

TRINITAS OWNERS NOW BANK EMPLOYEES

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MODESTO - The Trinitas golf course will cease operation by June 1, according to documents filed in federal court, and it appears the man who once owned and operated it will instead be caring for its lawns.

Mike Nemees, who with his wife, Michelle, built the 280-acre golf course and sought to win legal status for it, will be working for Community Bank of San Joaquin, which now controls the property after a foreclosure sale.

"There's been an agreement to hire Mr. Nemees to maintain it for a period of time so it doesn't just become pasture land," Malcolm Gross, an attorney representing the Nemees, said Wednesday during a hearing in U.S. Eastern District California Bankruptcy Court in Modesto.

Dennis Hauser, an attorney representing Community Bank of San Joaquin, could not be reached for comment late Wednesday afternoon after the Bankruptcy Court hearing.

The Nemees have waged years of political and legal battles in an effort to make the Trinitas golf course a successful, legal business. The course was built in an agricultural preserve without permits. Calaveras County officials have repeatedly refused to rezone the land or reinterpret county code in ways that would have made the course legal.

The Nemees and their attorneys still argue that golf is a legal form of agritourism under Calaveras County code. Last year, they lost a trial on that issue in Bankruptcy Court and are now appealing the decision in U.S. District Court in Fresno.

That appeal, and a related case in which the Nemees allege county officials violated their civil rights, promises to keep Trinitas-related litigation going years after the last golfer holes a putt at the course.

The civil rights case alleges that Calaveras County officials violated the Nemees' constitutional rights by denying them the ability to operate a golf course. That suit asks that the county taxpayers pay \$12 million to compensate the Nemees.

U.S. Bankruptcy Judge Ronald Sargis opened the way Wednesday for the Nemees to proceed with the civil rights suit.

Sargis had threatened to dismiss the civil rights case, because the Nemees and their attorneys had not moved forward with it. Wednesday, however, Sargis said that the Nemees had served notice on the various defendants and could proceed.

Meanwhile, the two sides in the case appear likely to soon reach an agreement to put the civil rights case on hold until the agritourism appeal is resolved.

"We have been discussing a stipulation, but we have not agreed on the language of it," said Todd W. Baxter, an attorney representing the county government and various present and former county officials in the case.

Sargis agreed to give representatives for the Nemees and the county time to come up with a stipulation and indicated he anticipated further progress on the civil rights case might not resume until February or March.

Sargis also said he would allow the Nemees to convert their bankruptcy from a Chapter 11 case, in which the business owner expects to reorganize and pay debts, to a Chapter 7 case, in which the court oversees liquidation of any remaining assets and creditors get compensation, if any, from the proceeds.

In a document filed Tuesday in U.S. District Court in Fresno, the Nemees' other attorney, Ken Foley of San Andreas, summarized the situation this way: "As of June 1, 2012, it is not expected there will be an operating golf course, but if there is, the Community Bank of San Joaquin will have to be the one operating it, since Appellants have resigned themselves to compensation of damages rather than completing the dream."

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