



WEICHERT LAW FIRM



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ASSOCIATION TAKES ON DEVELOPER AND WINS!

On January 12, 2010, the Texas Third Court of Appeals ruled in favor of a Hays County homeowners association, represented on appeal by the Weichert Law Firm, over developer who had marketed the subdivision as a gated community with private streets. The developer subsequently recorded easements through the subdivision over the private streets to other land owned by the developer, asserting that it still owned the roads. The association filed suit to declare the easements invalid, and the trial court ruled in favor of the association. The developer appealed on the grounds that the streets had never been deeded to the association and that conveyance by plat dedication was not a legal means of transferring real property from one private party to another. The appellate court affirmed the trial court's judgment that the access easements were void. In its opinion, the appellate court held that, although the streets had not been deeded to the association, the conduct of the developer in providing for private streets on the subdivision plat and in the declaration of restrictions constituted transfer of ownership to the association.

(See www.weichertlaw.com for complete opinion)

LITIGATION SERVICES FOR ASSOCIATIONS:

Protection of Association Rights
Collection of Assessments
Enforcement of Deed Restrictions
Defense of Boards and Associations

Our qualified attorneys have years of experience representing community associations, business owners, builders, contractors, architects, land developers and property owners.

(Disclaimer: Lawyers are not certified by the Texas Board of Legal Specialization.)