

SUPREME COURT OF WYOMING

Crescent H Homeowners Association, Inc. v. Crescent H Association
of Homeowners, Inc., 2009 WY 153

222 P.3d 134 (Wyo. 2009) · No. S-07-0275 · Decided December 14, 2009

SUMMARY

The Supreme Court of Wyoming affirmed summary judgment for Crescent H Association of Homeowners, Inc. and Jones Holdings, LLC in a dispute over authority to regulate fishing and recreational activities at Crescent H Ranch. The court held that the governing Fishing License and Use Agreements vested regulatory authority in the Licensor, later assigned to the Fourth Filing Association, and that the unrecorded Rules and Regulations did not establish a binding contract granting joint authority to the First Filing Association.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Burke, Justice; Voigt, C.J.; Hill, J.; Kite, J.; Burke, J.; James, D.J.
JURISDICTION	Wyoming
DECIDED	December 14, 2009
DOCKET	S-07-0275
DISPOSITION	affirmed
PROCEDURAL POSTURE	The First Filing Association appealed from an order granting summary judgment to the Fourth Filing Association and intervenor Jones Holdings, LLC in a declaratory-relief action concerning authority to regulate fishing and recreational amenities at Crescent H Ranch.
STANDARD OF REVIEW	Summary judgment is reviewed de novo. Summary judgment is appropriate when no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. The appellate court views the record in the light most favorable to the party opposing summary judgment, gives that party the benefit of favorable inferences, evaluates the judgment under the same standards and materials as the district court, and may affirm on any proper legal ground supported by the record.
PRECEDENTIAL VALUE	published precedential opinion

PARTIES

Crescent H Homeowners Association, Inc. v. Crescent H Association of Homeowners, Inc., Jones Holdings, LLC

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QUESTIONS PRESENTED

1. Whether the Crescent H Ranch Rules and Regulations formed a valid contract granting the First Filing Association joint authority to regulate fishing and recreational activities.
2. Whether the recorded Fishing License and Use Agreements controlled the parties' regulatory rights and vested regulatory authority in the Fourth Filing Association as the Licensor's assignee.
3. Whether the district court properly granted summary judgment in favor of the Fourth Filing Association and Jones Holdings.

HOLDINGS

1. The Crescent H Ranch Rules and Regulations did not create a binding contract granting the First Filing Association joint authority to regulate fishing and recreational activities.
2. The Fishing License and Use Agreements controlled the regulation of fishing and recreational-use rights, and the Fourth Filing Association possessed the regulatory authority assigned by the Licensor.
3. Summary judgment for the Fourth Filing Association and Jones Holdings was proper because the material facts were undisputed and the First Filing Association failed to establish a genuine issue of material fact entitling it to joint regulatory authority.

KEY QUOTATIONS

“The First Filing Association has failed to establish any genuine issue of material fact entitling it to joint regulatory authority.” (222 P.3d at 142)

FACTUAL BACKGROUND

Crescent H Ranch contained two residential developments whose homeowners received varying fishing and recreational-use rights. After the original owner's bankruptcy, the homeowners' rights were resolved through a Bankruptcy Settlement that required uniform Fishing License and Use Agreements, which identified the Licensor as the authority entitled to regulate fishing and recreation. Countryside later assigned its regulatory rights to the Fourth Filing Association while assigning its remaining Licensor rights to Jones Holdings. The First Filing Association nevertheless claimed that an unsigned 1997 Rules and Regulations document, later revised in 1998, created a contract requiring it to share regulatory authority.

PROCEDURAL HISTORY

The First Filing Association filed an action seeking a declaration that the Crescent H Ranch Rules and Regulations created a binding contract requiring joint regulatory authority. The Fourth Filing Association and Jones Holdings moved for summary judgment, and Jones Holdings intervened to preserve its rights under the Fishing License and Use Agreements. The district court granted summary judgment for both appellees, concluding that the recorded Fishing License and Use Agreements controlled and vested regulatory authority in the Licensor, whose rights had been assigned to the Fourth Filing Association. The Wyoming Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Metz Beverage Co. v. Wyoming Beverages, Inc., 2002 WY 21, ¶ 9, 39 P.3d 1051, 1055 (Wyo. 2002)
- Glenn v. Union Pacific R.R. Co., 2008 WY 16, ¶ 6, 176 P.3d 640, 642 (Wyo. 2008)
- Jacobs Ranch Coal Co. v. Thunder Basin Coal Co., 2008 WY 101, ¶ 8, 191 P.3d 125, 128-29 (Wyo. 2008)
- Laughter v. Board of County Commissioners for Sweetwater County, 2005 WY 54, ¶ 9, 110 P.3d 875, 879 (Wyo. 2005)
- Coffinberry v. Board of County Commissioners of County of Hot Springs, 2008 WY 110, ¶ 3, 192 P.3d 978, 979-80 (Wyo. 2008)
- Vollan v. Wyoming Board of Dental Examiners, 2007 WY 132, ¶ 5, 165 P.3d 103, 104 (Wyo. 2007)
- In re HC, 983 P.2d 1205, 1209 (Wyo. 1999)
- Ahearn v. Anderson-Bishop Partnership, 946 P.2d 417, 422 (Wyo. 1997)

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