

5/21/21

Settlement

This message is on behalf of the WHP BOD and our Park Attorney Mr. Almand:

The Board of Directors is pleased to report that the case of Raymond v. Worcester County and White Horse Park has been settled. Trial had been scheduled for next week. This litigation was started by several Park owners who challenged the Park Declaration and the County Code provisions prohibiting full-time occupancy of lots in the Park. Those owners were seeking a Court determination and declaration that the occupancy limitations were invalid and unenforceable.

The case was settled with a Consent Order of Court declaring that the occupancy limitations in the Park Declaration and the County Code “are valid and enforceable against owners of the numbered lots and/or campsites in White Horse Park.”

To settle the case, the County Commissioners agreed not to enforce the occupancy limitations prior to April 1, 2022, provided the owners currently occupying their lots as a principal place of residence sign an affidavit admitting that they have been violating the Code and Declaration provisions that prohibit full-time occupancy in the Park. Since the Community Association has consistently supported the Commissioners efforts to stop full-time occupancy of lots, the Board of Directors agreed to settle on the same terms as the County.

Settlement of the case was strongly recommended by the Park’s attorney, who stated that the Community Association achieved through the settlement most of what it could have obtained through a contested trial. More importantly, the attorney noted that, by settling, the Association would save approximately \$10,000 in litigation fees and costs.

As soon as the Board has the Court Order, signed by the Judge, it will be made available to the membership.