06/22 15:59:45 ...220 Removed
06/22 16:23:51...215 advises they did hear BERG playing the presentation, it was loud but not unreasonably loud. ...62043
06/22 16:41:25...Kelmar in lobby ...will have officer come speak with her...48969
06/22 16:45:20...Per 205 217 is to refer to 220 or 219 have been dealin with ongoing issue...48969
06/22 17:05:34...Kelmar spoke with 217, filled out form with report and witness info, and was provided CAD will be pursuing RO tomorrow...48969
06/22 18:47:29...220 advised that photos were taken of the cameras on Kelmar property that were aimed at Berg property...48969
06/22 18:47:35 ...235 Added ...

People Involved:

Involvement	Name	Citation/Charge/Offense	Date Officer
Involved/Cont	BERG, Tiffany	GOLDEN	6/22/2024
Complainant	KELMAR, Cheryl May	GOLDEN	6/22/2024

Officer's Signature: _____ **Date:** _____

Handwritten signature/initials

CONFIDENTIAL

UNIFORM CITATION AND COMPLAINT

Violations or Crimes Where Separate Complaint Will Not Be Filed/ORS 153.045 or 153.069

STATE OF OREGON
CITY/OTHER PUBLIC BODY Brookings
COUNTY OF Curry

OR (Not Both) ☐ VIOLATION(S) (See B on Back)

☐ Traffic ☐ Other ☐ Wildlife
☐ Boating ☐ Commercial Fishing

Docket No. _____

Court: ☐ Municipal ☐ Justice
☐ Juvenile ☐ Circuit
☐ Community ☐ Tribal ☐ Peer

THE UNDERSIGNED CERTIFIES AND SAYS THAT THE FOLLOWING PERSON:

DEFENDANT

ID Type ☐ CDL ☐ Non-CDL ID No. _____ State _____ License Class _____

Name: Last BLAKE TITLAND First _____ MI _____

Address 241 MARINE DR Tel No. _____

City Brookings State OR Zip Code 97415 Def is: ☐ Passenger ☐ Employed to drive ☐

Sex M Race W DOB 06/21/1984 Height _____ Weight _____ Hair _____ Eyes _____

AT THE FOLLOWING TIME AND PLACE IN THE ABOVE-MENTIONED STATE AND COUNTY:

TIME/PLACE

Offense Date on or about JUNE 21 + 22 2024 Time 5:00 PM ☐ AM ☐ PM ☐ Highway ☐ Premises open to public ☐

At or near Location: 974 MARINE DR BROOKINGS OR 97415

INVOLVING THE FOLLOWING:

REL. INFO

Type _____ Regis/VIN/ID No. _____ State _____ ☐ Accident ☐ Injury
☐ Property Damage ☐ Endanger others

Vehicle year, make, model, style, color, OR Other, describe: _____

Other _____ ☐ Driver not Reg. Owner ☐ Haz Material
☐ Com. Passenger Vehicle ☐ Com. Vehicle

DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):

OFFENSE(S)

1. Violated (cite ORS/ORD/rule) _____ Describe _____ Alleged Spd _____ Designated Spd _____ ☐ Posted Limit ☐ Radar ☐ Pace ☐ Laser ☐ VBR

☐ Intentional ☐ Knowing ☐ Reckless ☐ Criminal negligence ☐ No culpable mental state ☐ Safety Corridor ☐ Pstd Sch Zn ☐ Hwy Wk Zn

1. Presumptive Fine: _____

2. Violated (cite ORS/ORD/rule) _____ Describe _____

☐ Intentional ☐ Knowing ☐ Reckless ☐ Criminal negligence ☐ No culpable mental state

2. Presumptive Fine: _____

3. Violated (cite ORS/ORD/rule) _____ Describe _____

☐ Intentional ☐ Knowing ☐ Reckless ☐ Criminal negligence ☐ No culpable mental state

3. Presumptive Fine: _____

Expl. _____

OTHER

67407412 01/24
67249332 6/21

I certify under ORS 153.045 and 153.990 and under other applicable law and under penalties for false swearing, do swear/affirm that I have sufficient grounds to and do believe that the above-mentioned defendant/person committed the above offense(s) and I have served the defendant/person with this complaint.

Date Issued _____ 1st Officer Signature _____

Print 1st Officer Name _____

Print Name _____

Officer(s) Agency ID _____

1st Officer ID No. _____

2nd Officer ID No. _____

OUR COURT APPEARANCE DATE, TIME AND LOCATION ARE

Time 1:00 ☐ AM ☐ PM

☐ State Courts ☐ Brookings Municipal Court
94235 Moore St. 898 Elk Dr.
Suite 200 Brookings, OR 97415
Gold Beach, OR 97444

30020

OFFICER'S NOTES Reserved for D.A. use

Reserved for Court use

OREGON UNIFORM CITATION AND COMPLAINT

Use for All Violations or Crimes Where Separate Complaint Will Not Be Filed/ORS 153.045 or 153.069

COMPLAINT

30020

Reserved
for D.A. use

Reserved for
Court use

☐ CRIME(S) (See A on Back)	☒ OR (Not Both)	☒ VIOLATION(S) (See B on Back)	☐ Traffic ☐ Other ☐ Wildlife ☐ Boating ☐ Commercial Fishing
--	--	---	---

STATE OF OREGON

CITY/OTHER PUBLIC BODY Brookings

COUNTY OF Curry

Docket No. _____

Court: ☒ Municipal ☐ Justice
☐ Juvenile ☐ Circuit ☐ Tribal ☐ Peer

THE UNDERSIGNED CERTIFIES AND SAYS THAT THE FOLLOWING PERSON:

ID Type ☐ CDL ☐ Non-CDL	ID No.	State	License Class
Name Last <u>BERG</u>	First <u>TIFFANY</u>	MI	
Address <u>241 MARINE DR</u>			
City <u>BROOKINGS OR</u>	State <u>OR</u>	Zip Code <u>97415</u>	Tel No.
Sex <u>F</u>	Race <u>W</u>	DOB	Height
Weight	Hair	Eyes	
Def' is: ☐ Passenger ☐ Employed to drive ☐			

AT THE FOLLOWING TIME AND PLACE IN THE ABOVE-MENTIONED STATE AND COUNTY:

Offense Date Month JUNE Day 21 Year 2024 Time 6:00 AM ☐ PM ☒

At or near Location: 914 MARINA HEIGHTS BROOKINGS OR 97415

INVOVING THE FOLLOWING:

Type	Regis/VIN/ID No.	State	☐ Accident ☐ Injury ☐ Property Damage ☐ Endanger others
Vehicle year, make, model, style, color, OR Other, describe:			
Other	☐ Driver not Reg. Owner ☐ Haz Material ☐ Com. Passenger Vehicle ☐ Com. Vehicle		

DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):

1. Violated (cite ORS/ORD/rule)	Describe	Designated Spd	☐ Posted Limit ☐ Pace ☐ VBR ☐ Laser
☐ Intentional ☐ Knowing ☐ Reckless ☐ Criminal negligence ☐ No culpable mental state	Describe	☐ Safety Corridor ☐ Paid Sch Zn ☐ Hwy Wk Zn	1 Presumptive Fine
2. Violated (cite ORS/ORD/rule)	Describe		2 Presumptive Fine
3. Violated (cite ORS/ORD/rule)	Describe		3 Presumptive Fine
<u>12409412 6/22</u>	<u>NOISE PEVENTION</u>		<u>720</u>
<u>12249338 6/24</u>			

I certify under ORS 153.045 and 153.990 and under other applicable law and under penalties for false swearing, do swear/affirm that I have sufficient grounds to and do believe that the above-mentioned defendant/person committed the above offense(s) and I have served the defendant/person with this complaint.

Date Issued _____ 1st Officer Signature _____

Print 1st Officer Name _____

2nd Officer of Arresting Person (If Not Officer) _____ Signature _____ Print Name _____

YOUR COURT APPEARANCE DATE, TIME AND LOCATION ARE

Mo/Day/Year _____ Time _____ ☐ AM ☐ PM

☐ State Courts 94235 Moore St. Suite 200 Brookings, OR 97415

☐ Brookings Municipal Court 808 Elk Dr. Brookings, OR 97415

6/25/2024

On 6/23/2024 at approximately _____
I heard a loud recording of my land
lands voice, Cheryl K. Mary, coming
from the downhill neighbors,
identified as Tiffany Berg, house. We
are over 50 feet away. It played
for a while, during which Cheryl
called us - confirming that the sound
was a recording of Cheryl.

Due to a light emanating from
the downhill neighbor, identified
as Tiffany Berg, we must close
the curtains installed in the
loft to make it dark enough to
sleep in the loft. At night, we
keep all curtains closed to avoid
the neighbor's light. It lights
up the garage area at night.

Please, keep Confidential.

Police were present when audio was
playing. The neighbors turned it
off and then on again when police
left.

