

# Owners fight over mudslides

by CHARLES WHITE

**MAGGIE VALLEY** — A tough legal battle is developing between homeowners in the Horseshoe Cove community and the man who built the subdivision.

The homeowners, led by Pam Williams, met at the Maggie Valley Town Hall May 30 to face and question Don Condren, the developer, who she said is responsible for upkeep and repairs to the roads running through the community.

Mudslides cut through several sections of Horseshoe Cove after the early May rains, causing many homeowners to become concerned about the stability of their lots and the roads leading to them.

However, because the roads are private, it is unclear who should foot the bill to ensure the roadways remain safe and passable in the cove. “This is an important issue that has to be resolved for the safety of our community,” Williams said.

Williams said Condren has waffled on a key point about financial responsibility.

According to Williams, Condren agreed with her there had never been an official homeowners’ association organized.

She said the closing contract on her house states as long as no recognized homeowners’ association is formed, the developer is to assume the burden of maintaining the community’s infrastructure. Condren, however, has said in the past that homeowners had already formed an association, making the homeowners responsible for their own repairs, Williams said.

This was the message he seemed to be sending when he attended the Saturday evening meeting in the company of four other people he said were part of the homeowners’ association.

Williams does not recognize what she calls the “alleged” association.

Many homeowners became confused and upset when Jeff Norris, an attorney with the Killian and Kersten law firm in Waynesville, said that he was there to represent the homeowners’ association.

The homeowners present said they did not feel they had retained the services of Norris. “We’re working to try to address the issues that affect the community,” Norris told the Enterprise Mountaineer in a phone interview. Norris said he had been retained by the developer, Doncon corporation, to facilitate the workings of the association. The homeowners’ association, Norris said, was formed last year, whether or not all the homeowners knew about it.

All homeowners are required to be a part of that association as restrictions placed on lots in the Horseshoe Cove area stipulate, according to Norris.

Williams said that Condren himself had retained Norris’ services.

Condren was unavailable for comment about what he had previously said about the formation of a homeowners’ association. As a result of the meeting, all 28 homeowners present elected to retain the law services of Mary Euler, an attorney from McGuire, Wood and Bisette, a law firm in Asheville.

Euler said that she had not yet been formally retained but she was in the process of contacting all of the homeowners in Horseshoe Cove to ask if they wanted to be represented by her.

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