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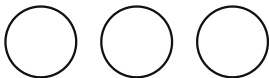
Woodlands fault-line lawsuit dismissed

Judge rules against 41 homeowners who sued developer over negligence



Bridget Balch

Feb. 9, 2016







A crack from a surface fault line runs toward Gordy Bunch's Carlton Woods home in The Woodlands. Once worth \$1.5 million, Bunch's house is now valued at \$200,000, according to Montgomery Central Appraisal District records.

Mayra Beltran/Staff

After a four-year legal battle between [The Woodlands Development Co.](#) and dozens of Woodlands homeowners who say their houses were negligently built on active fault lines, a Harris County judge ruled in the favor of the developer late last month.

The class action lawsuit was dismissed based on the statute of repose, which limits how much time can pass from when the houses were built to when the lawsuits were filed. The 42 homes involved in the case were built in the 1990s and early 2000s.

While there are exceptions for situations where the developer knowingly and fraudulently concealed information - such as an active fault line - the judge ruled that there was not sufficient evidence to say that The Woodlands Development Co. did so, according to court documents.

The legal battle started when Gordy Bunch, a member of The Woodlands' governing board, blamed The Woodlands Development Co. for negligently allowing his \$1.5 million home in the gated Carlton Woods subdivision to be built on surface fault lines that move about a quarter-inch to a half-inch per year, according to geologists hired by the plaintiffs.

A crack ran through his driveway and into the backyard, draining the pool, Bunch said. At one point, the drain pipe to the tub in an upstairs bathroom dislodged, sending water pouring through the floor into the kitchen downstairs, he said.

Bunch's house is now valued at \$200,000, according to Montgomery Central Appraisal District records.



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In subsequent years, Bunch was joined by 41 other homeowners with similar complaints: cracked walls, slanted floors, broken windows. One homeowner said part of his home had risen more than six inches, making it so that a ball placed on the floor would roll to the other side of the house.

The Woodlands Development Co., however, maintained that the plaintiffs' claims were without merit. It argued that the company had hired a geologist to study the land prior to allowing development and received information that it was safe to proceed with building on the land.

When presenting their case, the homeowners' attorneys pointed to the testimonies of geologists they hired who said their inspection of geological data found that an active fault line, the Big Barn line, ran through The Woodlands - right beneath Bunch's house.

A study conducted by Fugro Consultants Inc., a geotechnical engineering company, for the [San Jacinto River Authority](#) in 2012, when the authority

was preparing to lay water pipeline through the community, identified three fault lines running through the area.

The consultants found cracked pavement they say indicates active surface fault lines on Cochran's Crossing Drive, Research Forest Drive, [Bear Branch Lane](#) and Texas 242, according to the consultant's report. The report noted that the authority's switch from using groundwater to surface water could slow the movement of the fault.

The plaintiffs argued that a letter sent by Fugro Consultants to the developers in 1993 warned that it was "highly likely that a geological fault" passed through Cochran's Crossing before they built properties on the land.

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The developer stated that it had already conducted geological studies on the area and found the warning to lack evidence, according to court documents. Judge [Randy Wilson](#) dismissed all cases against the development company last month. He also ruled that the plaintiffs would be responsible for paying the developer's court costs.

"We are pleased with the favorable summary judgement in which all of the plaintiffs' claims were dismissed based upon multiple grounds. We believe that the court's decision in this case was the correct one, and that, should the plaintiffs choose to appeal this decision, their appeal will be denied," said Caryn Kbouti, a spokesperson for the development company.

"Moreover, we believe the evidence demonstrated that no residence in The Woodlands ever has been built on a fault line, knowingly or otherwise. Now, we look forward to continuing our good work in the community," Kbouti added.

Still, Bunch's Houston-based lawyer, [Paul Francis](#), said that the plaintiffs' homes have sustained more damage since the suit was originally filed in 2012.

"We are considering all available options," said [Geoff Binney](#), the plaintiffs' Woodlands-based attorney.

An appeal must be filed within 30 days of the Jan. 21 judgement.