 6/24/24
79



Brookings Police Department

898 Elk Drive Brookings, OR 97415 541-469-3118

Police Chief Kelby McCrae



Incident Redacted: L2409578

Current As Of:

7/9/2024 5:19:00 PM

Rpt Date/ RcvdTime 6/25/2024 8:50 PM **Offense:** LOUD NOISE **Offense2:**
BeginDate/ DispTime 8:51 PM **Location** 241 Marine Dr **Offense3:**
Officer 56648 **EndDate/ArvdTime** 9:03 PM **Apt:** **CityState:** Brookings **Dispatcher:** 56753
SMITH, Patrick **Reorder/CldTime** 9:22 PM **Grid:** CITY **Disclose:** Yes
Incident C/Cheryl, Tiffany is playing music again
Summary 06/25 21:03:07 ...208 12-97... 56753
06/25 21:16:30...208 units clr, no music playing on arrival...56753

CAD Note from 48969 on 06/25/2024 22:15 Kelmar has called a couple times more to report the noise resumed...she also reported that the officer was taking photos of her home...235 confirmed with 208 that no photos were taken, that it was QOA, and that 203 spoke with the RP yesterday and explained the civil citation procedure to herKelmar called again wanting to speak to a supervisor she was informed one can call her back she was also informed of 208 dispo and that she could issue a citizens citation ...Kelmar is very rude and verbally abusive to dispatch she was warned that the conversation would not continue in that manner and eventually stated yes she would like to receive a call from Sgt....204 attempted 12-4 straight to VM

People Involved:

Involvement	Name	Citation/Charge/Offense	Date Officer
Involved/Cont	BERG, Tiffany	SMITH	6/25/2024
Complainant	KELMAR, Cheryl May	SMITH	6/25/2024

Officer's Signature:

Date:



Brookings Police Department

898 Elk Drive Brookings, OR 97415 541-469-3118

Police Chief Kelby McCrae



Incident Redacted: L2409630

Current As Of:

7/9/2024 5:19:00 PM

Rpt Date/ RcvdTime 6/26/2024 8:39 PM Offense: **LOUD NOISE** Offense2:
BeginDate/ DispTime 8:40 PM Location 241 Marine Dr Offense3:
Officer 64537 EndDate/ArvdTime 8:52 PM Apt: CityState: Brookings Dispatcher: 56753
PEREDA, BrandoReorder/CldTime 9:24 PM Grid: CITY Disclose: Yes

Incident Summary C/Cheryl, adv that tiffany is playing her speech again non stop too loud RP would also like officer contact after Tiffany is spoken to

06/26 20:44:13...212 picking up citizen cite from 204 to serve to Tiffany ...56753
06/26 20:56:23...C/Cheryl adv that tiffany is committing some kind of money fraud against her...56753
06/26 21:02:31...212 adv Tiffany was adv of complaint, enr to RPs res, C/Cheryl adv that she is going to call back every 5 mins until something is done, also wants sgt to contact her, 204 adv and 212 updated...56753
06/26 21:08:41...212 12-97...56753
06/26 21:23:26 ...212 made contact w/ RP adv of civil process tiffany's music could be heard from RPs prop...56753

CAD Note from 56753 on 06/26/2024 22:10 C/cheryl req L number and adv that she might be sending dispatch an email

CAD Note from 56753 on 06/26/2024 23:21 212 went in the area, now clr

CAD Note from 56753 on 06/26/2024 23:30 212 parked at RPs house, were still able to hear recording from city council meeting, drove up to riviera ct on marina hts rd, can hear as well, plan is to speak to neighbors in the area tomorrow to see if anyone else is bothered by it

People Involved:

Involvement	Name	Citation/Charge/Offense	Date Officer
Suspect	BERG, Tiffany	PEREDA	6/26/2024
Complainant	KELMAR, Cheryl May	PEREDA	6/26/2024

Officer's Signature:

Date:



Brookings Police Department

898 Elk Drive Brookings, OR 97415 541-469-3118

Police Chief Kelby McCrae



Incident Redacted: L2409920

Current As Of:

7/9/2024 5:19:01 PM

Rpt Date/ RcvdTime	7/1/2024	7:00 PM	Offense:	HARASSMENT	Offense2:	
BeginDate/ DispTime		7:00 PM	Location	898 Elk Dr	Offense3:	
Officer 56649	EndDate/ArvdTime	10:18 PM	Apt:		CityState:	Brookings
YOCK, Andrew	Reorder/CldTime	10:18 PM	Grid:	CITY	Disclose:	Yes
					Dispatcher:	64370

Incident Summary Cheryl Kelmar in the lobby reporting that Tiffany is continuing to play the audio from the City council meeting even after being issued a citation two days ago. She is upset with the court date issued and wants the date changed to July, Cheryl also wants to know how Tiffany got pictures of the inside of her shed, I attempted to Inform she would have to contact the courts to request a different court date as that is not something I can do, Kelmar became upset and left the lobby after being told an officer is enroute...64370
07/01 19:05:10 ...210 Added ...
07/01 19:00:56...Info to 210 and 201...64370
07/01 19:21:28...Kelmar has called back just now wanting to change the court date, again she was advised that she would have to speak with the courts for a new court date and with an officer regarding a new citation, she stated she could't hear and would either call or come back tomorrow, Once again I offered to have an officer contact her and she hung up stating she could not hear me, ...64370
07/01 19:33:15 ...210 Removed
07/01 22:18:01 ...236 Added ...

People Involved:

Involvement	Name	Citation/Charge/Offense	Date Officer
Firm/Busines	BROOKINGS POLICE DEPT, 2023 Forward	BETLEJEWSKI	7/1/2024
Complainant	KELMAR, Cheryl May	BETLEJEWSKI	7/1/2024

Officer's Signature:

Date:



Brookings Police Department

898 Elk Drive Brookings, OR 97415 541-469-3118

Police Chief Kelby McCrae



Incident Redacted: L2409982

Current As Of:

7/10/2024 10:22:37 AM

Rpt Date/ RcvdTime	7/2/2024	4:55 PM	Offense:	INFORMATION	Offense2:	
BeginDate/ DispTime		4:55 PM	Location:	Marina Heights	Offense3:	
Officer 56649	EndDate/ArvdTime	4:55 PM	Apt:	CityState:	Brookings	Dispatcher: 64370
YOCK, Andrew	Reorder/ClrdTime	7:29 PM	Grid:	CITY	Disclose:	Yes

Incident Summary Off Init
07/02 17:06:13...210 clear from 932 Marina Heights ...64370

07/02 17:07:08...210 now out at 239 Marine Dr for follow up ...64370
07/02 17:14:48...210 clear from 239 marine Dr. states that the resident there did have a complaint...64370
07/02 17:20:28 ...210 Removed
07/02 18:15:09 ...210 out at 245 marine Dr...64370
07/02 18:32:54...210- Resident at 245 Marine Dr did have a complaining that 210 will address later ...64370
07/02 18:33:09... ...64370
07/02 18:34:58 ...210 out at 253 Marine Dr for follow up ...64370
07/02 18:40:40...210 clear from 253 Marine Dr. no complaints at this address...64370
07/02 18:40:49...210 now out at 249 Marine Dr...64370
07/02 19:04:08 ...210 clear ...64370
07/02 19:29:54 ...210 Added ...

On 6/26/2024 at about 2102 hours, Officer Pereda and I served a civilian citation to Tiffany Berg at her residence at 241 Marine Drive; on behalf of Cheryl Kelmar who resides at 914 Marina Heights for violating BMC 8.15.080 Noise Prevention. Cheryl and Tiffany's property are adjacent to each other.

During Officer Pereda and my contact with Tiffany, we noted that the music Tiffany played from a speaker at her house was loud and possibly a violation of the BMC 8.15.080 Noise Prevention. Tiffany was advised and counseled on the noise prior to Officer Pereda and I leaving.

At about 2123 hours, Officer Pereda and I made contact with Cheryl at her residence per Cheryl's request. During our contact with Cheryl, we could hear Tiffany continue to play music on her speaker. Tiffany also began to play a recording of Cheryl's conversation with the city council in regards to light pollution that Tiffany's garage-mounted light was producing on her property on the external speaker.

It should be noted, it is unknown for the purpose of the creation for this recording and playing it on a loop for the immediate neighbors to listen to. In addition the distance was approximately 120 feet in which we could hear this recording very well.

Attempts to answer Cheryl's questions were difficult due to Cheryl consistently speaking over us and consistently referring to California regulations and laws.

At about 2330 hours, Officer Pereda and I returned to the entrance of Cheryl's property which is approximately 200 feet from Tiffany's garage. As we were sitting at the entrance of Cheryl's property we could hear the recording from the city council recording still playing intermittently and what sounded like someone texting over the speaker (Officer Pereda did record the sound with a department-issued patrol phone).

Officer Pereda and I also sat at Riviera Court which is approximately 300 feet from Tiffany's garage and we could still hear the City Council recording intermittently playing. I also noted I could hear the vehicle noise from the Chetco River Bridge which is approximately 3,300 feet from Tiffany's garage.

Incident Redacted: L2409982

Current As Of:

7/10/2024 10:22:37 AM

Officer Pereda and I decided we would attempt contact with the surrounding neighbor to clarify if Tiffany's music and recording was an issue on a future date.

On 7/2/2024 at about 1700 hours, I made contact with residents residing at Marina Heights who I did not identify.

