

Dear Springlake Property Owners' Association Members:

In January 2014, the Springlake Property Owners' Association was forced to initiate legal action against Gerald and Amy Kirk to enforce the deed restrictions protecting the properties located with our neighborhood. At issue was the Kirks' operation of a commercial business (an "educational farm" and other uses), their unapproved construction of buildings, and their refusal to maintain their property free of trash and junk. As a standard part of the litigation process, the SPOA requested information through the lawsuit from the Kirks to prove its case and bring the lawsuit to a prompt and successful conclusion. Rather than comply with our requests and defend their actions on the merits, the Kirks made a filing with the court that challenged the legitimacy of the SPOA itself. On highly dubious grounds, the Kirks claimed that the SPOA had no legal authority to enforce the Springlake deed restrictions. The Kirks' argument was based on an inaccurate version of history and a faulty reading of the law. The SPOA responded and the court (Judge Bruce Boyer of the 22nd Judicial District Court of Hays County) held a hearing to review the parties' evidence (and the lawyers' arguments) in March 2015. After a lengthy and careful review, Judge Boyer issued his opinion this month addressing this critical issue and found that the SPOA was fully vested with the authority to take action on behalf of its members to enforce the Springlake deed restrictions. (I have attached a copy of Judge Boyer's order, please see the link below.)

With this issue resolved, we anticipate being able to bring the case to a prompt and favorable resolution either through an agreement with the Kirks that they will fully comply with the deed restrictions or a trial. Please understand that each and every board member is mindful of the costs involved in any lawsuit. That is why from the outset past board members attempted to amicably work with the Kirks in the hopes of avoiding the necessity of litigation and why current board members are working to bring this litigation to a successful conclusion as quickly as possible. That said, the Kirks' intentional violations of the deed restrictions – covenants we all agreed to abide by when we purchased our properties in Springlake – prohibiting the operation of commercial businesses in a residential neighborhood and constructing buildings without proper approval strike at the very core of nature of Springlake and have the potential to severely harm property values. Consequently, while we would prefer an immediate agreed resolution, we cannot allow their actions to go unaddressed. Judge Boyer's ruling is an important step toward concluding this matter.

Best regards,  
Rick King, SPOA President

