

**IN THE CHANCERY COURT FOR CAMPBELL COUNTY, TENNESSEE**

**Daniel J. Valle, *et al.***

**PLAINTIFFS,**

**v.**

**Paula Rae Lejeune, *et al.***

**DEFENDANTS.**

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**No. 7CHI-2019-CV-237**

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**MOTION OF PLAINTIFFS FOR  
ORDER DIVESTING MANAGEMENT CONTROL  
OF DEERFIELD RESORT FROM DEFENDANTS  
AND FOR STATUS CONFERENCE**

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Come the Plaintiffs, by and through counsel, and move this Honorable Court for an Order Divesting from the Defendants, Fields Development Company, Inc., Raymond Scott Fields and Paula Fields LeJeune management control of Deerfield Resort and Deerfield Resort Homeowners Association, Inc. The Plaintiffs further move this Court for a status conference as to the setting of hearings for all motions presently pending before this Court.

In support of this motion, the Plaintiffs would show this Honorable Court as follows:

1. As indicated by recently filed pleadings, the parties entered into a Mediated Settlement Agreement on or about June 29, 2023.
2. That Settlement Agreement was approved by this Honorable Court on December 27, 2023.
3. Subsequent to the Court's approval of the Mediated Settlement Agreement, the Defendants unilaterally, and without consultation with or notice to the Receiver, this Honorable Court or to the Plaintiffs, began collecting security and maintenance fees for 2024 and began

depositing funds received from property owners in Deerfield in late December 2023 and thereafter.

4. On or about May 2, 2024, the Defendants unilaterally, and without consulting with or notifying the Receiver, this Honorable Court or the Plaintiffs, filed with the Register of Deeds Office in Campbell County, Tennessee an Amended Restrictive Covenant, a copy of which is attached hereto as Exhibit A. By this Amended Restrictive Covenant which the Defendants filed of record in Book M152, Pages 371-376, with the Register of Deeds for Campbell County, Tennessee, the Defendants have purported to exclude their own properties from the import and impact of deed restrictions at Deerfield Resort. The Defendants also have purported to reserve for themselves the right to control future amendments of the Restrictive Covenants.

5. On or about April 17, 2024, the Defendants Fields Development Company, Inc., Raymond Scott Fields, Paula LeJeune and the Estate of Madeline Fields entered into a transaction by Quit Claim Deed with The Greens at Deerfield, Inc. by which Defendant Fields Development Company, Inc. purported to “clarify” that the golf course known as The Greens at Deerfield would be excluded from deed restrictions and covenants related to Deerfield Resort. This occurred even though prior deeds conveying property to The Greens at Deerfield, Inc. specifically stated that the golf course was subject to such deed restrictions. The Quit Claim Deed is attached as Exhibit B.

6. The Defendants have also unilaterally refused to share accounting records, receipts, invoices and other proof of uses of funds that they have received in 2024 from property owners at Deerfield Resort. The Defendants have provided certain bank statements for Deerfield Homeowner’s Association, but not the underlying source documents related to expenditures that they have paid from that account.

7. Plaintiffs would assert that the unilateral actions taken by the Defendants in which the Defendants have purported to exempt their own properties from the existing deed restrictions that are of record, potentially endangers the effectiveness and enforceability of the deed restrictions. The Plaintiffs would further assert that these unilateral actions by the Defendants are contrary to the prior Order of this Court of May 28, 2021, by which this Honorable Court ruled that the developer had not discharged its duty to create an association and that the property owners are thereby empowered to create a homeowners association.

8. This Court has also previously entered an Order on May 12, 2021 (and as later modified by an “Omnibus Order” entered on October 7, 2021) appointing H. Scott Reams as Receiver of Deerfield Homeowners Association, Inc. The Plaintiffs would respectfully assert that the actions of the Defendants impinge upon, impact and are derogatory to the rights and powers of the Receiver in this matter.

9. The Plaintiffs file this Motion seeking guidance from the Court as to these matters, the setting of a hearing at which time proof can be taken as to these issues, and for the Court to also expand the duties and powers of the Receiver to fully manage the affairs of Deerfield Resort Homeowners Association, Inc.

The Receiver has previously indicated reluctance to engage in the management of the business affairs of Deerfield Homeowners Association, Inc. For the reasons set forth in this Motion and in the Motion that is presently pending as filed by Plaintiffs to divest the Defendants of financial control of Deerfield Resort Homeowner’s Association, Inc., the Plaintiffs would assert that it is imperative that the powers of the Receiver be expanded so that control over the financial and management affairs of Deerfield Resort Homeowners Association, Inc. can be independently managed. Should the present Receiver be reluctant or unwilling to exert those

powers, the Plaintiffs would respectfully seek to have this Court enter an Order appointing a separate Receiver for those purposes, and/or to designate and appoint a management company to conduct the affairs of Deerfield Resort Homeowner's Association, Inc., subject to the review and approval of this Honorable Court.

10. The Plaintiffs would respectfully aver that in the thirty-six (36) months since the original appointment of the Receiver, there has been no communication with property owners (and non-litigants) of Deerfield Resort, and no written communications of which the Plaintiffs are aware with property owners (non-litigants.) Plaintiffs would assert that a mechanism needs to be established to inform property owners of the status of the litigation, and Plaintiffs would be supportive of the Motion of H. Scott Reams, Receiver, to establish a website for that purpose.

11. Plaintiffs further renew their Motion for an Order by this Honorable Court establishing/approving bylaws, restrictions and election procedures for a Board of Directors for Deerfield Resort Homeowner's Association, Inc. and to set a date for the election of Directors.

WHEREFORE, Plaintiffs would pray as follows:

1. That this Honorable Court divest the Defendants from all financial and management control of Deerfield Resort Homeowner's Association, Inc.

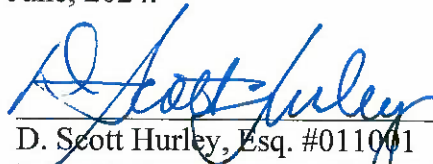
2. For the Order expanding the powers of the Receiver, H. Scott Reams, to conduct the management and financial affairs of Deerfield Resort Homeowner's Association, Inc., or that alternatively, that a separate Receiver or management company be appointed by this Court to do so pending the election of a Board of Directors.

3. For the Court to set a hearing for the purpose of approving bylaws, restrictions, election procedures and an election date for the board of directors of Deerfield Resort Homeowner's Association, Inc.

4. That this Honorable Court enter an Order declaring the restrictions filed by the Defendants with the Register of Deeds Office of Campbell County, Tennessee on May 2, 2024 to be null and void.

5. For such other relief that this Honorable Court deems the Plaintiffs to be entitled.

Respectfully submitted this 5<sup>th</sup> day of June, 2024.



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#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing pleading was sent via U.S. Mail, facsimile, or electronically to the following interested parties, on this 5<sup>th</sup> day of June, 2024:

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