

Deed restrictions and covenants/injunctive relief

*Mack v. Lochmere Dev. Corp.* (No. 1998-CA-002892-MR, Court of Appeals 2000)

A couple living in the Andover Hills Subdivision submitted an application to the neighborhood association and the developer for a fence they wanted to build on their lot. All of the lots are subject to deed restrictions and covenants, and all proposed fences must first be approved the developer. The couple's application was rejected because it violated several of the restrictions. Shortly after, the couple decided to build the fence anyway. The association and the developer sought the help of MGM, who obtained an injunction and an order to have the fence removed. The couple appealed the ruling, contending that they had not violated the restrictions and that they did not need the developer's approval to build the fence. The Court of Appeal affirmed the summary judgment entered by the trial court, and the couple was ordered to pay MGM's attorneys' fees.