

## Tomoka Oaks Times

*An Independent Newsletter Focused on Preventing  
Residential Development of the Tomoka Oaks Golf Course*

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### **So what happened at the July 13th Planning Board Hearing?**

The Planning Board decided to continue their hearing to August 21, 2023 as there were too many unresolved issues. I will send another issue of the **Tomoka Oaks Times** soon giving a summary of the July 13 hearing and what happens going forward.

### **Did you know I received an attorney's opinion on this development application?**

I retained Brent Spain of Theriaque & Spain law firm to review my research regarding historical and legal documentation that would prevent residential development of the golf course property. Mr. Spain summarized his conclusions in a *Letter of Opinion* which he provided to the Planning Board Chairman and the city on July 12, 2023. You can read that letter [here](#).

### **What does the *Letter of Opinion* conclude?**

Cited case law would establish that, at a minimum, the use of the Golf Club property is limited to a golf course or similar open space purposes by virtue of an implied restrictive covenant.

### **Was the *Letter of Opinion* part of the hearing?**

No. Mr. Spain informed me ahead of time that his letter would most likely not be allowed as part of the Planning Board or Commission hearings. City Attorney Randy Hayes advised the Planning Board that if there are legal issues raised by a legal analysis, then it is incumbent on the party represented by that attorney to initiate their own civil action.

### **So what happens with the findings of Mr. Spain?**

A civil lawsuit would need to be filed and a judge will determine if the golf course property can be developed with residential homes.

### **How can you help me and the future of the Golf Club property at this point?**

Please take the Tomoka Oaks Times - [Legal Fund Survey](#) so I can gauge what amount of financial support might be fundraised for a potential civil lawsuit.

- This survey is 100% anonymous.
- This survey does not obligate you in any way to provide money for a legal fund.
- No monetary donations will be solicited for a civil lawsuit without first providing all potential contributors with the details of the lawsuit.

**Take the  
Survey**

*Not giving in or up,*

**Carolyn Davis**  
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