

## Input on Covenant Discussion April 2025

Results from a search by community member, John Cassida at [www.perplexity.ai](https://www.perplexity.ai):

What are some landmark cases where Kansas improvement districts successfully enforced covenants

Several landmark cases in Kansas illustrate the enforcement of restrictive covenants by improvement districts or similar entities. These cases highlight the legal principles and challenges involved:

### 1. Persimmon Hill First Homes Association v. Lonsdale (2003)

The Persimmon Hill First Homes Association successfully appealed a district court decision denying its request for a mandatory injunction to enforce a covenant restricting fence height and requiring prior approval for construction. The appellate court reversed the lower court's ruling, emphasizing that restrictive covenants in Kansas are enforceable without requiring proof of irreparable harm. The case reaffirmed that such covenants "run with the land" and bind all property owners who have notice of them<sup>1</sup>.

### 2. Hecht v. Stephens (1970)

This case involved an attempt to enforce a restrictive covenant prohibiting mobile homes in a residential area. The Kansas Supreme Court upheld the principle that restrictive covenants are enforceable based on equitable notice—property owners who purchase land with knowledge of restrictions cannot act in violation of them. However, enforcement was denied due to substantial violations within the neighborhood, indicating abandonment of the general building plan or scheme. This case underscores that enforcement may be denied if conditions have changed radically or if there has been acquiescence in violations<sup>2</sup>.

### 3. Linn Valley Lakes Property Owners Ass'n v. Brockway (1992)

The Linn Valley Lakes Property Owners Association sought to enforce a covenant prohibiting signs on properties within the development. Initially, enforcement was denied on constitutional grounds (First Amendment). However, the appellate court reversed this decision, emphasizing that restrictive covenants are enforceable through equitable remedies like injunctions, provided they do not violate constitutional rights. This case highlights the balance between covenant enforcement and constitutional protections<sup>3</sup>.

### Key Legal Principles:

- **Equitable Notice:** Restrictive covenants are enforceable when property owners have notice of them at purchase.

- **Defenses Against Enforcement:** Enforcement may be challenged based on laches, waiver, acquiescence, or radical changes in neighborhood conditions.
- **Constitutional Limits:** Covenants must not infringe upon constitutional rights, such as free speech.

These cases demonstrate how Kansas courts navigate the enforcement of restrictive covenants while balancing equity and public interest considerations.

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