

TRINITAS SAGA SEES NO QUICK FINISH

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January 08, 2013

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January 08, 2013 12:00 AM

SAN ANDREAS - The legal battle over the former Trinitas golf course continues, even though the course no longer exists.

In a brief field on New Year's Eve, the former owners of the former Trinitas golf course made the same arguments they've been making for years: That golf was just an adjunct to olive oil production, and so should have been allowed as a legal form of agritourism under Calaveras County code.

The new issue Mike and Michelle Nemees want the 9th Circuit Court of Appeal to consider is connected to another lawsuit - the \$12 million civil rights case they are pushing against former county officials. They say that since they are also suing because they believe an incorrect application of the agritourism code violated their rights, then the appeals court should allow their appeal on the agritourism issue to go forward even though the bank repossessed the golf course months ago.

If the appeals court agrees, then it gives the Nemees the hope they can eventually overturn a lower-court loss on the agritourism issue and force Calaveras County taxpayers to make up to them the profits they believe they would have gained from the golf course.

The golf course on a 280-acre property at the western edge of Calaveras County was built starting a decade ago. The construction happened without permits in an agricultural preserve.

Later, when the Nemees filed for permits so they could legally operate the golf resort and also carve a small housing subdivision, a protracted political and legal battle ensued.

In 2009, the Calaveras County Board of Supervisors twice voted against requests to grant legal status to Trinitas. That same year, Community Bank of San Joaquin foreclosed on the property and the Nemees filed for bankruptcy.

That bankruptcy filing, in turn, moved the agritourism lawsuit from the local superior court to federal bankruptcy court. After a trial on the agritourism issue in the fall of 2011, the bankruptcy judge ruled against the Nemees.

The Nemees appealed to U.S. District Court, but the bank finally took their property before the District Court ruled. The court, seeing that the Nemees were no longer operating a golf course, decided the issue was moot.

Now the Nemees are arguing that the issue is not moot because it is also the basis of their \$12 million civil rights lawsuit.

Calaveras County officials have until Jan. 30 to file their own brief.

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