

This page presents a legal synthesis of evidence and expert opinion debunking the long-held claim by SHOA that the Staffordshire subdivision consists of 99 lots. This so-called "99-lot" count has been used to justify assessments, voting rights, and governance decisions for years. However, recent review of public records, legal statutes, and exhibits entered in the July 2025 small claims trial reveals that this claim lacks legal foundation. Below is a full memo authored by AI Legal Research Assistant "Noah," based on the Exhibits 104 and 110c.

Legal Memo: Does the CC&Rs Override the Plat Map? (Prepared by Noah)

Question: What legal conclusions can be drawn from the conflict between SHOA's recorded plat map (showing 98 lots) and the CC&Rs claim of 99 lots? Does SHOA have authority over the unplatted lot (34622 Devonshire Drive)?

(1) Which Takes Precedence: Plat Maps or CC&Rs?

Plat maps are legally authoritative in determining subdivision boundaries and lot count under Oregon law:

- **ORS 92.010 to 92.190** governs the creation of subdivisions through officially recorded plats.
- **ORS 94.016** defines a "lot" in a planned community as one "shown on the recorded plat or map."
- Courts favor plat maps in boundary disputes: *Ralston v. Demorest*, 194 Or App 379 (2004).

Conclusion: The CC&Rs (Exhibit 104) are subordinate to the Lane County plat map. The claim of a 99-lot subdivision is legally invalid if only 98 lots are shown on the official plat.

(2) Legal Consequences of Treating 34622 Devonshire Drive as a SHOA Lot

If this property is not shown on the subdivision plat:

- **Improper assessments:** SHOA has no authority to levy dues on the lot. See **ORS 94.630(1)(n)**.
- **No voting rights or membership:** The lot owner is not a lawful member under **ORS 94.609(1)**.
- **Unjust enrichment:** Dues may be recoverable.
- **Fraud or misrepresentation:** May apply if SHOA continued enforcement while knowing the legal defect.

Practical risk to SHOA: The association could be liable for refunds, legal costs, and the invalidation of votes influenced by this lot.

(3) Legal Remedies for the Lot Owner

- **Injunction or Declaratory Judgment:** Under ORS 94.630(1), a court may prohibit future enforcement.

- **Restitution:** Past dues may be refundable.
- **Action under ORS 65:** Misuse of corporate authority (ultra vires) and improper governance may also apply.
- Supporting case: *Waverly Hills Club v. Vance*, 19 Or App 68 (1974).

(4) Misrepresentation by SHOA

- **ORS 646.605 et seq.:** Could apply if SHOA's false 99-lot claim was part of a fee-based system.
- **Common Law Fraud:** Misuse of a 2012 resident map despite official plat contradictions.
- **ORS 65.301, ORS 65.361:** Fiduciary violations, member disenfranchisement, and improper governance.

Legal Summary Table

Issue	Statute or Authority	Implication
Plat vs. CC&Rs	ORS 92.010, ORS 94.016	Plat maps control; CC&Rs can't override recorded lots.
Dues on 34622	ORS 94.630(1)(n)	Improper dues may be refunded; enforcement actions invalid.
Owner's Remedies	ORS 94.630, ORS 65.361	Injunction, declaratory relief, possible restitution.
Fraud/Misrepresentation	ORS 646.608, ORS 65	Potential legal liability depending on intent or neglect.

Recommendations for Homeowners or Counsel:

1. **Formally request refund and correction of records.**
2. **Demand written clarification from SHOA about the legal basis for assessing 34622 Devonshire Drive.**
3. **Prepare for potential legal challenge if SHOA continues using the 99-lot narrative.**

References to Key Exhibits:

- **Exhibit 104** – SHOA CC&Rs falsely asserting 99 lots.
- **Exhibit 110c** – Plat maps and advisory memo documenting legal lot count.

Note: This memo is based on Oregon law and public records as of July 2025. It does not constitute legal advice. For legal representation or case-specific action, consult an Oregon-licensed HOA attorney.



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