

# Pine Creek landowners sue over gate blocking access

By **JAYSON JACOBY**  
Baker City Herald

**BAKER CITY** — Two couples who own property along Pine Creek west of Baker City have sued David McCarty, who bought land in the area in 2020 and installed a locked gate across the road leading to the couples' properties.

James and Sharen Sanders, and Thomas and Betty Ann Lager, filed the suit in late July in Baker County Circuit Court. Each couple is seeking a monetary award of at least \$250,000 as compensation for what they contend is the loss of enjoyment of their properties.

They are represented by attorney Anne Cohen, of the Betts, Patterson & Mines law firm in Portland.

The defendants are McCarty, Joelleen Linstrom, who lives with McCarty and is described in the lawsuit as his agent, as well as three companies in which McCarty has an ownership interest.

Linstrom said on Monday, Aug. 15, that she couldn't comment on the lawsuit.

Tom Lager said he needed

to talk with the other defendants before commenting publicly.

McCarty is the plaintiff in another lawsuit related to the Pine Creek Road, which he filed in April 2021 with Baker County as the defendant. McCarty is seeking either a ruling that the disputed section of the Pine Creek Road that crosses his property is not a public right-of-way, or, if a jury concludes there is legal public access on the road, that the extent of the access be defined and that the county pay him \$730,000 to compensate for the lost value of his land due to the right-of-way.

McCarty's lawsuit is pending, with court hearings tentatively scheduled for Oct. 31 and the week of Dec. 19.

In response to McCarty's lawsuit, the Baker County Board of Commissioners has been pursuing a legal action to declare the Pine Creek Road, including the section across the property that McCarty bought in September 2020, as a public route.

Commissioners are scheduled to approve a reso-



Contributed Photo, File

**David McCarty installed this gate across the Pine Creek Road at his property boundary during the fall of 2020. The road passes through property that McCarty owns. During a public hearing on April 19, 2022, a group of local residents who enjoy visiting the area urged Baker County commissioners to preserve public access to the road.**

lution related to declaring the road as public during their meeting Wednesday, Aug. 17 at 9 a.m. at the Courthouse, 1995 Third St.

### New lawsuit

The Sanderses and Lagers contend in the lawsuit that McCarty and Linstrom have infringed on their ability to enjoy their properties by installing the locked gate, setting up cameras "to monitor the

attempted use of Pine Creek Road," and "attempted privatization of Pine Creek Road."

The couples are each seeking monetary damages of at least \$250,000.

They are also asking for a judgment that confirms that both couples can access their properties "without notice or permission from any Defendant and without intimidation, harassment, assault, or

threat of interference."

The couples also are asking that a judge issue a warrant to the Baker County Sheriff mandating that the sheriff remove the gate and the cameras McCarty installed.

Among the parcels that the Lagers and Sanderses own are ones completely surrounded by McCarty's property. The Pine Creek Road is the only vehicular access to their properties, according to the lawsuit.

"Defendants ignored the real and private property rights of the Sanderses and the Lagers, even though Defendants knew or should have known that the Sanderses and the Lagers relied solely on Pine Creek Road for ingress and egress to their respective properties," the lawsuit states.

The plaintiffs contend in the lawsuit that the defendants, who have logged the McCarty property, also felled trees on the Sanderses property, and removed padlocks the Sanderses had installed on their cabin and replaced them with other locks, and blocked vehicle access to the couple's cabin

with "one or more large obstacles in the driveway."

"They also installed new boundary posts on the Sanders Property and around the Sanders Cabin and 'no trespassing' signs that claimed the Sanders Property belonged to McCarty," the lawsuit contends.

The lawsuit also accuses the defendants of financial abuse and elder abuse, stating that due to their ages and to Sharen Sanders' disability, they are both "vulnerable people as defined in ORS 124.100(c)."

James Sanders is 69 and Sharen Sanders is 81 and legally blind, according to the lawsuit.

The suit also claims financial abuse and elder abuse against Tom Lager, who is 68, due to his age.

The lawsuit claims "McCarty and the other Defendants knew or should have known that interference with Plaintiffs' real property, timber, and personal property would inflict severe mental or emotional distress and Plaintiffs are entitled to damages for this infliction."

# Silvies Valley Ranch unveils Claire's Course putting green



Steven Mitchell/Blue Mountain Eagle

**Claire's Course sits on one side of Otter Lake in front of the resort's lodge and log cabins. The course has water hazards on both sides and is roughly 720 feet long.**

By **STEVEN MITCHELL**  
Blue Mountain Eagle

**SILVIES** — Making golf more accessible and recognizing the role of women in the game was the inspiration behind designing a putting course at The Retreat, Links and Spa at Silvies Valley Ranch.

This summer, Silvies Valley opened Claire's Course, an 18-hole reversible putting course named after Claire Owens, the first woman to play golf in Silvies.

Scott Campbell, the resort's owner, said that besides honoring an influ-

ential woman from Silvies Valley, the putting course aims to make the game fun for everyone and put golf clubs in as many hands as possible.

"We're trying to get the whole family involved," Campbell said. "Not just the guys."

Campbell said the new course is the first of its kind and is designed to be played simultaneously in opposite directions, east to west and west to east. Free to guests of the resort, the 720-foot course circles the lower half of Otter Lake, right outside the resort's lodge and log cabins, and has water haz-

ards on each hole.

The course is the creation of Dan Hixson, the designer of the resort's two 18-hole reversible courses, Hankins and Craddock, which were recognized by Golf Digest as two of the top four best new courses of 2018.

The reversible design means just that. One day you can play the course in one direction, and the next you can play in the opposite direction.

Campbell said most putting courses being built these days are on vast expanses of greens and take after the Himalayas putting course at the St. Andrews

Ladies Club in Scotland. The Himalayas, which gets its name from the undulating nature of its terrain, is believed to have been the world's first putting course.

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