

LODE GOLF COURSE TO FORECLOSURE AUCTION

PUBLIC AUCTION FOR TRINITAS SCHEDULED FOR APRIL 17

By *The Record*
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SAN ANDREAS - Although a bank has already seized ownership of more than half of the Trinitas golf course near Wallace, the entire property is scheduled to go to a foreclosure auction again on April 17 on the plaza in front of the Calaveras County Courthouse in San Andreas.

Documents recorded in Calaveras County show that as promised, Community Bank of San Joaquin is repeating the public auction process required for it to gain control of the property.

Michael and Michelle Nemees, the owners of Trinitas, filed for bankruptcy in 2009, and that bankruptcy case initially prevented the bank from taking possession of the 280-acre property.

Since that year, Trinitas has been mired in a web of legal and land-use disputes. Late in 2011, the Nemees lost a key lawsuit over whether they could win legal standing for the course based on the idea that golf is "agritourism."

The Nemees are appealing that loss in U.S. District Court. Still, the U.S. Bankruptcy Court judge in early February granted the request of Community Bank of San Joaquin to go ahead with the foreclosure auction.

That auction happened on March 2, but only a 160-acre portion of the golf course was put up for auction. The bank then got title to the land after there were no other bidders.

The bank planned to proceed later with the required public auction to claim a stake in the other 120 acres.

Although the auctions, including the one on March 2, were widely reported in the media, an attorney for the Nemees said during a court proceeding that the Nemees were unaware of the sale. That claim prompted Community Bank of San Joaquin to reschedule a public auction for both parcels even though it already has a recorded deed for the 160-acre parcel.

The bank's claim on the 120-acre parcel is complicated by the fact that Mark B. Rishwain and Michelle Rishwain of Stockton hold the first mortgage on the 120-acre parcel for a \$600,000 loan they made to the Nemees.

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