

# South Trail Update – July 2015

Many of you have been wondering about the status of planning for the South Trail. This page is to give you an update on this important project.



The most important news is that the fences blocking access to our common ground along the south shore of the lake have been removed. Residents may carefully and respectfully walk those grounds. If you decide to explore, please be careful because no improvements have been made yet. There are a few locations that are steep and slippery when the ground is wet. The trail may not be suitable for those with limited ability or for small children.

Please be respectful of private property adjacent to the trail and of the privacy of our Lake View Park neighbors whose homes border the trail.

We are continuing to study plans to improve access, safety, beauty of the trail, and we will keep you informed of progress.

## South Trail Vote

In early 2015 Lake View Park Commission mailed all homeowners an information packet regarding the proposed South Trail, and a ballot allowing all homeowners to vote on whether the project should proceed. The results of the ballot demonstrated overwhelming community support for the project as shown below.

2015 South Trail Ballot Results		
Ballots Mailed	530	
Votes FOR the South Trail	319	84%
Votes AGAINST the South Trail	61	16%

## South Trail Opposition

Several neighbors with homes adjacent to the South Trail have maintained fences which blocked access to the common grounds in recent years. Lake View Park Commission notified the homeowners that the commission intended to remove those fences. The opponents responded with legal action, seeking an injunction preventing Lake View Park Commission from removing the fences.

The Lake View Park Commission retained the law firm of Deutsch & Gottschalk to represent the commission and the rights of homeowners to access the common grounds surrounding Beaver Lake. On June 29<sup>th</sup> Judge Marvin Pope heard and granted our attorney's motion to dismiss the opponents complaint.


STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE: 15 CVS 2009

FILED

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ASHEVILLE LAKEVIEW PROPERTIES  
LLC, PETER PINHOLSTER, JR., et al.  
Plaintiffs,

BY 

**ORDER**

v.


LAKE VIEW PARK COMMISSION, INC.,  
ROBERT H. FABREY, et al.  
Defendants.

THIS CAUSE was heard by the undersigned on Defendants' Motion to Dismiss Plaintiffs' Complaint pursuant to N.C. Rule of Civil Procedure 12(b)(6).

IT APPEARS to the Court that the motion should be allowed as to every claim for relief set forth in the Complaint.

NOW, THEREFORE, Plaintiffs' Complaint is hereby DISMISSED, pursuant to N.C. N.C. Rule of Civil Procedure 12(b)(6).

This the 1st day of July, 2015.

  
HON. MARVIN P. POPE, JR.  
SUPERIOR COURT JUDGE PRESIDING