

EX-TRINITAS OWNERS WANT AGRITOURISM RULING TOSSED

BID COULD AID CIVIL RIGHTS SUIT AGAINST CALAVERAS OFFICIALS

By ***The Record***

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SAN FRANCISCO - The former owners of the Trinitas golf course filed with the 9th U.S. Circuit Court of Appeals this week in a bid to overturn a decision last year by a lower court that golf is not a legal form of agritourism in Calaveras County.

Michael and Michelle Nemees, the former Trinitas owners, had hoped that victory in the agritourism case would lead to legal status for the course. The course was built without necessary permits in an agricultural preserve on Ospital Road south of Wallace.

The Nemees waged a political and legal battle for several years to win legal standing for the 280-acre golf course. The Nemees lost a key trial last year in U.S. Bankruptcy Court on the agritourism issue. They appealed that loss to the U.S. Eastern District California Court in Fresno.

After filing the appeal, however, the Nemees had their property taken in a foreclosure by Community Bank of San Joaquin. A U.S. District Court judge ruled in June that the Nemees' appeal was moot, in part because they no longer own the golf course.

In papers filed Wednesday with the 9th U.S. Circuit Court of Appeals, the Nemees argue that the agritourism issue is not moot, because they also have a pending civil rights suit against current and former Calaveras County officials. If they ultimately get golf recognized as agritourism, then they hope through the civil rights suit to force taxpayers to compensate them for their losses.

"The fact the litigation has outlasted the Nemees' ownership of the property should not deny them of a determination as to whether or not their olive farm and golf course was agritourism," said the notice of appeal filed by Malcolm Gross and Kenneth Foley, attorneys representing the Nemees.

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