The residence advised they had just moved in at the end of June and had not noticed the music or recordings. The residence advised they had have contact with Cheryl and were aware of a dispute between Cheryl and Tiffany but did not have much information. The residents also advised Cheryl had made comments about suing Tiffany as well.

At about 1707 hours, I made contact with in person at his residence (Marine Drive).

did advise he was aware of the dispute between Tiffany and Cheryl. advised Tiffany does play music frequently during the day and it does bother him. advised he had not noticed Tiffany playing music or recording at night. advised he would like Tiffany counseled on how loud she plays her music, and would like to remain anonymous unless it is not possible.

At about 1815 hours, I made contact with in person at his residence (Marine Drive).

advised he was also aware of the dispute between Tiffany and Cheryl. advised he felt both Tiffany and Cheryl were acting immature. advised Tiffany does play her music quite loud which disturbs him at times, and he would also like Tiffany to be counseled on playing her music too loud, but would like to remain anonymous if possible.

advised he has also had issues with Cheryl with changing the drainage route of her property which was going onto his property, and has problems with Tiffany setting off mortar-style fireworks which occasionally will go over his house.

At about 1834 hours, I made contact with Lisa Morris and Drew Hansen who resided at Marine Drive.

Both Lisa and Drew advised they have heard Tiffany play her music but it has not bothered them and they are just trying to stay to themselves.

At about 1840 hours, I made contact with who resides at Marine Drive in person.

advised the whole dispute between Tiffany and Cheryl began over the light she has on her garage and has escalated since then. advised he has attempted to work with Cheryl with several issues and it just never seems to end. advised he does not want to be a part of the dispute and would like to remain anonymous (this is consistent with calls for service both Cheryl and Tiffany have called in).

I have provided all this information with Officer Pereda and he will continue to follow up with other neighbors.

Nothing further at this time.

People Involved:

Involvement	Name	Citation/Charge/Offense	Date Officer
Involved/Cont	BERG, Tiffany	YOCK	7/2/2024
		YOCK	7/2/2024
Involved/Cont	KELMAR, Cheryl May	YOCK	7/2/2024
		YOCK	7/2/2024

Officer's Signature: _____ Date: _____

OREGON UNIFORM CITATION AND COMPLAINT

Use for All Violations or Crimes Where Separate Complaint Will Not Be Filed/ORS 153.045 or 133.069

☐ CRIME(S) (See A on Back)	OR (Not Both)	☐ VIOLATION(S) (See B on Back)	☐ Traffic ☐ Other ☐ Wildlife ☐ Boating ☐ Commercial Fishing
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STATE OF OREGON	Docket No.
CITY/OTHER PUBLIC BODY <u>Brookings</u>	Court: ☐ Justice ☐ Circuit ☐ Tribal ☐ Peer
COUNTY OF <u>Curry</u>	☐ Municipal ☐ Juvenile ☐ Community

28806

OFFICER'S NOTES

Reserved for D.A. use

Reserved for Court use

THE UNDERSIGNED CERTIFIES AND SAYS THAT THE FOLLOWING PERSON:							
DEFENDANT	ID Type ☐ CDL ☐ Non-CDL	ID No. <u>4861849</u>	State <u>OR</u>	License Class			
	Name: Last <u>Bay</u>	First <u>T. Hany</u>	Mi				
	Address <u>341 Marine Drive</u>			Tel No.			
	City <u>Brookings</u>	State <u>OR</u>	Zip Code <u>97515</u>	Def is: ☐ Passenger ☐ Employed to drive ☐			
	Sex <u>M</u>	Race <u>W</u>	DOB <u>11-25-1971</u>	Height <u>5'8"</u>	Weight <u>165</u>	Hair <u>Brown</u>	Eyes <u>Green</u>

AT THE FOLLOWING TIME AND PLACE IN THE ABOVE-MENTIONED STATE AND COUNTY:							
TIME/PLACE	Offense Date on or about	Month <u>7</u>	Day <u>1</u>	Year <u>2011</u>	Time <u>3:00</u>	☐ AM ☐ PM	☐ Highway ☐ Premises open to public
	At or near Location: <u>341 Marine Drive</u>						

INVOLVING THE FOLLOWING:							
REL. INFO	Type	Regis/VIN/ID No.	State	☐ Accident ☐ Injury			
				☐ Property Damage ☐ Endanger others			
	Vehicle year, make, model, style, color, OR Other, describe:						
Other				☐ Driver not Reg. Owner ☐ Haz Material			
				☐ Com. Passenger Vehicle ☐ Com. Vehicle			

DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):							
OFFENSE(S)	1. Violated (cite ORS/ORD/rule)	Describe	Alleged Spd	Designated Spd	☐ Posted Limit ☐ Radar ☐ Pace ☐ Laser		
	☐ Intentional ☐ Knowing ☐ Reckless ☐ Criminal negligence ☐ No culpable mental state	☐ Safety Corridor ☐ Pstd Sch Zn ☐ Hwy Wk Zn	1. Presumptive Fine:				
	2. Violated (cite ORS/ORD/rule)	Describe					
	☐ Intentional ☐ Knowing ☐ Reckless ☐ Criminal negligence ☐ No culpable mental state	2. Presumptive Fine:					
	3. Violated (cite ORS/ORD/rule)	Describe					
	☐ Intentional ☐ Knowing ☐ Reckless ☐ Criminal negligence ☐ No culpable mental state	3. Presumptive Fine:					
OTHER				Expl.			

I certify under ORS 153.045 and 153.990 and under other applicable law and under penalties for false swearing, do swear/affirm that I have sufficient grounds to and do believe that the above-mentioned defendant/person committed the above offense(s) and I have served the defendant/person with this complaint.		Officer(s) Agency ID
Date Issued <u>7/18/24</u>	1st Officer Signature	1st Officer ID No.
Print 1st Officer Name		2nd Officer ID No.
2nd Officer of Arresting Person (If Not Officer)	Signature	Print Name

YOUR COURT APPEARANCE DATE, TIME AND LOCATION ARE

Mo/Day/Year <u>7/10/24</u>	Time <u>2:00</u>	☐ State Courts <u>84235 Moore St Suite 200 Gold Beach, OR 97444</u>	☐ Brookings Municipal Court <u>898 Elk Dr. Brookings, OR 97415</u>
☐ AM ☐ PM			

74



History Log of Call

7/11/2024 9:35:49 AM

Call	Location	Date Rcvd	Disp	Enrout	Arvd	Clrd	Unit	Offense	Zone
10580		7/10/2024	18:17	1:40	1:40	1:40	1:40 Jessica Golden	LNOISE	CITY
914 Marina Heights				Blotter:					
914 Marina Heights				Narrative: Kelmar calling for her "nightly report number" states that Berg is playing her city council recording loudly, again....she declined officer response just report number and that she would call back after 2100 hours if it continues					
Inc# L2410582	Agency			07/11 01:40:17...nothing further...48969					
				07/11 01:40:22 ...235 Added ...					
Received By	48969		BSP				Origin: Telephone	Units on this Call	235
Name/ Address	BERG						TIFFANY	Brookings	OR
DOB/Sex/Ht/Phones			F				BRO	BRO	ved/Conta
Name/ Address	KELMAR						CHERYL	914 Marina Hts	Brookings
DOB/Sex/Ht/Phones	3/1/1960		F				503 130	RED	HAZ 805-869-8583 Complainant

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Exhibit K

TikTok/social media posts and comments

The following is Tiffany's admission to accusing Plaintiff of committing tax fraud for a social media Tiffany deleted so she can make up her own facts to justify her defamation on her old TikTok account @tiffanyberg1

7 CHERYL KELMAR,

8 Plaintiff(s),

9 v.

10 TIFFANY BERG, ROBERT BERG,
11 TRENTON BERG, MR. BERG, MICHAEL
12 and CYNTHIA THOMAS, CITY OF
BROOKINGS, COLIN BLAKESLEY AND
SOME DIFFERENT DESIGN,

NO. 24CV30895

DEFENDANT TIFFANY BERG, ROBERT
BERG, AND TRENTON BERG'S
RESPONSE IN OPPOSITION TO
PLAINTIFF'S NOTICE OF MOTION AND
MOTION FOR SUMMARY
ADJUDICATION AND MEMORANDUM OF
POINTS AND AUTHORITIES

12 *Berg*, ¶ 7. Defendant Tiffany Berg responded by stating, "Ya do you believe her! She realized
13 what she did, she 1031 exchanged it so now she is doing tax fraud!" *Declaration of Tiffany Berg*,
14 ¶ 8.



