

Fore! Supreme Court of Georgia Delivers Loss to Homeowners Asserting an Implied Easement in their Neighborhood Golf Course – Published in Mercer Law Review

Posted in Publication on March 1, 2024

An article by Joey Hargadon entitled “[Fore! Supreme Court of Georgia Delivers Loss to Homeowners Asserting an Implied Easement in their Neighborhood Golf Course](#)” was published in the *Mercer Law Review*: Vol. 75: No. 2, Article 17 in March 2024.

The full article is available at: https://digitalcommons.law.mercer.edu/jour_mlr/vol75/iss2/17.

Abstract:

The Supreme Court of Georgia delivered a big win to neighborhood developers and a massive loss to homeowners seeking to enforce easement rights in residential neighborhood features. In *WS CE Resort Owner, LLC v. Holland*, neighborhood homeowners sought an injunction against the developer of their subdivision to prevent the planned removal and redevelopment of a neighborhood golf course. The court’s decision showcased that a mere label of “golf course” on a subdivision plat is insufficient to show a subdivider’s intent to grant homeowners an easement in the recreational area adjacent to their properties. In clarifying what a petitioner must show when asserting easement rights in neighborhood features, the court’s decision rang the death knell on nearly a century of Georgia case law. Consequently, *Holland* could seriously hinder homeowner litigants’ chances in future cases against neighborhood developers.