

Bank reaps Trinitas property

By Dana M. Nichols
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April 18, 2012 12:00 AMSAN ANDREAS - After going once, then going twice, the 280-acre Trinitas golf course property is now gone to a new owner: Community Bank of San Joaquin.

Until a foreclosure auction in front of the Calaveras County courthouse on Tuesday morning, the course had, for the most part, been the property of Mike and Michelle Nemees.

The bank foreclosed on the Nemees in 2009, but the Nemees filed for bankruptcy, effectively delaying the foreclosure sale for more than two years.

Auctioneer Debra Berg of WT Capital on Tuesday offered the Trinitas properties for sale: a parcel of 160 acres of the course, and a parcel with 120 acres of the course.

There were no bidders on either parcel, which means the bank takes ownership in exchange for the minimum bid. The minimum bid on the 160-acre parcel was \$1,280,000. The minimum bid on the 120-acre parcel was \$100,000.

The bank's lien on the 120-acre parcel, however, is through a second mortgage. That means the bank is now on the hook to pay off the first mortgage of \$600,000 that the Nemees owe to Mark and Michelle Rishwain of Stockton.

Among those on hand to witness the auction was Community Bank of San Joaquin President Jane Butterfield.

"I've never been to one," Butterfield said of the foreclosure auction, adding that an attorney for the bank suggested she come witness the event.

It is the second time the bank has seized part of Trinitas. The 160-acre parcel was deeded over to the bank after a foreclosure auction March 2. Bank officials agreed to do the auction again after representatives of the Nemees said they were unaware of the first sale.

Meanwhile, the Nemees are continuing their legal battle in U.S. District Court by appealing a decision they lost in U.S. Bankruptcy Court. That case involves whether golf is a form of agritourism under Calaveras County's zoning code. County officials say it isn't.

U.S. Eastern District California Court Judge Lawrence J. O'Neill has ordered the parties to the suit to file a joint statement by Tuesday on whether they agree the appeal is now moot, since the course property has been sold. If they disagree, O'Neill said he'd schedule a hearing on the mootness issue.

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