Lawsuit Update

The trial phase of the lawsuit brought by Golf Course Estates at Creekside HOA against Creekside Golf Club is nearly complete. The main issue of the suit is to prevent developing the golf course into a 350-lot subdivision within the boundary of the golf course. From Monday through Friday, Jan. 9-13, 2017, a judge heard arguments from both sides. The court received extensive exhibits and heard detailed testimony for both sides; it recessed Friday afternoon. The judge will hear closing arguments Friday, Feb. 3. A decision is expected some time afterward.

The primary purpose of a homeowners association may be framed up this way:
It serves to enforce the Covenants, Conditions, Restrictions (CCRs) and Declaration of the document on file. Homeowners depend on the HOA Board to “preserve, protect and enhance” their property value to the best of its ability. In this case the stakes are high as we consider the quality of life and the potential impact of building over 350 houses on the golf course land. The engineer for the defendants testified this building process could take 10 years. This lawsuit is about more than the estimated $10 million to $20 million financial loss to our home values. The proposed development would radically change the quality of life for the vast majority of residents for an extended period of time.

After going through nearly a year of trial preparation and sitting through this phase of the trial, I can report there is much good news and we are optimistic. Literally dozens of homeowners worked tirelessly to support this effort. They poured through their files and produced original marketing and sales documents for this Planned Unit Development as a “golf course community” as well as long-term golf memberships purchased. A number of these same neighbors were subpoenaed, deposed by attorneys, testified for the HOA, and underwent cross-examination. A number were there every day of the trial. They made the time, some at significant personal sacrifice. Each person had a great attitude and indicated they were happy to be able to help our cause. We all are indebted to each of you who had a part. Every effort was significant in this fight.

The HOA team (attorneys and witnesses) was very well prepared and presented a compelling case. The golf course owners gave it their all. Our hope and belief is the judge will rule in our favor, but we await the decision knowing it can go either way. The Board will keep you informed. On behalf of the Board, thank you for all the support during this process. We are continually encouraged by the way our community has galvanized around this real and significant threat to our homes and quality of life here at Golf Course Estates at Creekside.

Don Wildfang, President
Home Owners’ Association
Golf Course Estates at Creekside