Tiffany Shaw Berg

October 27 · 🌐



Well this neighbor takes the cake!! Has anyone watched one flew over the cuckoo's nest lately? Well I am living it! She comes to the fence flipped my kids off screams at god knows what, accuses us of harming her fence, this is truly a carnival show, the lipstick is the best. But hey, small stuff. If nothing else it's a warning to all if you don't want neighbors be rich and buy all the property around you💚. And lastly the light doesn't hit her house, I droned it at dark, i... See more



Tiffany Shaw Berg
 Well this neighbor takes the joke. How anyone watched one "kiss" over the fence is next fairly? Well I am living it. She comes to the fence hipped in my back and screams. I know what accused us of burning her fence. This is truly a carnival show. The people in the best. But hey, small town. If nothing else it's a warning to all if you don't want neighbors be rich and buy all the property around you. And lastly the light doesn't hit her house. I dropped it at dark. [See more](#)



Tiffany and the untangledstone

← ↻ 🔍 <https://www.tiktok.com/@tiffanyberg1/video/7327115...> 📱 📺 📌 🌟 📧

📱 Social Media 📺 TD Ameritrade 📌 RedCerts 🌟 Websites 📧 Legal 📱 Home 📺 Work 📌 Business Webinars 🌟 247 Spider Service

Find related content 🔍 Report

00:09/01:01 🔄 📌 🔊

tiffanyberg1
 Tiffany Shaw Berg · 1-22

CRA CRA is back, and wow, what a great deal, she has these wonderful lights that created added security! Not sure... [more](#)

🎵 original sound - Tiffany Shaw Berg

📍 Brookings

❤️ 197 💬 40 📌 4

<https://www.tiktok.com/@tiffanyberg1/video/7327115...> [Copy link](#)

Comments (40) Director videos

THE ENTANGLED STONE
 I love the lights.... free lights in your yard
 7:22 · Reply

user5576991022280
 you should turn your light off now! 🤔🤔🤔
 8:00 · Reply

Tiffany Shaw Berg · Creator

Add comment...

Crystal McDonald-David - rottiemo98



Crystal McDonald-Davis

Money to spend from selling her house burn that money lady

3d ago Reply

Pamnesia



Pamnesia

I would like to know what kind of light you have that lights up 4000 sq ft of lower property and a loft



2023-11... Reply



Tiffany Shaw Berg · **Creator**

It is just a 59 dollar security light that has been there for years. It doesn't light up her property like that not close! It doesn't hit her house.



2023-11... Reply

Meadowlark - [_._meadowlark._](#)



Meadowlark

"Emotional Behavior Issues" indeed!

2023-12... Reply

Jeremy Adams – [jeremyadams721](#) – 618 followers



jeremyadams721

fuckin move then!

2023-11-4 2 [Reply](#)

Ddr171 -



Ddr1717

She needs to be in an institution

2023-12-26 4 [Reply](#)

KATAK -



KATAK

This woman sounds psychotic. You need to look into your states involuntary mental hold laws. She need mental help. In our state it's three adult witnesses. Heck you have adults and a contractor to

1-24 1 [Reply](#)

Jason Gutierrez



Jason Gutierrez
That woman is seriously deranged!

2023-10-31 ❤️ 4 Reply

Bdad



Bdad
wow she sounds annoying & reminds me of a witch in a Disney movie 🤡 🍷

2023-12-11 ❤️ 1 Reply

Jimmy



jimmy
I'm guessing she is single. Just a guess...

1-1 ❤️ 1 Reply



Trenton Berg - Creator
Hahahahah

1-1 ❤️ 1 Reply

Denise Bonner



denisebonner24
Looney tunes music plays

2023-11-4 ❤️ 11 Reply

Nicholas Ebert

[View more comments](#)



Nicholas Ebert
You should hire me put me in a queens guard outfit and I could patrol your property line with a squirt and spray her ass everytime sound waves come over the fence

5w Like



Justme10999



justme10999
ya...she has issues 🤡

2023-11-... Reply

Leslie Cooper

[View more comments](#)



Lesley Cooper

Tiffany...please don't stir up the inmates !!! 🤔🤔🤔

[From](#) [Like](#) [Edited](#)

Multiple

Kara Shearer, Denise Burnham, Tami Konkol Nelson

[View previous comments](#)



Kara Shearer

Real-uh-for

I'll be honest here... this is why I couldn't stand Oregon. There were so many people like this there. Way more than my small town of North Fork located in... surprisingly... CA!! I came home. I'm sure at one point Oregon was much like my little town here, but little by little these coastal towns are attracting these crazy Karen's. People were incredibly rude there and felt 'entitled' just like this woman. I wish people could just mind their own damn business and find more productive things to do with their lives. I too had similar neighbors... not quite this bad, but definitely Nosey Nellie's. It's so sad and I'm so sorry you have to deal with this. On another note... how expensive were her curtains that she 'spent a fortune to mitigate this light pollution'? 🤔 Good luck to you. I'm rooting for ya.

[Like](#)

[Like](#)

[Tiffany Shaw Berg replied · 1 Reply](#)



Denise Burnham

I can't believe the city council took time for this. Tell her if she buys your place she can control the light. She should have curtains anyway. That's what normal people do.

[Like](#)



Tami Konkol Nelson

Maybe if you lived in Tokyo would light pollution be an issue but not in a small forest ocean community. Whacko!

[Like](#)

Tiffany Shaw Berg

Tami Konkol Nelson come house sit for me lol

[Like](#)

Tami Konkol Nelson

Tiffany Shaw Berg lol. I have a friend who will for you. Let me know if you want to connect.

[Like](#)

Return to PO Box 367
SB, CA
9/9/02

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Exhibit L

Video evidence of Berg's kids yelling insults at Plaintiff

Video Evidence – 6-24-2026 Tiffany Berg Kids



History Log of Call

7/22/2024 9:18:11 AM

Call	Location	Date Rcvd	Disp	Enrout	Arvd	Clrd	Unit	Offense	Zone
10298		7/6/2024	18:47	18:50	19:10	20:02	20:37 Andrew Yock	2410	CITY
241	Marina Dr								
241	Marina Dr								
Inc# B20240337	Agency								

Name/ Address	KELMAR		CHERYL	914 Marina Hts	Brookings	OR
DOB/Sex/Ht/Phones	3/1/1960	F	503 130	RED	HAZ 805-869-8583	Complainant

Name/ Address	BERG		TIFFANY	[REDACTED]	Brookings	OR
DOB/Sex/Ht/Phones	[REDACTED]	F	508 165	BRO	BRO [REDACTED]	Involved/Conta

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Exhibit M

Photos obtained from Plaintiff's former tenant of her belongings stored in a locked shed posted on TikTok account. Notarized affidavit from Brookings police.

1
2 Cheryl Kelmar, JD & MSEE (Pro Se)
3 P.O. Box 367
4 Santa Barbara, CA 93102
5 Cheryl@medicalworks.com
6 805 869-8583

7 **STATE DISTRICT COURT OF OREGON, CURRY COUNTY**

8 Cheryl Kelmar

9 Plaintiff

10 vs.

11 Tiffany Berg, Robert Berg, Trenton

12 Berg, Michael and Cynthis

13 Thomas, Lia Deatherage, Vera-

14 Anne Wallace, Keller Williams

15 Realty Southern Oregon, any

16 and all occupants and unidentified

17 defendants

18 Defendants

Case No. 24CV30895

**AFFIDAVIT OF BROOKINGS, OREGON
POLICE**

19 I, Downy Dotson, declare under the penalty of perjury that the following statements
20 are true and that I have firsthand knowledge of them.

21 1. The email sent to Cheryl Kelmar on July 9, 2024, from officer David Hernandez regarding
22 Cheryl Kelmar's police report #L2409673 is valid.

23 2. The content of the email is:

24 Subject: Re: Trespass

25 Date: 2024-07-09 08:47

26 From: David Hernandez <dhernandez@brookings.or.us>

27 To: "Cheryl Kelmar (Real)" <cheryl@medicalworks.com>

28 Cc: Travis Wright <twright@brookings.or.us>

Hello Ms. Kelmar,

1
2 I have looked through Mrs. Bergs's TikTok account and found the video clip with your
3 shed in it. After further investigation, it was found that the pictures were provided to Mrs.
4 Berg via a past tenant of yours. This was stated in the comments section of that video
5 clip. Therefore, it was determined Mrs. Berg has not trespassed on your property at this
6 time. Thank you for your patience and cooperation.

7
8 Sincerely,

9 Officer D. Hernandez
10 Brookings Police Department
11 898 Elk Drive
12 Brookings, OR 97415
13 (541) 469-3118 Ext: 2405

14 Dated: February, 24, 2025

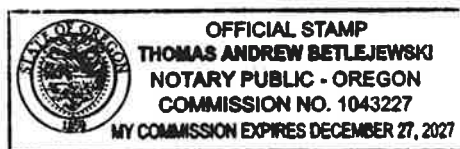
15 Signature: 
16 Brookings, Police

17
18 State of Oregon

19 County of Curry

20 This record was signed and sworn to before me on February 24th 2025 by Thomas Betlejewski
21 Print name of signer(s)

22 
23 Notary Signature





Brookings Police Department

898 Elk Drive Brookings, OR 97415 541-469-3118

Police Chief Kelby McCrae



Incident Redacted: L2409956

Current As Of:

7/9/2024 5:19:02 PM

Rpt Date/ RcvdTime 7/2/2024 10:24 AM **Offense:** CIVIL PROBLEM **Offense2:**
BeginDate/ DispTime 10:32 AM **Location** 914 Marine Dr **Offense3:**
Officer M7 **EndDate/ArvdTime** 10:47 AM **Apt:** **CityState:** Brookings **Dispatcher:** 62043
Reorder/ClrdTime 10:47 AM **Grid:** CITY **Disclose:** Yes
Incident Summary KELMAR in lobby wanting to fill out another citizen cite for noise pollution on BERG. Also wants proof of service on the other cite and wants to know what follow up has been done on the report she made of BERG having pictures of items that were in her locked shed that went missing in March...62043
07/02 10:36:36 ...208 Added ...
07/02 10:38:27...208 in lobby filling out citizen cite on BERG for KELMAR...62043
07/02 10:43:25...208 KELMAR given citation and has to go before the court for approval before it can be served. KELMAR also advised the 216 was unable to do any follow up as it was on his friday and he is out for the rest of this week....62043

People Involved:

Involvement	Name	Citation/Charge/Offense	Date Officer
Involved/Cont	BERG, Tiffany	SMITH	7/2/2024
Complainant	KELMAR, Cheryl May	SMITH	7/2/2024

Officer's Signature: _____

Date: _____

CONFIDENTIAL

75

Exhibit N

Email from Tiffany to City of Brookings accusing Plaintiff of modifying her septic without a permit and being drunk while on her own land. Also, notarized affidavit from Plaintiff's landlord of 2 years stating that he has never seen Plaintiff drunk as a skunk.

