

WHO PICKS UP THE CHECK?

Just who exactly is financially responsible when a golf ball hits a house? Despite being discussed, dissected and analyzed, it seems no definitive answer is ever reached — probably because the issue is too circumstantial. Still, law firms such as **Foley & Lardner LLP**, homebuilders like **Pulte Homes** and golf management companies like **Western Golf Properties** shed some light on the topic. So the next time you hear a smack and a crash in your living room, cause one of your own from the tee box, or have a patron on your golf course shatter someone's skylight, you'll know what to do.

The situation is all too familiar: a heavy swing off the tee box, and the ball starts fading right, right, right...smash. It happens every day, all over the country. But what happens to the swinger? It wasn't done on purpose, but it caused property damage. Foley & Lardner's **Thomas Elkind** explains that in most states, unless someone can prove negligence, courts have ruled that it is a nuisance standard, and financial obligations are passed to the homeowner. Basically, that's the price you pay for living on a golf course. In Massachusetts, however, the golf course owner is held liable in many cases.

Elkind sees most homebuilders nowadays writing golf ball easements into title deeds when a person buys a house in a golf community. This furthers the homeowner's responsibility, as the developer or homebuilder creates awareness for the new owner that property damage is often caused by errant golf balls. VP of Golf for Pulte **Henry DeLozier** confirms that homebuilders warn potential buyers of the inherent risks of owning on a golf course.

If a golf course is ever held liable, it's always the course owner's responsibility. If there's a third-party golf course manager, that entity will usually facilitate problem-solving among the golfer, homeowner and golf course owner. Once again, usually it's the homeowner's liability, but as Western VP of Sales and Marketing **Christina Khamis** sees it, sometimes the golfer will come forward and offer to pay for damages. Western has seen numerous cases in that regard. But while it might be good golf etiquette to offer to pay, in most cases, as long as there's no negligence, the homeowner is usually responsible. So go ahead and put that iron away and take out the big dog.

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