



A PUBLICATION OF THE VINEYARDS HOMEOWNER'S ASSOCIATION

Letter from the President

APRIL 07, 2015
Special Edition

Dear Residents of the Vineyards,

Over the past five years you have read and heard the Board address the issues and status of litigation filed by the owners of Lot 60 against your Homeowners Association, Forsyth County, and the previous owners of Lot 60. During the course of this litigation leading up to our trial, the former owners were dismissed from the case and Forsyth County settled with the Plaintiff for \$25,000.

During the week of March 30, a four day trial was held in Forsyth County Superior Court. The Plaintiff was Vineyards Subdivision Detention Pond, LLC which is the entity currently holding title to Lot 60. The original action was filed by Andrew and Cheryl Milejczak, owners of Lot 60 until October of 2014. Your HOA was the Defendant.

Briefly, here are the results of the trial:

The jury found that the Vineyards HOA has the duty to maintain the detention pond located on Lot 60. The jury awarded **zero** dollars in compensatory damages to the Plaintiff. The jury awarded \$44,207.39 in attorneys' fees (covered by our insurance). The jury found that the Plaintiff **is not** entitled to an award of punitive damages. The jury found that the HOA breached the Declarations of Covenants which is the basis of their decision that the HOA has a duty to maintain the pond. The Plaintiff asked for and the Judge granted a permanent injunction which is the basis for our obligation going forward.

As a point of further clarification, the jury believed that despite the verbal limitations contained in the Declaration, notations on the original Plat of Phase 2 and trial evidence proved the pond serves as a detention pond for lots in the subdivision and therefore the HOA has a duty to maintain the drainage easement and pond.

Going forward, the Board will work with legal counsel experienced in Homeowners Association law and competent engineering experts to determine what is necessary to maintain the pond and correct any functional deficiencies to the pond itself.

Obviously a four day trial involved more than what we can cover in this article but we wanted to communicate the trial results to our residents.

We will continue to keep you updated as further details unfold.

Sincerely,

Julie Holloway

President

The price of success is hard work, dedication to the job at hand and the determination that whether we win or lose, we have applied the best of ourselves to the task at hand.
~ Vince Lombardi