

# A Fairway View, but the Window Is Often Broken



Joyce Amaral collected 1,800 golf balls at her home at Middlebrook Country Club in Rehoboth, Mass. She used them in a lawsuit she won.

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When she moved into her retirement condominium on a golf course, Eleanor Weiner admired the lush, pristine views of the fairways and greens, a landscape she never had to mow or maintain. Not long after, as she prepared dinner, a golf ball shattered the kitchen window, whistled past her head and crashed through the glass on her oven door. Ms. Weiner retrieved the ball from her oven and stalked outside to confront the golfer who had launched the missile.



Pete Cuppels, Middlebrook Country Club owner, said the ruling “could be like the Roe v. Wade of golf law.”

“He told me that’s what I get for living on a golf course,” said Ms. Weiner, who has lived for a dozen years alongside Rancho Las Palmas Country Club near Palm Springs, Calif. “That was the first time I heard that, but it surely hasn’t been the last.”

The intersection of errant golf shots and private property is not a new phenomenon. But with new gear that enables average golfers to hit a ball 250 yards, and with golf communities sprouting nationwide — 70 percent of new courses include housing — it is becoming an increasingly prominent problem. Most homes built near this country's 16,000 golf courses may not be in the cross hairs of slicing duffers, but thousands are.

“It's not only an ongoing problem, it's been made worse by technologically advanced golf equipment that makes golf balls go farther — and farther sideways,” said David Mulvihill, a managing director at the Urban Land Institute, who has studied golf course development.

“So homes that have been on a golf course for decades without incident are suddenly in the path of guys whacking giant-headed drivers. The golf course designers are trying to adjust with wider fairway corridors, but because of liability issues, no one is willing to put on paper what the acceptable setbacks are.”

Before buying a five-bedroom house in Maricopa, Ariz., Jenny Robertson scrutinized it, with her mother's help, according to feng shui principles to assess its harmony with its surroundings. Mrs. Robertson, who is not a golfer, barely looked at the tee box 150 yards from her backyard.

“We did not consider the feng shui of bad golfers,” she said. “When I go outside, it's like dodgeball out there. I wish I knew that you have to be careful where you live on a golf course.”

Some people have become virtual prisoners in their homes. Earla Smith lives at Lookout Mountain Golf Club in Phoenix. Look out, indeed.

“The second day I was in the house, I kept hearing a banging outside,” Ms. Smith, 85, said. “It was golf balls hitting the outside walls. Three or four windows were broken. I sat out on the patio and I was lucky I wasn't killed. I had a 70-inch picture window broken on the front of the house, and that doesn't even face the golf course.”

In Rehoboth, Mass., Joyce Amaral collected 1,800 golf balls from her property abutting Middlebrook Country Club, then lugged them into court when she sued the club. Ms. Amaral's house was hit so regularly, her landscapers wore hard hats. Balls set off the burglar alarm and dented her car.

Although the club existed decades before the house was built, a court ruled that the balls — and the golfers looking for them — were a trespass. The parties settled this month, with the club agreeing to shorten the No. 9 hole, which should keep the Amaral property out of the line of fire.

But Pete Cuppels, the club's owner, said the settlement would probably put his low-cost nine-hole course out of business.

"I've already had to take \$50,000 from my retirement account to pay for legal fees, both the plaintiff's and mine," Mr. Cuppels, 68, said. "We modified the hole before the settlement, and we've already seen a big drop in return business. I feel worse that my name is on a ruling that could be like the Roe v. Wade of golf law. If the precedent is that golf course owners are responsible for every crooked shot hit by a novice or a good golfer, we're all in trouble."

Most courts, however, instead rule that homeowners assume risk when they move adjacent to a golf course, said Dalton B. Floyd Jr., a South Carolina lawyer whose practice regularly involves golf-related litigation and who has been a consultant to the Professional Golfers Association of America.

"The golf course owners have a duty to exercise ordinary concern," Mr. Floyd said. "And in some instances, there may be a design problem that can be corrected by moving tees, greens, trees or using nets. There are always exceptions, and sometimes it can get very serious. But it is also part of golf that the golfer doesn't always know where that ball will end up."

Some follow golfing etiquette: You break a window, you pay for it. But several homeowners said golfers rarely offer restitution.

**"Nobody leaves their business card in the broken glass," said Joe Jonas, who lives near a course in St. George, Utah. "The one time I did catch the guy, he gave me an address and phone number that turned out to be phony. He was playing in a church outing."**

Course designers and golf professionals agree that the worst place to build a house is the right side of a hole about 150 to 200 yards from the tee. Directly behind or to the side of a green is risky, too, even if the home is high above it.

The deck behind Dave Feigin's town house on the popular Crystal Springs Golf Course in Hardyston, N.J., is 50 feet above a green. Yet a steady stream of sliced shots make their way onto his deck and yard. Mr. Feigin keeps two five-gallon buckets overflowing with balls he has found.

"I give most of them away, but I keep and play those beautiful \$4 golf balls," he said.

**Other homeowners have found ways to peacefully accommodate their proximity to courses. Ms. Weiner and Ms. Smith turned to Screenmobile, a company that specializes in heavy-duty screens for doors and windows. Screenmobile said it received more than 400 calls from homeowners last year.**

**Ms. Smith said the screens helped considerably.** But asked what advice she would give a friend considering such a location, she said, “Don’t do it.”