

IN THE SUPERIOR COURT OF CATOOSA COUNTY
STATE OF GEORGIA

FILED IN OFFICE
CLERK OF SUPERIOR COURT
CATOOSA COUNTY, GEORGIA
SUCV2025000706

AUG 18, 2025 09:47 AM


Tracy Brown, Clerk
Catoosa County, Georgia

CIVIL ACTION NUMBER SUCV2025000706

Heritage Woods Subdivision Homeowners
Association, Inc.

PLAINTIFF

VS.

Lee, Maxwell
Lee, Stephenney

DEFENDANTS

SUMMONS

TO: LEE, MAXWELL

You are hereby required to file with the Clerk of said court and serve upon the plaintiff or plaintiff's attorney, whose name, address and email address are:

Carol Ballard
Horton, Ballard & Pemerton, PLLC
735 Broad Street, Suite 306
735 Broad Street, Suite 306
Chattanooga, Georgia 37402
cballard@whorton-law.com

an answer to the complaint which is herewith served upon you. You must make your answer within 30 days after service of this summons upon you. This time excludes the day of service. If you fail to answer, the court will issue a default judgment against you for the relief sought in the complaint.

If this action pertains to a Protective Order, the answer is to be filed and served on or before the scheduled hearing date attached.

This 18th day of August, 2025.

Clerk of Superior Court



Tracy Brown, Clerk
Catoosa County, Georgia

AUG 18, 2025 09:47 AM


Tracy Brown, Clerk
Catoosa County, Georgia

IN THE SUPERIOR COURT FOR CATOOSA COUNTY, GEORGIA

HERITAGE WOODS SUBDIVISION)
HOMEOWNERS ASSOCIATION, INC.,)
)
Plaintiff,)
)
v.)
)
MAXWELL LEE and STEPHENNEY LEE,)
)
Defendants.)

CIVIL ACTION
FILE NO. _____

COMPLAINT FOR DECLARATORY JUDGMENT AND PERMANENT
INJUNCTION

The Plaintiff, Heritage Woods Subdivision Homeowners Association, Inc. (the "Association"), through counsel, brings this Complaint for Declaratory Judgment and Permanent Injunction against Defendants, Maxwell Lee and Stephenney Lee ("Defendants"). In support of the relief requested herein, Plaintiff would show as follows:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff, Heritage Woods Subdivision Homeowners Association, Inc., is a Georgia nonprofit corporation.
2. Defendants are residents of Catoosa County and may be served at 89 Southshore Drive, Ft Oglethorpe, GA 30742.
3. Jurisdiction and venue are proper in this Court.

FACTS

4. The Association serves as the homeowner association for the governance of Heritage Woods, a residential townhome development located in Catoosa County in accordance with certain bylaws, covenants, and restrictions known as the Declaration of Restrictive Covenants for Heritage Woods and By-Laws for Heritage Woods Subdivision Homeowners Association,

which were originally recorded July 2, 2007 at Book 1379, Page 478 in the Office of the Clerk of Superior Court of Catoosa County, Georgia, with an amended and restated version recorded on June 3, 2024 at Book 2330, Page 828 in the Office of the Superior Court of Catoosa County, Georgia (the "Declaration").

5. Defendants purchased 89 Southshore Drive on or about October 17, 2017 subject to the Declaration.

6. Defendants are Owners within the meaning of the Declaration.

7. At all times the Declaration has included the following language in Section 2.23:

Satellite dishes shall not be permitted unless concealed from view of users of any public right of way. The maximum width of any satellite dish shall be twenty-four (24) inches in diameter. No radio towers or television antennas will be permitted.

8. Section 10.05 of the Declaration provides that its provisions "shall be liberally construed to effectuate its purpose of creating a uniform plan for the development and operation of a first class residential subdivision community."

9. In January of 2025, the Association was notified by another Heritage Woods homeowner that two radio antennas had been installed in the backyard of the property at 89 Southshore Drive, which were visible from other yards and from the public road.

10. On or about January 14, 2025, the Association provided written notice to Defendants that maintaining the radio antennas was in violation of the Declaration.

11. Defendant Maxwell Lee has denied any violation of the Declaration and has failed and refused to remove the antennas.

12. The Association has not been able to reach a resolution with Defendants on the continuing violation.

13. Section 9.02 of the Declaration permits the Association to bring suit against any Owner in default under the Declaration for “such equitable, injunctive, or declaratory relief as necessary to enforce the terms of this Declaration and [such Owner] shall be further liable for such damages as may accrue, including any court costs and reasonable attorneys' fees incident to any such proceeding.”

14. Section 10.11 of the Declaration provides that in “the event any Owner violates the restrictions, covenants or obligations herein, the Association or other party seeking to enforce the restrictions, covenants and obligations shall be entitled to recover, and said violating party agrees to pay, damages or other expenses for such violations, including but not limited to reasonable attorney's fees and court costs.”

