

Timber Cove

June 2021

Celebrate National Trails Day June 5!

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Two More Defendants Concede

There is good news to report as we approach our trial date of **June 25, 2021**, in our legal action to preserve Timber Cove property owners' rights to our private pedestrian trails. Defendants Merin McCabe and Scott Black signed a Stipulation and Order Regarding Entry of Interlocutory Judgement on May 27, 2021. By this document they concede the existence of pedestrian easements on McCabe's large properties near Lee Drive. The document states that the Defendants *shall not, in any way interfere with, obstruct, or frustrate, directly or indirectly, the use or maintenance of the private pedestrian and equestrian easements* on their properties. In exchange plaintiffs dismissed charges of nuisance and injunctive relief for these defendants.

This is a welcome development, since the defendant's property borders a majority of the lower half of the long Smith Court Loop Trail, the centerpiece of our hiking trail network. Deposition transcripts from a prior court case (SCV239446) indicate that Timber Cove property owners have been warned away from those trails by "No Trespassing" signs and spoken prohibition since about 2005, a period of 16 years.

Trail supporters will now be able to restore the missing portion of the trail down the canyon near Lee Drive, which we were prevented from completing in the spring of 2018. Soon hikers will be able to walk a complete section of our trails connecting Umland Circle all the way to Smith Court, a third of the entire Smith Court Loop. There is a trail marker at the Smith Ct. side (see photo above) and we will soon be placing a marker at Umland Circle at the other end.

For more information about our trails please visit the website below. Those who have sustained this long effort to prevent a small group from taking away our deeded rights to these trails need your support. Click the link at right to donate.

timbercovetrails.org

Depositions Taken and More to Come

On Thursday, May 27, 2021, Plaintiffs' attorney Lewis Warren took the depositions of **Defendant 1 and Defendant 2**. All of the plaintiffs were deposed by Defendants' attorneys in 2019 and 2020. Both defendants' and plaintiffs' Expert Witnesses will be deposed in the near future.

Testifying on behalf of our pedestrian easements is Howard Brunner, a well-known Senior Land Surveyor for Cinquini and Passalacqua of Healdsburg. Apart from a long list of

accomplishments and affiliations, Mr. Brunner participated in the original survey for our Timber Cove Subdivision Unit 2 in 1965, when he worked for Roemer and Estes, Land Surveyors & Ken Frost and Associates, firms that worked with the original developer of our subdivision, Richard Clements. We believe Frost Court in Timber Cove is named for Ken Frost.

Urban Economist Janet Smith-Heimer will also testify for the Plaintiffs. Janet is the founding principal of BAE Urban Economics and has served as consultant for major urban and rural studies for many large cities. She has a degree in Urban Planning and a Masters of Business Administration in Real Estate, and has many publications and board affiliations to her credit.

Anthony Cabrera, of Cabrera and Associates of Healdsburg will testify as expert witness for the Defendants' **One and Two** as will Matthew D. Eshoo, of Pacific Coast Appraisal Service in Rohnert Park. Defendants have also listed several "Non Retained" witnesses, including the TCHA "Legal Committee" John Gray and Robert Leichtner.

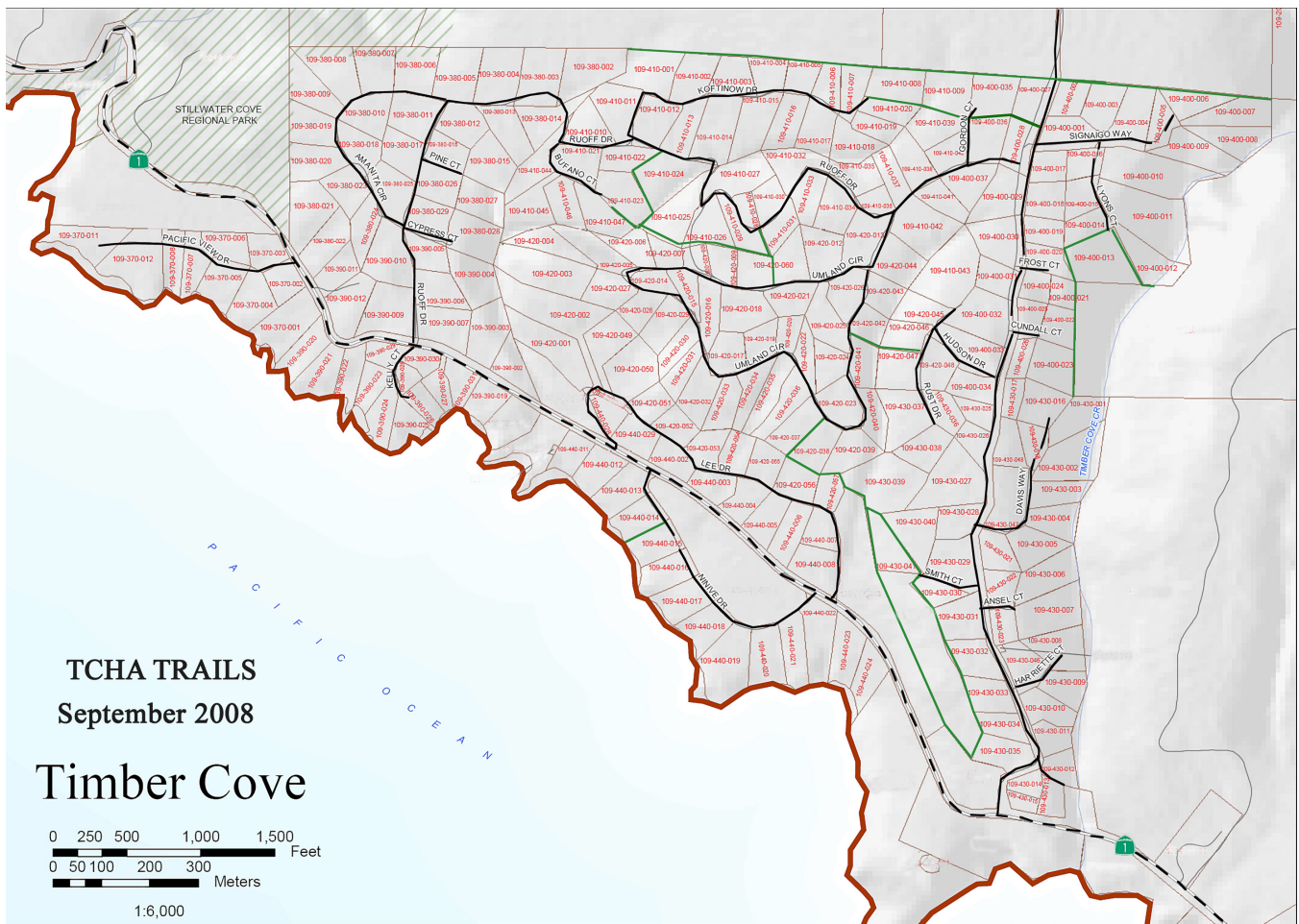
The trial is scheduled to start at Sonoma County Superior Court at 3055 Cleveland Ave., Santa Rosa, CA 95403, Dept. 18, on June 25.

Please Donate

contact: timbercovetrails@gmail.com



Smith Ct. trailhead for Umland-Smith Ct. Trail



This was the official trails map drawn in 2008 by TCHA Administrator Tina Romeo and board member Fred Leif. Trails are shown as green lines. The Smith Court Loop is shown at lower right. Portions of this trail that have been inaccessible to resident hikers for the last 16 years will soon be opened.



Scenes along the Umland-Smith Ct. Trail