Oregon Life Homes
Mobile: 541-661-4979
Email: tiffanybergrealtor@gmail.com
16110 Lower Harbor Road
Brookings, Oregon 97415
<https://www.oregon.gov/rea/licensing/Documents/Initial-Agency-Disclosure-Pamphlet.pdf>

On Mon, Apr 8, 2024 at 3:11 PM Tiffany Berg <tiffanybergrealtor@gmail.com> wrote:
There is a shot of the bed and refrigerator in there that they just moved in! She has some Mexican speaking people working there for a few days in the back. I'm sure they were probably setting up the sewer. But where the hell is she leaching it too, there would have to be a pump? Ugh can you imagine if it's just going into the three-ft trench they built and going into neighboring property? Ugh. A nightmare this one is. I would think we can find who built it? Not sure what your recourse is. Didn't want to pay for a permit so she just did it herself. Unreal!

Tiffany Berg
Broker

Oregon Life Homes
Mobile: 541-661-4979
Email: tiffanybergrealtor@gmail.com
16110 Lower Harbor Road
Brookings, Oregon 97415
<https://www.oregon.gov/rea/licensing/Documents/Initial-Agency-Disclosure-Pamphlet.pdf>

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From: Tiffany Berg [mailto:tiffanybergrealtor@gmail.com]
Sent: Wednesday, January 24, 2024 4:12 PM
To: Lauri Ziemer
Subject: Kelmar

Hi Lori. I know when I talk to you yesterday I was in the middle of with a client. But I wanted to send you these photos that the poor tenant is having such an issue. She's down there all night long every night drinking drunker than a skunk and I don't know what you saw or if you guys even looked in the shed but it looks to me like there's a bed there's a chair there's a light she's sleeping in the chair she's sleeping in there and she when that guy when that tenant wakes up she's in there sleeping. What do we need to prove that how do we do this. this poor tenant is devastated he's paying \$2200 a month and for her to do what she's doing is just absurd.



Cheryl Kelmar, (Pro Se)
P.O. Box 367
Santa Barbara, CA 93102
Cheryl@medicalworks.com
805 869-8583

UNITED STATES DISTRICT COURT, DISTRICT OF OREGON

Cheryl Kelmar

Plaintiff

vs.

Tiffany Berg, Robert Berg,
Trenton Berg, Brookings Police
Department, DOES 1-10

Defendants

Case No. 1:26-cv-00221-CL

Affidavit of Plaintiff's Landlord Pete Demetrulias

I, Pete Demetrulias, am the landlord and roommate of Cheryl Kelmar since March of 2024. I declare under perjury that in those years, I testify that Cheryl only drinks occasionally, not to excess – mildly one drink in a night at most – never every night. Cheryl is quiet and is home most of the time, reading, watching TV, etc. Cheryl made me aware of her neighbor's claim. I provide my notarized testimony to state that I do not believe this defamation to be true based on my being Cheryl's roommate for a relatively long period of time. I am retired now and previously managed a large construction-oriented business for many years.

In addition, I declare that Cheryl has paid on time for two years, never missing a payment or being late.

Dated: March 30, 2026.

Signature



CHERYL KELMAR, "Cheryl" Plaintiff

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

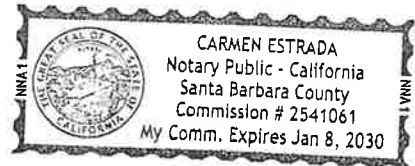
State of California
County of SANTA BARBARA)

On 03/30/2026 before me, CARMEN ESTRADA, NOTARY PUBLIC
(insert name and title of the officer)

personally appeared PETER SPIROS DEMETRULIAS,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.



Signature C Estrada (Seal)

1
2 Cheryl Kelmar, JD & MSEE (Pro Se)
3 P.O. Box 367
4 Santa Barbara, CA 93102
5 Cheryl@medicalworks.com
6 805 869-8583

7 **U.S. STATE COURT OF OREGON, CURRY COUNTY**

8 Cheryl Kelmar

9 Plaintiff

10 vs.

11 Tiffany Berg, Robert Berg, Trenton
12 Berg, Mr. Berg, Michael and
13 Cynthia Thomas, City of Brookings,
14 Colin Blakesley, and Something
15 Different Design
16 **Defendants**

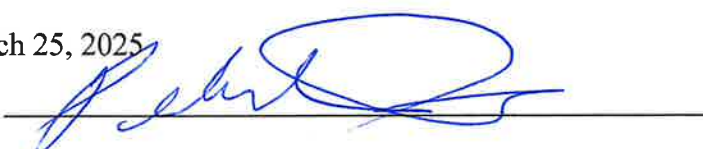
Case No. 24CV30895

**AFFIDAVIT OF CHERYL KELMAR'S
LANDLORD FOR OVER A YEAR**

17 I, Pete Demetrulias, declare under the penalty of perjury that the following statements are true
18 and that I have firsthand knowledge of them.

- 19 1. I have been Cheryl Kelmar's landlord for over a year. I share my two-bedroom home with
20 her.
21 2. I have never seen Cheryl drunk as a skunk, but observe her only drinking occasionally a glass
22 of wine or beer.
23 3. Cheryl is typically a very quiet person who spends most of her time in her room reading and
24 working on her computer.

25 Date March 25, 2025

26 Signature 

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Exhibit O

Worker, Broc, notarized affidavit regarding statements by Tiffany Berg, threatening Plaintiff with a gun.

Exhibit of Broc posing no threat to Berg's - Broc working 1-20-2026

Affidavit

I, Broc Shropshire, declare under penalty the following is true. While working for Cheryl Kelmar at 914 Marina Heights Road, Brookings OR 97415 before I said anything to her neighbor Tiffany Berg, Tiffany yelled 'I fear for my life' and something about being armed. Tiffany and her husband then told me 'Cheryl will see you...' I felt harassed. Cheryl was not present. In May 2025 Tiffany also harassed me in the same way - defaming Cheryl. When Cheryl arrived Tiffany yelled the same thing at her without being provoked by Cheryl. Tiffany then proceeded to yell at Cheryl "Cray-Cray" As Cheryl

STATE OF OREGON,

County of Curry

SS.

On January 21, 2024

before me personally appeared Broc Allan

Shropshire

whose identity was established to my satisfaction, and who executed the foregoing instrument, acknowledging to me that the same was executed freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal on the date first written above.



Jennifer N. Wood
Notary Public for Oregon
My commission expires 1-22-2029

L2608559

CITY OF BROOKINGS POLICE DEPARTMENT



BROOKINGS POLICE DEPT. Kelby McCrae, Chief of Police

898 ELK DR.
BROOKINGS, OR 97415
541-469-3118

Brookings Police Department

~~Witness Statement~~

Police Report

Name: Cheryl Kelmer Case #: _____
Address: 914 Marina Heights Dr Brookings OR
Date of Birth: 3-1-60 Phone: 8058698583
Incident Location: On going Date 6/15/26 Time _____

Neighbor Tiffany Bue has a camera
over 20 feet on her garage that
sees my entire property. It
looks into windows of
working shed, partial covered
patio, and beyond a privacy
fence. No public person
can view. Not by a public
road. I'm leaving and
will be back in 2 to 4 weeks
Expectation of privacy

Sign & Date: Cheryl Kelmer 6-15-2026



898 ELK DRIVE
BROOKINGS, OR. 97415 117
www.brookings.or.us

Phone: (541) 469-3118
Fax (541) 412-0253

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Exhibit P
Other police reports.



Brookings Police Department

898 Elk Drive Brookings, OR 97415 541-469-3118

Police Chief Kelby McCrae



Incident Redacted: L2316259

Current As Of:

7/12/2024 1:35:20 PM

Rpt Date/ RcvdTime 8/22/2023 2:53 PM **Offense:** **DISORDERLY CONDUCT** **Offense2:**
BeginDate/ DispTime 2:53 PM **Location** 914 Marina Hts **Offense3:**
Officer 59820 **EndDate/ArvdTime** 2:53 PM **Apt:** **CityState:** Brookings **Dispatcher:** 56945
BRANION, Ray **Reorder/CIRDTime** 3:17 PM **Grid:** CITY **Disclose:** Yes
Incident Summary CHP transfer....Cheryl Kelmar advising that Berg's son just yelled at her when she got home.
Xfer to 219 in patrol office
08/22 14:55:47 ...219 Added ...

