

# KINGS RIVER VILLAGE



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### Litigation Update

*Posted on Nov 10th, 2012*

Many homeowners have had questions about the lawsuit regarding the golf course and 4th nine property, and potential development bordering our neighborhood along the West Lake Houston/Kings Park Way intersection. The lawsuit was filed in 2010, and we call it the Pinehurst Trail Holdings (PTH) litigation. After two mediation sessions in 2011 and 2012 were unsuccessful, the matter went to trial in the summer of 2012. The Final Judgment did not favor plaintiffs.

The main golf course property (between KRV and Atascocita) has now been separately settled by the "Sensible Solution Committee" and details are available from the Atascocita Community Association. No settlement was reached regarding the property along the West Lake Houston/Kings Park Way intersection (commonly called the "4th nine" or the "green space"). Many individual KRV properties share a property line with this land, and would be directly affected by any development.

So, certain Plaintiffs including Kings River Village Community Association and Kings River Village Trails Association, in a continued effort to protect homeowners from commercial development so close to their homes, filed a motion for a new trial in the Pinehurst Trail Holdings litigation. The motion for a new trial was the next step, and it was denied as expected. As well, the defendant's motion to the court to reconsider assessing defendant's attorney's fees against the plaintiffs was also denied.

So, KRVC and KRVT will move forward to the appellate court on certain aspects of the outcome. Periodic updates about the appeal will be posted here or discussed at the monthly meetings. For questions regarding the litigation at the trial court level, including the Original Petition and Final Judgment, complete records can be found at the District Clerk's website: <http://www.hcdistrictclerk.com/Edocs/Public/search.aspx>  
Search criteria - CASE: 201030418 - DONNELLAN, KEVIN VS. PINEHURST TRAIL HOLDINGS L L C

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### Litigation Update

*Posted on Feb 4th, 2015*

As many of our homeowners are aware, KRVCA has been pursuing all legal options via a lawsuit regarding the golf course and the 4th nine property, and potential development bordering our neighborhood along the West Lake Houston/Kings Park Way intersection. The lawsuit was filed in 2010, and we call it the Pinehurst Trail Holdings (PTH) litigation. After two mediation sessions in 2011 and 2012 were unsuccessful, the matter went to trial in the summer of 2012. The Final Judgment did not favor plaintiffs. Following the unsuccessful trial, KRVCA pursued an appeal, which was also not successful. The last resort for this litigation was to present the case to the Supreme Court of Texas. In January, 2015, the Supreme Court of Texas denied the petition for review.

The main golf course property (between KRV and Atascocita) has now been separately settled by the "Sensible Solution Committee" and details are available from the Atascocita Community Association. No settlement was reached regarding the property along the West Lake Houston/Kings Park Way intersection (commonly called the "4th nine" or the "green space").

For questions regarding the litigation at the trial court level, including the Original Petition and Final Judgment, complete records can be found at the [District Clerk's website](#). Search criteria: **CASE: 201030418 - DONNELLAN, KEVIN VS PINEHURST TRAIL HOLDINGS L L C**

For information pertaining to the Supreme Court of Texas decision, [click here](#).

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## HEADLINES

### Pinehurst Trail Holdings awaits ruling in country club case

Wednesday, May 30, 2012

Fran Morris

After nearly two-and-a-half weeks of testimony in Harris County civil court, the jury in the Atascocita residents' lawsuit against Pinehurst Trail Holdings LLC (PTH) voted 10-2 May 15 that there are no implied restrictions on the property that formerly was home to the Atascocita Country Club and golf course, according to plaintiffs' attorney Kim Spurlock. The dispute began two years ago when the grounds of the former golf course began to be overgrown and unsightly after the country club closed in early 2010. Residents became so angry that they sued the new owners, PTH and its partners Joe Stunja and John Hammond. They also complained to the Harris County Public Health & Environmental Services (HCPHES) about the nuisance and unsanitary conditions. When Stunja didn't comply with the orders to clean up the property, including removing dead trees he contracted to have cut down which were placed on the rear edges of homeowners' properties lining the old golf course, HCPHES took him to court on two counts. That trial is scheduled for June 19. Some people still want the property to be a golf course again, partly because home values have dropped, but also because they liked the view of green fairways and trees behind their homes. Although the tennis courts and swimming pool were sold and now are leased by Lifetime Fitness, the future of the clubhouse, 27-hole golf course and surrounding areas are in question. The May 15 verdict hinged on the golf course use-only restrictions, with jurors finding for PTH that the land is private property and is under no obligation to be a golf course. Other issues are still to be decided by the court, Spurlock said. An appeal to the verdict will wait until after the ruling by Judge Robert K. Schaffer. The lawsuit was brought by Kevin Donnellan and other landowners to restrict the land for golf course use only. The restricted portions are three parcels included in the third nine-hole course, one of which is part of the Island Green subdivision. Also in dispute is an undeveloped area near Kings River, referred to as the fourth nine. PTH purchased the property from ClubCorp in 2009 and continued operating it as a golf course for seven months before closing it in 2010. Earlier this year, PTH offered to donate the disputed restricted parcels to the homeowners association to be used as green space or a park. The homeowners turned down the gift because they didn't feel they had the expertise to operate a golf course, since it was restricted for that use, or to be able to maintain the property. Atascocita residents were in attendance during the trial, many of them called as witnesses. The golf course was the reason they purchased the property adjoining the golf course and in the community itself, they said. In the beginning, a \$10,000 lifetime membership was offered as an inducement to buy, and many took advantage of the offer. When the golf course was closed in 2010, memberships were transferred to Kingwood Country Club. In most cases, properties along the golf course were more expensive than elsewhere in the community. As the area was marketed as a "golf course community," all testified that they want the ex-golf course to be as it was when they bought the property. What happens now? The clubhouse and the surrounding area now has been leased from PTH and houses IncrEDIBLE Delights restaurant. The jury finding for PTH and partners Stunja and Hammond was a blow for the homeowners who own lots around the old golf course, and for those in other parts of the community. "Everybody is disappointed," said homeowner Bob Garlington. "So many people have been hurt and so much [home] values destroyed by this. There are many retired people who bought homes here. It was a big investment. The value of my property is down \$40,000." Debra Polk and her husband Dick have a home adjoining the old golf course property and she said she does not feel that there is anything definite with the outcome of the trial. "I'm in limbo," she said. "I wish he [Stunja] would tell us what he's going to do with [the old golf course property]. It's a huge question mark over what's going to happen. It could bring the property values down even further." Polk said property values have fallen since the golf course was shut down, and does not know how much more they will decrease. "Our property taxes have not gone down, though," she said. Her next door neighbors decided to sell their home and go back their hometown of Kerrville after the golf course closed. "They were concerned about the property values going down and thought they would be able to sell it," Polk said. "Two years later it is still vacant."

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