

## **SOUTHSEAS CLUB COMDOMINIUM ASSOCIATION, INC. LEGAL UPDATE**

**MARCH 27, 2026**

### **SOUTH SEAS CLUB'S AMENITIES LITIGATION**

South Seas Club Association (SSC) began discussions with Timbers regarding amenities entitlement shortly after Timbers announced the termination of access to amenities a few months following its acquisition of the resort in 2021. SSC attempted to resolve the issues through ongoing negotiations with Timbers for over two years; however, when it became apparent that an agreement could not be reached, the SSC Board of Directors elected to file a Declaratory Judgment Action seeking enforcement of SSC owners' entitlement to continue to use the historic resort amenities. The action was initiated in January 2025 with the filing of the complaint and related documents. Timbers filed a motion to dismiss early in the case and a subsequent motion to dismiss after SSC amended its complaint, the first of which was withdrawn and the second was denied by the court on January 28, 2026, thereby allowing SSC's claims to proceed.

SSC has sought to engaged in ongoing discovery, including requests for production, supplemental disclosures, and third-party document exchange, all-of-which has been objected to by Timbers. On February 16, 2026, Timbers filed a motion for summary judgment notwithstanding the asserted deficiencies by Timbers in discovery compliance. On February 20, 2026, Timbers filed an answer to SSC's amended complaint and asserted a counterclaim alleging trespass relating to a retaining wall and paver area near a garbage receptacle location at SSC. On February 25, SSC and Timbers engaged in the court-ordered mediation. but failed to reach any agreement. As of March 2026, the parties' discovery dispute continues. SSC has filed a motion to compel Timbers' participation in discovery, which should be heard by the court within the next 30 days. Timbers' motion for summary judgment presently is scheduled for May 23.

SSC remains committed to restoring SSC unit owners' amenity access at the resort.

### **SSR TIMESHARE ASSOCIATIONS' BEACH EASEMENT LITIGATION**

The Declaratory Judgment Action to protect the easement rights of the SSR timeshare owners commenced in August 2024 with the filing of initial case documents and the Complaint. The timeshare associations, including SSC, promptly sought emergency injunctive relief, though an initial hearing was later canceled after the alleged obstructions that prompted the filing were largely removed. Timbers filed its Answer and defenses in October 2024.

In January 2025, the Court consolidated the associations' case with a related action involving a neighboring property owner known as Sureya. A Case Management Plan was issued in February 2025, referring the matter to nonbinding arbitration and setting key pretrial and trial dates (January–February 2026). Timbers continued to impede the rights of the SSR timeshare owners with new encroachments that required the associations to renew its request for injunctive relief shortly thereafter.

Throughout 2025 the case involved substantial motions, amended pleadings, additional parties, and ongoing discovery. The Court permitted amendment of the Complaint in May 2025, and later excused arbitration in favor of mediation. In October 2025, the Court granted a Motion to Intervene, adding additional whole ownership associations as parties to the case. Late 2025 and early 2026 were marked by continued amendments, substitution of counsel, and extensive pretrial filings and motions. In February 2026, the associations secured a significant victory when the Court denied Timber's motion to stay the proceedings.

On March 4, 2026, the Court granted Sureya leave to file an amended complaint. This amendment does not affect the current Declaratory Judgment action filed by the timeshare associations. The case remains active with updated pleadings and ongoing litigation. The associations' counsel intends to file pleadings with the court in early April in an attempt to resolve the case.