People Involved:

Involvement	Name	Citation/Charge/Offense	Date Officer
Complainant	KELMAR, Cheryl May	BRANION	8/22/2023

Officer's Signature: _____ **Date:** _____



Brookings Police Department

898 Elk Drive Brookings, OR 97415 541-469-3118

Police Chief Kelby McCrae



Incident Redacted: L2316843

Current As Of:

7/12/2024 1:35:19 PM

Rpt Date/ RcvdTime 9/2/2023 11:22 AM **Offense:** SUSPICIOUS CONDITIONS **Offense2:**
BeginDate/ DispTime 11:22 AM **Location** 914 Marina Hts **Offense3:**
Officer 62043 **EndDate/ArvdTime** 11:22 AM **Apt:** **CityState:** Brookings **Dispatcher:** 62648
VALENTIN, Rebe**Reorder/CIRDTime** 12:41 PM **Grid:** CITY **Disclose:** Yes
Incident Summary Kelmar in the lobby to report suspicious activity on her property. Advised there was a white prius at the end of her property and when she walked down there they took off. Kelmar is advising there is a camera located on the neighbors property that may have recorded the incident. Does not want officer contact at this time, would just like documentation...62648
09/02 12:41:27 ...232 Added ...

People Involved:

Involvement	Name	Citation/Charge/Offense	Date Officer
Complainant	KELMAR, Cheryl May	VALENTIN	9/2/2023

Officer's Signature: _____ **Date:** _____



Brookings Police Department

898 Elk Drive Brookings, OR 97415 541-469-3118

Police Chief Kelby McCrae



Incident Redacted: L2319814

Current As Of:

7/12/2024 1:35:19 PM

Rpt Date/ RcvdTime 10/27/2023 2:41 PM **Offense:** **CRIMINAL MISCHIEF** **Offense2:**
BeginDate/ DispTime 2:49 PM **Location** 914 Marina HTS **Offense3:**
Officer 56649 **EndDate/ArvdTime** 2:59 PM **Apt:** **CityState:** Brookings **Dispatcher:** 62043
YOCK, Andrew **Reorder/CldTime** 2:59 PM **Grid:** CITY **Disclose:** Yes

Incident Summary RP/ Cheryl Kelmar in lobby reporting damage to her fence that was not there when she bought the home. RP suspects its her neighbor, Berg, who she has an ongoing war with over a bright flood light....62043
10/27 14:45:35...210 speaking with RP in lobby...62043
10/27 14:48:17...210 inquired if it could have been done by an animal, RP insists it is not an animal and that its her neighbor. RP does not have any video of who did the damage...62043
10/27 14:49:24 ...210 Added ...
10/27 14:51:48...RP is also upset because her neighbor records her on her own property. Advised there is no expected privacy when outside the home. RP will continue seeking legal council...62043
10/27 14:59:53 ...copy of CAD provided to the RP, money placed in 202s box...62043

People Involved:

Involvement	Name	Citation/Charge/Offense	Date Officer
Suspect	BERG, Tiffany	YOCK	10/27/2023
Complainant	KELMAR, Cheryl May	YOCK	10/27/2023

Officer's Signature: _____

Date: _____



Brookings Police Department

898 Elk Drive Brookings, OR 97415 541-469-3118

Police Chief Kelby McCrae



Incident Redacted: L2322075

Current As Of:

7/12/2024 1:35:19 PM

Rpt Date/ RcvdTime 12/9/2023 1:27 PM **Offense:** **SUSPICIOUS CONDITIONS** **Offense2:**
BeginDate/ DispTime 1:29 PM **Location** 241 Marine Dr **Offense3:**
Officer 62279 EndDate/ArvdTime 1:36 PM **Apt:** **CityState:** Brookings **Dispatcher:** 56945
LUCERO, SophiaReorder/CldTime 3:11 PM **Grid:** CITY **Disclose:** Yes

Incident Summary Tiffany Berg neighbor has installed a camera that is aimed directly at RP's child's bedroom window.
12/09 13:29:12...213 advised and enr...56945
12/09 13:30:00 ...213 Added ...
12/09 13:36:48 ...213 12-97...56945
12/09 13:47:19 ...213 Removed
12/09 14:03:04...213...S/ has erected 213 will attempt to contact S/ via 12-4...56945
12/09 14:55:34 ...213 Added ...
12/09 14:56:03...213 out at 914 Marina Hts...56945
12/09 15:11:41 ...213 attempted to contact RP x2 neg contact. Left vm...56945

People Involved:

Involvement	Name	Citation/Charge/Offense	Date Officer
Complainant	BERG, Tiffany	LUCERO	12/9/2023
Suspect	KELMAR, Cheryl May	LUCERO	12/9/2023

Officer's Signature: _____ **Date:** _____



Brookings Police Department

898 Elk Drive Brookings, OR 97415 541-469-3118

Police Chief Kelby McCrae



Incident Redacted: L2322087

Current As Of:

7/12/2024 1:35:18 PM

Rpt Date/ RcvdTime 12/9/2023 4:51 PM **Offense:** **FALSE INFORMATION** **Offense2:**
BeginDate/ DispTime 4:51 PM **Location** 914 Marina Hts **Offense3:**
Officer 50728 **EndDate/ArvdTime** 4:56 PM **Apt:** **CityState:** Brookings **Dispatcher:** 56945
BARRIGAR, Jaso **Reorder/CldTime** 5:12 PM **Grid:** CITY **Disclose:** Yes

Incident Summary Kelmar in lobby wanting to file a report alleging Berg is guilty of making a false report when she called police reporting cameras that Kelmar has set up pointing at Berg's son's windows. Kelmar states that Berg knows it is not illegal for Kelmar to have her cameras, as Kelmar reported similar instance against Berg 2-3 months ago and was advised it is not illegal to film someone on their property. Kelmar states she has a background in law and filing false report is a felony in CA.

12/09 16:51:59...207 enr 12-3...56945

12/09 16:56:14...207 12-3...56945

12/09 16:57:09 ...207 Added ...

12/09 17:00:18 ...207 out with RP in lobby...56945

12/09 17:11:58...Kelmar provided a written complaint that has been scanned into this CAD...56945

People Involved:

Involvement	Name	Citation/Charge/Offense	Date Officer
Suspect	BERG, Tiffany	BARRIGAR	12/9/2023
Complainant	KELMAR, Cheryl May	BARRIGAR	12/9/2023

Officer's Signature: _____ **Date:** _____



Brookings Police Department

898 Elk Drive Brookings, OR 97415 541-469-3118

Police Chief Kelby McCrae



Incident Redacted: L2322619

Current As Of:

7/12/2024 1:35:18 PM

Rpt Date/ RcvdTime 12/20/2023 7:22 PM **Offense:** SUSPICIOUS CONDITIONS **Offense2:**
BeginDate/ DispTime 7:35 PM **Location** 241 Marine Dr **Offense3:**
Officer 63533 **EndDate/ArvdTime** 7:38 PM **Apt:** **CityState:** Brookings **Dispatcher:** 64370
STEWART, Cam **Reorder/CldTime** 12:21 AM **Grid:** COU **Disclose:** Yes

Incident 541-661-4979

Summary Tiffany Burg reporting that she received a message from her neighbors contractor that said her neighbor had asked him to slash her tires and cause harm to her any way he could... 64370

12/20 19:35:39 ...215 Added ...
12/20 19:35:42 ...218 Added ...
12/20 19:39:50 ...215 is 12-97...64370
12/20 19:40:46...215 at the wrong address, ATL the correct address...64370
12/20 19:43:47 ...215 is 12-97 out with the RP...64370
12/20 19:44:01 ...218 out with 215...64370
12/20 19:51:53 ...218 is code 4 ...64370
12/20 20:02:18...218 has collected evidence and statemets...64370
12/20 20:02:31 ...218 Removed

12/20 21:52:52 ...215 Removed
12/21 00:20:41...Larry stated that Cheryl offered him 200 dollars to break a light at Berg's house...value of the light does not meet elements of solicitation ORS...48969
12/21 00:21:10...NOTE this event occurred about 2 months ago...48969
12/21 00:21:21 ...215 Added ...

People Involved:

Involvement	Name	Citation/Charge/Offense	Date Officer
Complainant	BERG, Tiffany	STEWART	12/20/2023
Suspect	KELMAR, Cheryl May	STEWART	12/20/2023
Involved/Cont	SAMPLE JR, Larry Walter	STEWART	12/20/2023

Officer's Signature: _____ **Date:** _____

CONFIDENTIAL



Brookings Police Department

898 Elk Drive Brookings, OR 97415 541-469-3118

Police Chief Kelby McCrae



Incident Redacted: L2410195

Current As Of:

7/9/2024 5:19:03 PM

Rpt Date/ RcvdTime 7/5/2024 2:03 PM **Offense:** **STALKING** **Offense2:**
BeginDate/ DispTime 2:03 PM **Location** 914 Marina Hts **Offense3:**
Officer 56945 **EndDate/ArvdTime** 2:03 PM **Apt:** **CityState:** Brookings **Dispatcher:** 56945
DARGER, Sue **Reorder/CIRDTime** 2:25 PM **Grid:** CITY **Disclose:** Yes
Incident Summary Kelmar in lobby to report a small SUV has parked int the Berg's driveway on more than one ocassion and the occupants then photograph the RP while she is on her own property. RP provided an enlarged photo of the S/ SUV. OR plate unreadable in photo. Photo scanned into this CAD 07/05 14:25:13 ...234 Added ...

