

Fellow L'Esprit Property Owners:

I verbally requested several clarifications from LPOA's insurance agent, Bob Norwood, about the businessowners insurance policy, specifically **liability-related questions regarding L'Esprit's bridle path easements**. He was very knowledgeable and cooperative.

L'Esprit has **20+/- miles of bridle path easements**, depending on who you ask. Most are restricted to a width of ten feet, as shown on the recorded plats with Oldham and Henry Counties. Riders are to remain on these easements, but some sections are not accessible or safe, especially for beginners and casual riders, which should be LPOA's benchmark.

Related, the basic bridle path map on lesprit.org doesn't reflect specific easement boundaries, so it can be **very challenging for riders to know if they've inadvertently entered private property**. This is important because apparently there are liability implications for tract owners who permit access to non-easement property.

Limited bridle path maintenance and repairs usually represent LPOA's largest annual expense. Yet, it seems **unclear in L'Esprit's covenants & restrictions whether LPOA or the tract owners with easements are primarily responsible**. On one hand, an easement is part of one's personal property, however, Section 5.04 of the C&Rs states,

"The Bylaws of the Association and the Rules and Regulations adopted by it will contain provisions for the operation, maintenance, upkeep, painting, repair, re-surfacing, landscaping, mowing, alteration, replacement, improvement, and/or use of the following",

and for which that list includes, "...bridle paths as established by easements for same upon the recorded plats..."

To the best of my knowledge, including while previously serving on the board of directors, I'm not aware of any such bylaws language or current rules and regulations. **I respectfully recommend the board immediately secure, adopt and share with members a written and signed legal opinion that clarifies as policy whether and to what extent LPOA and/or the respective property owners with easements are primarily responsible.**

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In addition, I've repeatedly suggested that the board subcontract with an **independent trail riding expert to conduct a comprehensive safety review of ALL bridle path easements**. From those findings, a **long-range master plan** should be developed for prioritized repairs and recommended easement relocations, as well as the **interim posting of warning signs required under Kentucky statute** where dangerous conditions exist. This comprehensive safety review **still has not been initiated**, so some LPOA members are now actively discussing the option of a self-funded project.

Commendably, two conservation professionals recently looked at select bridle path easement locations, as I've been informed. In my estimation, their **impressive report (on lesprit.org) escalates and accelerates the need for this comprehensive safety review**. These professionals cited, in part, there are, *"...some significant areas of disrepair."* They continued, again in part,

"In our judgment, this is mainly because it's highly likely the trails weren't designed in any real way but more likely just added on as property boundaries with easements. Due to that, they climb in and out of drainages along straight property boundaries. Each trail as it drops in and climbs out of each drainage will get worse as the trail gets steeper."

Based on this qualified input, one can objectively anticipate that a **comprehensive safety review would increase the number of identified issues on the recorded easements**.

Here are the questions posed to Mr. Norwood, and his respective responses.

Q1: Who has liability protection under LPOA's policy for any incident that occurs on a bridle path easement? **A1: Only LPOA, not the property owner.**

Q2: Who has liability protection under LPOA's policy for any incident that occurs on non-easement private property? **A2: Neither LPOA nor the property owner.**

Q3: Who is liable if there is a 'dangerous latent condition', as referenced under KRS 247.402, on a bridle path easement, but no warning signage was posted? **A3: This would depend on the specific facts of each circumstance. LPOA should routinely request that property owners with easements immediately notify the organization in writing when a dangerous situation exists. At a minimum, a warning sign(s) should be prominently posted.**

Respectfully Shared,

John Underwood – Tract 152-1