COUNT I - DECLARATORY JUDGMENT

15. Plaintiff requests, pursuant to O.C.G.A. § 9-4-2, that this Court enter a declaratory judgment that Defendants are in violation of the Declaration due to the installation of the radio antennas in the backyard of their property.

16. Plaintiff avers that a genuine dispute and controversy exists between the parties.

COUNT II - PERMANENT INJUNCTION

17. To protect the interests of the Association and other owners of Heritage Woods, Plaintiff seeks a permanent injunction to enjoin Defendants from maintaining any radio antennas visible in the backyard of their property.

18. Plaintiff seeks to enforce the Declaration by enjoining Defendants' current and future actions contrary thereto.

19. Defendants' non-compliance with the Declaration will result in irreparable injury to Plaintiff and other property owners.

20. Plaintiff cannot be fully compensated in damages and is without an adequate remedy at law because the exact amount of damages that Plaintiff will sustain is difficult to determine, and Defendants have shown that the Declaration will be violated until and unless an injunction is entered requiring Defendants' compliance with the same.

COUNT III – ATTORNEY’S FEES

21. Plaintiff has been forced to engage counsel to represent it in the initiation and prosecution of this action.

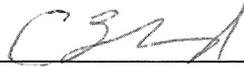
22. Plaintiff is entitled to an award for its reasonable attorney's fees and costs in this action.

WHEREFORE, Plaintiff prays as follows:

1. That process issue and a copy of this Complaint be served upon Defendants requiring them to answer within the time set forth by applicable law;
2. That this Court declare the rights and responsibilities of the parties with respect to the Declaration as requested herein;
3. That Plaintiff be granted a permanent injunction prohibiting Defendants from future violations of the Declaration;
4. That Plaintiff be awarded damages against Defendants in the amounts of reasonable attorneys' fees and expenses associated with this action or that Plaintiff be awarded attorneys' fees and expenses pursuant to 9.02 and 10.11 of the Declaration;
5. That costs of this cause be taxed against Defendants; and
6. That Plaintiff have such other, further, and general relief to which it may be entitled and that this Court deems just and proper.

Respectfully submitted,

HORTON, BALLARD & PEMERTON, PLLC

By:  _____

William H. Horton, Ga. Bar No. 725699

Carol M. Ballard, Ga. Bar No. 035515

Attorneys for Plaintiff

735 Broad Street, Ste. 306

Chattanooga, TN 37402

(423) 826-2640

General Civil and Domestic Relations Case Filing Information Form

Superior or State Court of Catoosa County

For Clerk Use Only	
Date Filed <u>08-18-2025</u> MM-DD-YYYY	Case Number <u>SUCV2025000706</u>

Plaintiff(s)

Heritage Woods Subdivision Homeowners Associat

Last	First	Middle I.	Suffix	Prefix

Last	First	Middle I.	Suffix	Prefix

Last	First	Middle I.	Suffix	Prefix

Last	First	Middle I.	Suffix	Prefix

Plaintiff's Attorney Ballard, Carol

Defendant(s)

Lee, Maxwell

Last	First	Middle I.	Suffix	Prefix

Lee, Stephenney

Last	First	Middle I.	Suffix	Prefix

Last	First	Middle I.	Suffix	Prefix

Last	First	Middle I.	Suffix	Prefix

Bar Number 035515 **Self-Represented**

Check one case type and, if applicable, one sub-type in one box.

General Civil Cases	
<input type="checkbox"/>	Automobile Tort
<input type="checkbox"/>	Civil Appeal
<input type="checkbox"/>	Contract
<input type="checkbox"/>	Contempt/Modification/Other Post-Judgment
<input type="checkbox"/>	Garnishment
<input type="checkbox"/>	General Tort
<input type="checkbox"/>	Habeas Corpus
<input checked="" type="checkbox"/>	Injunction/Mandamus/Other Writ
<input type="checkbox"/>	Landlord/Tenant
<input type="checkbox"/>	Medical Malpractice Tort
<input type="checkbox"/>	Product Liability Tort
<input type="checkbox"/>	Real Property
<input type="checkbox"/>	Restraining Petition
<input type="checkbox"/>	Other General Civil

Domestic Relations Cases	
<input type="checkbox"/>	Adoption
<input type="checkbox"/>	Contempt
<input type="checkbox"/>	<input type="checkbox"/> Non-payment of child support, medical support, or alimony
<input type="checkbox"/>	Dissolution/Divorce/Separate Maintenance/Alimony
<input type="checkbox"/>	Family Violence Petition
<input type="checkbox"/>	Modification
<input type="checkbox"/>	<input type="checkbox"/> Custody/Parenting Time/Visitation
<input type="checkbox"/>	Paternity/Legitimation
<input type="checkbox"/>	Support – IV-D
<input type="checkbox"/>	Support – Private (non-IV-D)
<input type="checkbox"/>	Other Domestic Relations

Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number	Case Number
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I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

_____ **Language(s) Required**

Do you or your client need any disability accommodations? If so, please describe the accommodation request.

