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COMMON INTEREST COMMUNITIES - CALIFORNIA

Colyear v. Rolling Hills Community Association of Rancho Palos Verdes

Court of Appeal, Second District, Division 4, California - March 1, 2024 - 100 Cal.App.5th 110 - 318 Cal.Rptr.3d 805 - 2024 Daily Journal D.A.R. 1805

Following initial dismissal of neighbor from lawsuit, subdivision filed amended complaint against community association, seeking declaratory relief, an injunction, quiet title relief, and damages for breach of fiduciary duty arising out of the association's tree-trimming covenant.

The Superior Court, Los Angeles County, entered judgment for lot owner on his claims for declaratory and injunctive relief and for breach of fiduciary duty, but denied quiet title claim. Association appealed, and lot owner cross-appealed.

The Court of Appeal held that:

- Original declaration containing tree cutting covenant, on its own terms, did not apply to lot owner's property;
- Subsequent subdivision declaration which applied to lot owner's property did not sufficiently incorporate tree cutting covenant;
- References to original subdivision declaration in subsequent declaration did not put lot owner on constructive or inquiry notice; and
- Lot owner's enjoyment of benefits of subdivision's roads, gates, and other facilities did not subject him to tree trimming covenant.