

Un-Gainely Vacation

By Reg P. Wydeven
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My wife loves to watch HGTV. The Home and Garden network has all kinds of programs that showcase the latest styles and trends in home décor and function. One of her favorites is 'Fixer Upper,' featuring Chip and Joanna Gaines. The couple helps prospective homeowners find houses in need of TLC, given affectionate nicknames like "The Unstately Manor" or "The Raggedy Ranch," and plans for renovating them.

After the couple selects a home, Chip and Joanna get to work on the remodel. Chip usually oversees the demolition while Joanna works on the interior design. The show is extremely popular because of the interplay between the beautiful and talented wife and the goofy husband who tells corny jokes. It's a concept I can truly relate to.

The show has launched Chip and Joanna into stardom. The couple owns The Magnolia Market, which is a store in Waco, Texas, that features lawn games, food and, of course, their home goods and décor are also for sale. There's also a garden (and garden shop) and huge silos that house a bakery. The Gaines' compound is a huge tourist destination and mecca for the show's fans.

This fall the Gaineses hosted a Silobration at their property. The three-day event featured a vendor fair, the couple's regular food trucks, access to the design and garden stores and bakery, concerts and, of course, the Gaineses. Needless to say, the extravaganza attracted quite a crowd.

Because of the large crowd, parking was at a premium. The Gaineses had leased a vacant lot next to their grounds to allow for overflow parking. That lease expired just before the Silobration and the upcoming Christmas shopping season. Daron Farmer and his company Head Properties, LLC, purchased the vacant lot. Chip and Joanna wanted to buy the lot, but couldn't reach a deal with Farmer.

When the lease expired, Farmer expected to charge Magnolia Market customers \$10 to park on his property. When he woke up that Monday morning, however, he found that Chip had put up a gate blocking the alley between their properties. The gate effectively cuts off vehicular and pedestrian access from Farmer's property to the Market.

Chip claims he put up the gate to ensure their customers knew they weren't charging for parking. Farmer asserts the gate was erected because "Chip is just trying to strong-arm me because he doesn't want to pay what I am asking for that lot." As a result, Farmer filed suit in Waco, seeking a temporary injunction to remove the gate and also between \$200,000 and \$1 million in damages.

Judge Vicki Menard of Waco's 414th State District Court refused to issue the temporary injunction. Whether the gate will be allowed to stay permanently and what monetary damages, if any, will be awarded to Farmer will be decided at trial, which has yet to be set.

The alley was actually a dedicated city street. However, Waco vacated the street in 1977. When a municipality vacates a dedicated street, the street is split down the middle and ownership is transferred to the adjacent property owners. So the Gaineses own half the alley and Farmer and a property owner behind him split the other half. Although the gate blocks Farmer's access to the alley, the property can be reached from two other streets.

I'm hoping the parties can agree on a sales price before the trial. If not, it's back to court for more legal fencing.

Merry Christmas!

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