People Involved:

Involvement	Name	Citation/Charge/Offense	Date Officer
Complainant	KELMAR, Cheryl May	DARGER	7/5/2024

Officer's Signature: _____ **Date:** _____

CONFIDENTIAL

76



CITY OF BROOKINGS POLICE DEPARTMENT

Kelby McCrae, Chief of Police



COMPLAINT AGAINST OFFICER

Today's Date: 3-19-2025

Your Name: Cheryl Helmer

Address: PO Box 367

Date of Birth: 3-1-60

Phone: 805 869 8589

Date of Incident: 3-19-25

Time of Incident: 2 am/pm

Officer(s) Involved: _____

Location: Cascade Lumber

My complaint is: I arrived in Brookings on Sunday around 8pm and haven't seen my neighbor Tiffany Berg. While crossing into the front of Cascade Hardware parking lot, Tiffany entered the lot - came close to hitting me - and then drove off. She didn't even the slow. By the time I got my camera out she was at the light to turn right on 101.

I hereby swear and affirm that the above information contained in my statement is true and factual to the best of my knowledge. I understand that making a false statement, or report, to a law enforcement officer or law enforcement agency is a criminal offense and engaging in such conduct could result in my arrest and prosecution under the Criminal Laws of the State of Oregon.

SIGNED: _____

Intake Officer: _____

Incident #: _____

Refer to: Chief _____ Sergeant _____ Comm. Supervisor _____

Additional pages yes no

Date/Time: _____



898 ELK DRIVE
BROOKINGS, OR. 97415
www.brookings.or.us

Phone: (541) 469-3118
Fax (541) 412-0253

July 21, 2024

Brookings, Oregon Police
898 Elk Drive
Brookings, OR 97415

Re: Police reports submitted by Cheryl Kelmar

Thank you for your time and consideration. Unfortunately, you know who I am because of the multiple number of police reports I have submitted, especially during my last visit to my property located at 914 Marine Heights Drive in Brookings.

I am writing for several reasons. One is that I have not been given information about the Orderly Conduct charge against the Berg's, which I provided evidence. What is the status and what was the time and date it was served on the Berg's. Also, what was the date and time when my citations for noise were served.

Attached is \$140 for copies of police reports I ordered. Please, return to P.O. Box 367, Santa Barbara, CA 94102.

Further, the police reports provided to me are incomplete because they do not have the pictures I submitted, and the facts mischaracterize the issue I complained about.

One example is from around August of 2023, when I called the police about Berg's videotaping me while I was on my own property, the police mischaracterize the incident stating that after Tiffany's dad threatened me, the Berg's began to videotape. This is not true. One can view the video on Tiffany's YouTube at [Brookings CRAZY NEIGHBOR. Episode 1 \(youtube.com\)](https://www.youtube.com/watch?v=Brookings_CRAZY_NEIGHBOR_Episode_1) to see that the Berg's were videotaping me when I walked down to my property. That's why I was waving and saying "hi neighbor" with a squeaky voice. The threat from Tiffany's dad didn't happen until much later. In the video, Trenton, Tiffany's son, states that I came down to the lower part of my property to harass me and Tiffany states that I walked all the way down there for nothing, meaning just by walking down to the lower part of my property, she considered it harassment. I didn't know I needed the Berg's permission to walk on my own property.

Another example is how the police claimed that the Berg's flying a drone over my property was legal when it is not – and that is the second time I complained about such behavior by Tiffany – writing in the police report that by my calling 911 about a drone flown at my head was an abuse of the 911 system. Drones are used in war and because of the history between Tiffany and I, I did have a legitimate concern. An officer Thomas told me later that the officers didn't know the law surrounding drones. Yet, the police report was not updated.

The police reports for which I provide information about, which were not included in the police reports **Call 16243** made on August 22, 2023, made on January 23, 2024, **L2404338** made on March 22, 2024, **L2401168** made on January 23, 2024, **Call 9178** made on June 18, 2024, **Call 9336** made on June 21, 2024, **L2409412** made on January 22, 2024, **L2409412** made on January 24, 2024, **L2409630** made on January 26, 2024.

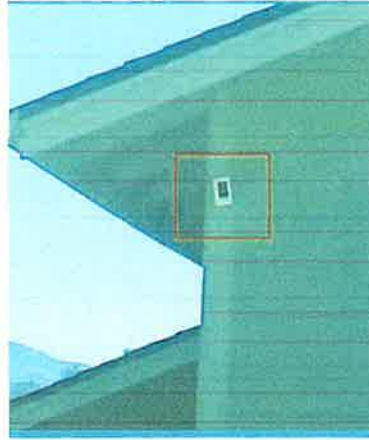
I came to the police department in person to make complaints on January 20, 2024, where I allege Tiffany told me "I'm going to kill you", when installing cameras and her father called me a bitch, stating "they would get me". Why didn't these important complaints get recorded? The bias seems clear.

Cheryl Kelmore 7/22/24

1
2 **Exhibit Q**

3 **Change in Berg's Camera Position after Plaintiff Installed a Privacy Fence**

4 Originally, Tiffany's camera was 12 feet on her garage



12 Plaintiff installed a privacy fence



18 I complained that Tiffany's camera was focused on the Tenant's Jacuzzi and can view inside
19 my working shed. The officer claimed he had reviewed the cameras and that there was no
20 problem.



The same day the police officer told me that no problem existed, I caught Tiffany on her roof moving the camera. Later, I installed garbage bags on the fence to block Tiffany from harassing me through the gas as she did on January 22, 2026, before I was arrested. The next day, Tiffany flew a drone at my head while I was weed whacking and installed another garden looking over my garden.



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Privacy fence 2 sections \$800
2 trees/gopher baskets & Fruits \$120
Move, reseed and bushed \$150
6 Foot Fence \$750
Garden Fence w/Gate & 2 8x4 Garden Beds 1750
Garbage Dump \$100

Manual Center
12/22/23

1200
1750
19
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2986

5/23/25

4 1/2 hours @ \$35 work at Marina Heights
Buac Shapshire, Paid \$50 of \$100 award
total \$107⁵⁰, Fence

$$\begin{array}{r} 24.5 \\ 35 \\ \hline 220 \\ 1350 \\ \hline 157.5 \end{array}$$

$$\begin{array}{r} 157.50 \\ 50.00 \\ \hline 107.50 \end{array}$$

Buac Shapshire

Exhibit R

Tiffany false criminal complaint

Videos from Blink camera: Tiffany NO Danger 1-22-2026, Tiffany Threat 1-22-2026, and Tiffany False change 1-22-2026

The wooden structure with a board was created to install a flag police to block Berg's light and camera.



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Appendix B
Oregon Tort Claims Act

9589 0710 5270 2379 4516 26

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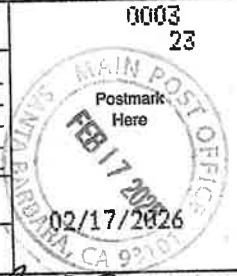
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Brookings City Hall, the City Recorder, or the City Attorney

Notice of Claim Pursuant to ORS § 30.275 Notice of Claim Pursuant to ORS § 30.275

NOTICE OF TORT CLAIM

Pursuant to ORS § 30.275

To Whom It May Concern:

This letter constitutes formal notice of a claim against the **Brookings City Council**, and their officers, employees, and agents, pursuant to **Oregon Revised Statutes § 30.275**.

Claimant:

Cheryl Kelmar

P.O. Box 367

Santa Barbara, CA 93102

Date of Incident:

January 22, 2026

Time of Incident:

12:00 pm

Location:

914 Marina Heights Road, Brookings, Oregon 97415

Circumstances of the Claim:

In November of 2025, I received discovery from the city that displays their negligence and refusal to do their job surrounding a light belonging to the Bergs' that because it is attached to their garage, which faces my property at 914 Marina Heights, it lights up my entire property. However, after giving two presentations to ask for an outdoor light statute, the city refused. Upon receiving discovery, I read negligence in stating "no one else complained" even though no other neighbor faces the Bergs' garage directly. All other neighbors are a distant away. This refusal to do their job has cost me over \$50,000 and years of my retirement, possibly significant enjoyment of my retirement being that this war may deny me travel into the future – meaning my ability to have the time and money for enjoyments is gone.

The actions of the involved officers violated my rights under the **Fourth Amendment** and the **Fourteenth Amendment** (due process and equal protection) to the United States Constitution, as well as corresponding rights under Oregon law, Deliberate Indifference to elder abuse and vulnerability, and municipal liability. These acts were carried out within the course and scope of the officers' employment with the City of Brookings.

As a direct and proximate result of this conduct, I suffered damages including, but not limited to, physical injury, emotional distress, loss of liberty, financial losses, and other compensable harms.

