

March 20, 2019

COMMUNITY QUESTIONS FOR THE LAWYER

1. If the community received a share of the profits of the golf course as part of a subsidy agreement, could that result in the community being a partner in the golf course and being subject to liabilities of the golf course?

1. Answer: Profit sharing, by itself, would not mean the community was in partnership with the Eagle's Pointe Golf Course LLC (owner of the golf course). However, profit sharing may raise a tax issue with respect to the community's non profit status.

2. If Eagle's Pointe Golf Course LLC (owner of the golf course) did not properly maintain the lagoons, could the owners of Eagle's Pointe Golf Course LLC be personally liable for returning the lagoons to proper standards?

1. Answer: Anyone can sue anyone in today's world. However, it is unlikely that the courts would look through Eagle's Pointe Golf Course LLC to the owners for costs associated with not maintaining the lagoons.

3. Who is responsible for the maintenance of the lake and lagoons?

1. Answer: The community is solely responsible for the lake that is in the center of Muirfield. Eagles Pointe Golf Course LLC (golf course owner) is solely responsible for the maintenance of all lagoons on the golf course.

4. Could the golf course lands be developed?

1. Answer:

- Under the original Planned Unit Development, the number of units allowed was 366 units. Only 249 units were built. The remaining 117 units could only be developed if after building, there was 170 acres of open space (open space would include the golf course). Based upon the acreage of the golf course there appears to be adequate acreage to build some of the 117 units. The number of units would have to be determined by the appropriate engineering studies.
- In regards to the overall development of the golf course lands, there is nothing that states the golf course must remain a golf course into perpetuity. The owner of the golf course lands could seek rezoning and that rezoning would be subject to the normal rezoning process in Beaufort County.