

FROM THE DESK OF

*Jennifer Wynn*

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October 23, 2021

Dear Elk Meadows property owners,

Many of us know that there has been some disagreement within Elk Meadows as to whether or not the covenants allow vacation rentals to strangers. My impression is that the large majority of Elk Meadows owners think that commercial rental is not allowed, but some Elk Meadows owners think otherwise. That difference of interpretation led to litigation between two owners of Elk Meadows property. (The Elk Meadows protective covenants can be enforced by any Elk Meadows owner, as well as by the Elk Meadows Homeowners Association.)

That litigation has now been resolved: The trial court ruled that "The clear and unambiguous language of Section 2.1(a) [of the Elk Meadows protective covenants] prohibits use operating the property on a for profit, commercial basis between its owners and/or occupants." The court went on to say that "As a matter of law, the Covenants prohibit [the Elk Meadows owner's] short-term rental of the property." As a result, the owner was ordered to cease its short-term rental, and was "enjoined from any further for profit, commercial rental of [its] Elk Meadows Lot".

The ruling should resolve this difference of opinion as to short term rentals. I hope this resolution will allow us to proceed as a community of good neighbors. The covenants, in addition to setting out rules to protect the community, remind us that "continued good relationships with one's neighbors is of utmost importance."

I am happy for a clear conclusion to this issue and am sincerely sorry for any inconvenience caused by previous misunderstanding of our covenants.

Sincerely yours,

Jennifer Wynn, EMHA President

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