

## JUDGE SAYS NEMEEES' CLAIM MOOT

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SAN ANDREAS - A federal district court has dismissed the legal appeal of former Trinitas golf course owners Mike and Michelle Nemees, who were hoping to overturn a U.S. Bankruptcy Court decision that Calaveras County was within its rights to ban golf on land zoned for agriculture.

The Nemees built the 280-acre Trinitas course in the mid-2000s on an agricultural preserve south of Wallace on the western edge of Calaveras County.

They argued in a lawsuit heard in federal bankruptcy court last year that golf is a legal form of agritourism under Calaveras County code.

The bankruptcy court ruled against that argument and, last week, the Fresno-based U.S. District Court for the Eastern District of California upheld that outcome.

For years, the Nemees have engaged in a variety of efforts to win legal status for the golf course.

Calaveras County's elected Board of Supervisors twice in 2009 voted against measures to grant legal standing for Trinitas, and this year Community Bank of San Joaquin succeeded in foreclosing on the property and selling more than half of it to new owners.

All those involved in the maze of lawsuits and bankruptcy proceedings have said they expect the appeals to continue to the U.S. Ninth Circuit Court of Appeals in San Francisco.

Neither Nemees nor his attorney, Ken Foley of San Andreas, responded to requests for comment Monday.

Judge Lawrence J. O'Neill posted his decision dismissing the appeal Friday afternoon. In it, O'Neill wrote that the Nemees' claim is moot because they no longer own the land.

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