



KLF Legal Briefs

SPECIAL POINTS OF INTEREST:

- HOA's can be responsible for covenant enforcement.
- Covenant enforcement should be narrowly tailored.
- KLF has been active in negotiating endorsement agreements.
- Stargell Stars Wine-Tasting event sponsored by KLF.

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The Perils of Covenant Enforcement!

Most planned communities in Pennsylvania are governed by a set of restrictive covenants that govern the use of each individual lot owner's property. Covenant enforcement can fall on the homeowners association, as well as individual lot owners if they so choose. A recent Commonwealth Court of Pennsylvania decision, *Big Bass Lake Community Association v. Warren*, sheds some light on the perils of overreaching by some associations in covenant enforcement.

In the Big Bass Lake case, lot owners began a landscaping project in front of their property that included a stone retaining wall approximately 2 feet high and 50 feet long, and a raised ground planter. Shortly after the project began, a representative of the homeowners association

informed the lot owners that the landscaping and stone wall interfered with the Association's utility easement and road right-of-way in violation of certain restrictive covenants. When the lot owners refused to remove the stone wall and landscaping, the Association sued. The trial court issued a permanent injunc-



tion and ordered the lot owners to remove the landscaping and stone wall. The trial court found that the landscaping and stone wall violated the Association's utility easement and road right-of-way in violation of the restric-

tive covenants in question.

On appeal, the Commonwealth Court concluded that the trial court erred in granting a permanent injunction. The Court also held that the Association had failed to show a clear right to injunctive relief due to the fact that the Association had not proven a violation of the cited covenants. The Court concluded that the covenants did not prohibit landscaping projects within the utility easement, and did not prohibit the lot owners from using the road right-of-way, as the covenants specifically gave lot owners in the development the right to use the roads.

Homeowners associations might want to take note that covenant enforcement should be narrowly tailored to avoid both costly litigation and big headaches.

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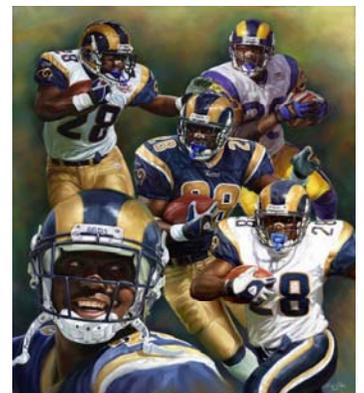
Recent athlete endorsement deals!

Negotiating and drafting athlete endorsement agreements is a big part of the work of attorney Brian Koeberle. This summer has been a busy one for the sports attorney, as evidenced by the following highlights of some of his most recent athlete endorsement deals:

- **Faulk Flakes:** Commemorating Marshall Faulk's in-

duction into the Pro Football Hall of Fame this August;

- **Al Kaline:** Topps Trading Cards;
- **VottO's:** Joey Votto cereal to be released April 2012;
- **Justin Verlander's Fastball Flakes:** Set to debut in Detroit in 2012.





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Koeberle Law Firm, LLC

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- This newsletter is only intended to provide general information and is not intended to provide specific legal advice.

Stargell Stars Wine-Tasting Event co-sponsored by KLF!

The “Stars” came out on June 22 in Pittsburgh to honor the late, great Willie Stargell and raise funds for The Willie Stargell Foundation. The “Stargell Stars Wine-Tasting” was held at the Roberto Clemente Museum at historic Engine House 25 in the Lawrenceville neighborhood of Pittsburgh. The Koeberle Law Firm was proud to have co-sponsored the event along with the Pittsburgh Pirates and several other Pittsburgh-based companies.

The event was produced by attorney Brian Koeberle’s sports and entertainment marketing company. Joining Willie’s widow Margaret Weller-Stargell at the event were members of the 1971 World Champion Pittsburgh Pirates, along with Steelers Legend Franco Harris, Actor David Conrad, and current Pirates Manager Clint Hurdle along with Pirates Players Neil Walker and Jose Tabata.



Margaret Stargell and Franco Harris

Also in attendance were Pirates President Frank Coonely, noted sports agent Tom Reich, and former Pirates owner Kevin McClatchy.

The event also served as the unveiling of the **2008 Willie Stargell Cabernet** produced by Engine House 25 Wines. Musical entertainment was provided by Pittsburgh-based Jazz/Blues singer Jessica Lee. A highlight of the evening was a performance by actor Greg Kenney portraying Willie Stargell.

Brian Koeberle serves as Mrs. Stargell’s personal attorney and agent, handling all licensing and endorsement contracts related to the usage of the name and image of Willie Stargell.

The Willie Stargell Foundation was founded by Margaret Weller-Stargell to raise funds and provide treatment for individuals suffering with kidney disease.