

Gardenside Townhouse Assn. v. Zicconi and Ralston (2008-297)

2009 VT 47

[Filed 06-May-2009]

ENTRY ORDER

2009 VT 47

SUPREME COURT DOCKET NO. 2008-297

MARCH TERM, 2009

Gardenside Townhouse Association, Inc.	}	APPEALED FROM:
	}	
	}	
v.	}	Chittenden Superior Court
	}	
	}	
John Zicconi and Joannah Ralston	}	DOCKET NO. S0593-07 CnC
	}	
	}	Trial Judge: Dennis R. Pearson

In the above-entitled cause, the Clerk will enter:

¶ 1. Defendants appeal from a grant of summary judgment and entry of injunction against them requiring defendants to comply with Article 3.03(c) of the Amended and Restated Declaration of a Townhouse Regime for Gardenside with respect to their cats. Defendants raise issues of claimed discrimination against them and their pets, but none independently prohibited

by Vermont law. As concluded by the Superior Court, disposition of defendants' rights and obligations in regard to their pets in their residential community is governed by the "Regime," or private bylaws, of Gardenside. Defendants failed to demonstrate error in the court's reading and enforcement of the bylaws. Having found the Superior Court's decision sound on the application of law to the undisputed facts of this case, we affirm it in its entirety.

Affirmed.

BY THE COURT:

Paul L. Reiber, Chief Justice

John A. Dooley, Associate Justice

Denise R. Johnson, Associate Justice

Marilyn S. Skoglund, Associate Justice

Brian L. Burgess, Associate Justice