

To: All Legends Drive Communities

Legends Drive Maintenance Legal Opinions

Because there continues to be differing views within the communities as to the legal responsibility for maintaining Legends Drive, legal opinions have been sought with several highly respected law firms as to what the legal doctrine says about easement responsibilities.

These legal opinions are in general agreement that when a person is granted use of someone else's real property the user is required to maintain that property. If more than one party is granted an easement, then all such users share the maintenance cost equitably.

It is also well established that if a maintenance agreement exists between parties then the maintenance agreement must be considered. There is a maintenance obligation between the owner of Legends Drive and a few HOAs, but the owner has stated it cannot and will not provide any maintenance. Accordingly, easement law would still apply to all Legends Drive easement holders, including those with valueless maintenance agreements.

Finally, we asked one law firm to opine on whether one easement holder could take on the total responsibility to provide maintenance for Legends Drive, then equitably bill all other easement holders. Courts have upheld this approach.

These opinions are available for your personal use by sending an email to LegendsDr2024@gmail.com. Acknowledge in your email that this information will be for your personal use only.