Nature of the Claim:

This notice is provided to preserve all applicable **state-law tort claims** against the City Council of Brookings their employees, including claims for negligence, false arrest, false imprisonment, and any other tortious conduct recognized under Oregon law.

This notice is also intended to **preserve all federal civil rights claims**, including but not limited to claims arising under **42 U.S.C. § 1983**, for violations of the Fourth and Fourteenth Amendments. Nothing in this notice should be construed as a waiver of any federal or state rights or remedies.

Damages: The full extent of damage is ongoing and not yet fully known. I seek all damages available under law, including compensatory damages, special damages, general damages, and any other relief deemed appropriate.

Please direct correspondence regarding this claim to me at the address listed above.

Sincerely,

Cheryl Kelmar

9589 0710 5270 4083 3339 46

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Gold Beach, OR 97444

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☐ Adult Signature Restricted Delivery	\$0.00	
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 City, State, ZIP+4®: *Gold Beach OR 97444*

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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☐ Return Receipt (electronic)	\$0.00	
☐ Certified Mail Restricted Delivery	\$0.00	
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☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.78	
Total Postage and Fees	\$6.08	

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 Street and Apt. No., or PO Box No.: *898 E. 2nd Ave*
 City, State, ZIP+4®: *Brookings OR 97415*

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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☐ Adult Signature Required	\$0.00	
☐ Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.78	
Total Postage and Fees	\$6.08	

Sent To: *Brookings City Hall*
 Street and Apt. No., or PO Box No.: *898 E. 2nd Ave*
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PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

NOTICE OF TORT CLAIM
Pursuant to ORS § 30.275



To: Brookings City Hall, City Recorder, and/or City Attorney, City of Brookings, Oregon

Claimant:

Cheryl Kelmar
P.O. Box 367
Santa Barbara, CA 93102

Date of Incident:

January 22, 2026

Time of Incident:

Approximately 2:00 pm to 6:00 pm

Location of Incident:

914 Marina Heights Road
Brookings, Oregon 97415

NOTICE

This letter constitutes formal notice of a claim against the City of Brookings, the Brookings Police Department, and their officers, employees, and agents, pursuant to ORS § 30.275. This is my second filing of a claim to ensure that my claim is legally sufficient.

Circumstances of the Claim

On or about the date and time listed above, officers of the Brookings Police Department engaged in conduct that resulted in injury and damage to me. This conduct included, but is not limited to:

- Unlawful detention and/or arrest
- Unreasonable search and seizure
- Excessive force
- Deprivation of liberty without due process
- Deliberate indifference to my vulnerability as an older adult

These actions were taken under color of law and within the course and scope of the officers' employment with the City of Brookings.

The conduct described above violated my rights under the Fourth and Fourteenth Amendments to the United States Constitution, as well as corresponding rights under Oregon law. Additionally, the actions reflect unequal and selective enforcement of the law, as similarly situated individuals were not subjected to the same treatment.

Nature of the Claim

This notice is provided to preserve all applicable state-law tort claims against the City of Brookings and its agents, including but not limited to:

- Negligence

- False arrest
- False imprisonment
- Excessive force
- Intentional infliction of emotional distress
- Any other tortious conduct recognized under Oregon law
- Selective enforcement
- Deliberate indifference to elder abuse and vulnerability
-

This notice also preserves all federal civil rights claims, including but not limited to claims arising under 42 U.S.C. § 1983. Nothing in this notice shall be construed as a waiver of any rights, claims, or remedies available under state or federal law.

Damages

As a direct and proximate result of the actions described above, I have suffered significant damage, including but not limited to:

- Loss of precious metals and other property
- Financial losses, including the loss of a worker
- Emotional distress, humiliation, and reputational harm
- Physical pain and suffering
- Loss of liberty and related harms

At this time, my damages are estimated to be **no less than \$100,000**, and continue to accrue. I seek all damages available under law, including compensatory, general, and special damages, as well as any additional relief deemed appropriate.

Conclusion

Please direct all correspondence regarding this claim to me at the address listed above. I did not undertake this action lightly; however, the severity of the harm and losses I have experienced makes this necessary.

Sincerely,



Cheryl Kelmar
Date: April 2 , 2026

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Postage \$0.78

Total Postage and Fees \$6.08

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☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00

Postage \$0.78

Total Postage and Fees \$6.08

Sent To *Brookings City Council*
 Street and Apt. No. or PO Box No. *898 Elk St*
 City, State, ZIP+4® *Brookings OR 97415*

0003
 06
 Postmark Here
 04/22/2026

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

Brookings City Hall, the City Recorder, or the City Attorney

Notice of Claim Pursuant to ORS § 30.275 Notice of Claim Pursuant to ORS § 30.275

NOTICE OF TORT CLAIM

Pursuant to ORS § 30.275

To Whom It May Concern:

This letter constitutes formal notice of a claim against the **Brookings Police Department**, and their officers, employees, and agents, pursuant to **Oregon Revised Statutes § 30.275**.

Claimant:

Cheryl Kelmar

P.O. Box 367

Santa Barbara, CA 93102

Date of Incident:

January 22, 2026

Time of Incident:

2:00 pm

Location:

914 Marina Heights Road, Brookings, Oregon 97415

Circumstances of the Claim:

On or about the date and time listed above, officers of the Brookings Police Department engaged in conduct that resulted in injury and damages to me. This conduct included, but is not limited to, unlawful detention and/or arrest, unreasonable search and seizure, excessive force, and deprivation of liberty without due process.

The actions of the involved officers violated my rights under the **Fourth Amendment** (freedom from unreasonable searches and seizures) and the **Fourteenth Amendment** (due process and equal protection) to the United States Constitution, as well as corresponding rights under Oregon law, Deliberate Indifference to elder abuse and vulnerability, and municipal liability. These acts were carried out within the course and scope of the officers' employment with the City of Brookings.

As a direct and proximate result of this conduct, I suffered damages including, but not limited to, physical injury, emotional distress, loss of liberty, financial losses, and other compensable harms.

Nature of the Claim:

This notice is provided to preserve all applicable **state-law tort claims** against the City of

Brookings, the Brookings Police Department, and their employees, including claims for negligence, false arrest, false imprisonment, and any other tortious conduct recognized under Oregon law.

This notice is also intended to **preserve all federal civil rights claims**, including but not limited to claims arising under **42 U.S.C. § 1983**, for violations of the Fourth and Fourteenth Amendments. Nothing in this notice should be construed as a waiver of any federal or state rights or remedies.

Damages: The full extent of damage is ongoing and not yet fully known. I seek all damages available under law, including compensatory damages, special damages, general damages, and any other relief deemed appropriate.

Please direct correspondence regarding this claim to me at the address listed above. This is so unfortunate. I did not want to go back into court, but I lost \$35,000 – money I really need as an older woman on a fixed income, defamation and humiliation, bodily pain, and more . I was arrested for doing nothing wrong with selective enforcement against me versus the manner in which the Brookings Police have treated Berg's for harassment and disorderly conduct, never holding them to consequences.

Sincerely,

Cheryl Kelmar

April 2, 2026

Cheryl Kelmar
P.O. Box 367
Santa Barbara, CA 93102

The Berg's
214 Marine Drive
Brookings, Oregon, 97415.

RE: Formal Demand – Tree Planting Causing Property Damage Risk

Dear Tiffany Berg,

I am writing to formally address a serious issue regarding the trees you recently planted along our shared property line.

As you are aware, my property includes a septic system with leach lines located near that boundary, as well as an established garden and fence line. Given your prior involvement with the property as a realtor, you had actual knowledge of these conditions before planting the trees. The trees you installed are positioned so close to the boundary that their root systems will inevitably extend into my property. This creates a substantial risk of damage to my septic system, fence, and garden area. Root intrusion into septic leach lines can cause severe system failure and costly repairs.

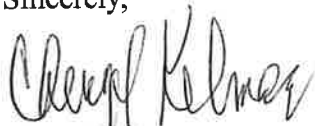
You did not seek my consent, request an easement, or install any form of root barrier to prevent encroachment. Because I own the subsurface of my property, including the area occupied by my septic system, this situation constitutes an unlawful interference with my property rights. To resolve this matter without litigation, I demand the following:

1. Remove or relocate the trees to a distance that eliminates the risk of root intrusion.
2. Pay \$50,000 for my loss as a result of your false police report.

Please provide a written response within **14 days** of the date of this letter confirming how you intend to resolve this matter.

If I do not receive a satisfactory response, I am prepared to pursue legal action seeking damages, injunctive relief, and all available remedies under Oregon law. I would prefer to resolve this issue amicably and without court involvement, but I am prepared to take further steps if necessary.

Sincerely,



Cheryl Kelmar
cheryl@medicalworks.com

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2026, I served a true and correct copy of the foregoing **Plaintiff's 3rd Amended Complaint with an Affidavit in Support** on all counsel of record through the Court's CM/ECF system.

DATED: August 13, 2026.

Cheryl Kelmar, Plaintiff, Pro Se

Signature Cheryl Kelmar

CHERYL KELMAR, "Cheryl" Plaintiff
P.O. Box 367
Santa Barbara, CA 93101
Telephone: (805) 869 -8583
cheryl@medicalworks.com