

# Sold a damaged vehicle, 2 file lawsuit against dealership

BY BILL DONOVAN  
SPECIAL TO THE TIMES

**ALBUQUERQUE** — Two Navajos have filed a lawsuit against a Farmington auto dealership claiming the company sold them a lemon and refused to take it back.

The plaintiffs are James Charboneau of Ojo Armarillo, New Mexico, and Maxine Yazzie of Tohatchi, New Mexico. Named in the suit were Hi-Country Buick GMC, Exeter Finance and Western Surety Co.

According to the lawsuit, Hi-Country had purchased a used 2013 Chevrolet Malibu at an auction from Hertz Vehicles, a well-known car rental

company.

Prior to the auction, Hertz had notified prospective buyers that the vehicle has extensive structural damage because of an accident and poor quality repair.

Charboneau, 76, came by the Hi-Country dealership on Aug. 28 looking to see what cars were available and when he was shown this Malibu, it appeared to him to be a good vehicle, especially after sales personnel pointed out that this was a late model with low mileage.

In fact, Charboneau said in the suit, the sales person claimed it was "like new" and was "of luxury quality."

He then drove it in a test run and it seemed to drive well.

He decided to buy it but the dealership said he would need a co-signer so he contacted Yazzie and she came to the dealership.

At no time during the sales conversation, said the lawsuit, did anyone at the dealership reveal that the car had received substantial damage in an accident.

In fact, Charboneau received a document which read: "Dealer states under oath that to the best of the dealer's knowledge, there has been no alteration or chassis repair due to wreck damage on the vehicle being purchased, except as noted on this agreement."

The dealership also didn't reveal that this was a former

rental car, even though the title certificate identified Hertz as a prior owner. But neither Charboneau or Yazzie saw the title certificate because it was never presented to them to sign, according to the lawsuit.

Both Charboneau and Yazzie stated in the lawsuit that they would never had purchased the vehicle if they had been told that it had been in an accident and that it was owned previously by a rental company.

The two finally agreed to buy the vehicle for \$18,128.91. Shortly thereafter, Hi-Country assigned the lease to Exeter.

"From the outset, the Malibu suffered mechanical problems, including a tendency to shake at high speeds and wear out

one of the tires more quickly than the others," the lawsuit stated.

A little more than a year after he purchased the vehicle and after they continued to make monthly payments on it, Charboneau changed his car insurance carrier to Safeway.

Safeway obtained a vehicle history report that showed the previous damage and the fact that Hi-Country purchased it understanding it had structural damage.

Safeway then informed Charboneau who returned to Hi-Country to ask for an explanation.

Hi-Country, according to the lawsuit, denied that the Malibu was damaged and refused

to help either Charboneau or Yazzie in any way.

The two then took the vehicle to an independent body shop which confirmed that the vehicle had received extensive damage at some point in the past.

On Sept. 28, Hi-Country officials filed a response to the suit denying the allegations it sold Charboneau and Yazzie a defective vehicle, saying it had no knowledge it was defective at the time it was sold.

For every allegation made in the lawsuit, the response was the same: "Defendants are without sufficient knowledge to admit or deny the allegations in this paragraph and therefore deny them."