

NEWS

# Mallard Lakes resident: dispute 'going nowhere'

Gray Hughes

[rghughes@delmarvanow.com](mailto:rghughes@delmarvanow.com)

Updated May 9, 2017, 10:27 a.m. ET



Over a year and a half since the suit was first filed in court, a Selbyville community's post-Superstorm Sandy dispute is still ongoing.

Attorneys representing the Mallard Lakes Sandy Interest Group and the Mallard Lakes Community Association Inc. were pitted against each other once again in the Delaware Court of Chancery on May 2, arguing over who should pay for the condo repairs after flooding damage from Sandy.

No major decisions were handed down that day, but there is still work that needs to be done before the case is officially settled.

The most recent court hearing was about a number of discovery responses the Mallard Lakes Sandy Interest Group filed, debating it to Vice Chancellor Sam Glasscock III, who has been presiding over the dispute.

Glasscock said Mallard Lakes Sandy Interest Group needs to get more comments from Sussex County regarding the use of the land in the case — both in how the land was used and how the buildings were zoned — to add to the discovery responses in the case.

"There needs to be a deposition of the county officials," Glasscock said.

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**BACKGROUND:** [FEMA spurns Mallard Lakes Sandy grant bid](#)

The Mallard Lakes Community Association also wanted to see emails between the Mallard Lakes Sandy Interest Group and Sussex County. The interest group filed a protective order to prevent that from happening in 2016, however, Glasscock struck that down.

But this is just one chapter in the Mallard Lake dispute.

The case is a result of flooding caused by Superstorm Sandy, which made landfall in October 2012.

Several of the condominium units at Mallard Lakes flooded during Superstorm Sandy, leaving those condos too damaged for county officials to deem livable. Condo owners were told their units needed to be fixed, but the owners of the units affected want the costs to be divided up among all of the residents within Mallard Lakes, while the homeowners association wants the costs to be covered by the impacted condo owners only.

Since Mallard Lakes is a community-interest organization, as most condo complexes are, unit owners don't own the basic structures of the buildings; instead, the condo association does.

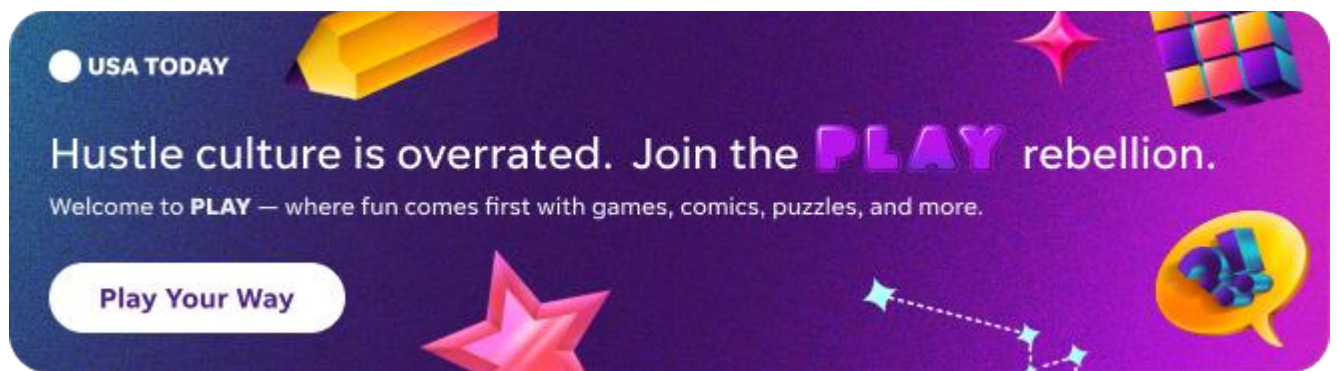


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The case was initially filed on Oct. 29, 2015, three years to the day Superstorm Sandy made landfall on the Delaware coast.

Melissa Golden, who owns property at Mallard Lakes, said the case is "going nowhere."

"We still have no certificate of occupancy, the condition of our floors continues to deteriorate and the HOA continues to spend money on legal fees rather than resolving the very serious issues regarding the Sandy victims," she said. "Building codes were not followed. We have never been inspected for them. It's a very serious issue."



A gag order had been requested by the condo association in July 2016 to ban some of the condo owners from speaking publicly about the case, however, that was denied.

The HOA, however, believes it has fully complied with the community's governing documents and fulfilled its obligation to the Mallard Lakes Sandy Interest Group.

"At the conclusion of this litigation, we expect that the Court will determine that the costs of any improvements requested by the Plaintiffs to their buildings are a cost to bore by the requesting owners

as opposed to the entire community," Mallard Lakes Community Inc. said in a statement.

The HOA continued in the statement by saying they "don't understand why the Plaintiffs have not sought to have a scheduling order imposed on the case to get it moving," and the HOA also said they have invited the Mallard Lakes Sandy Interest Group "propose some alternative resolution to the matter, but the Plaintiffs have yet to engage in that discussion."

With both parties at a standstill, Glasscock urged the two sides to come to a resolution, saying the case has gone on too long at the end of the oral arguments on May 2.

"Please try to work together and work this out because litigation can get expensive," he said. "I think it's in everyone's interest to get it decided."

*rghughes@delmarvanow.com*

*On Twitter [@hughesq19](https://twitter.com/hughesq19)*

