

People Magazine

Paradise Lost

By Nick Charles

Ordered Out of Their Leased Homes in Mexico, Stunned Americans Fight Back

Sitting on the beach in front of their home, Pat and Tom McIntyre have spent untold hours sipping coffee in the early dawn, mesmerized by dolphins darting through the natural bay's warm shallow water. After relocating three years ago to the coastal area of Punta Banda 90 miles south of the border in Baja California, the San Diego transplants had settled into what seemed an idyllic retirement. "We like the ocean," says Tom. "We like the openness, the weather, the beach. There's a sense of adventure."

But on Aug. 26, the McIntyre's peace and quiet was shattered. They and about 400 of their neighbors, mostly American retirees and weekend homeowners living on a sand spit known as Lengueta Arenosa (literally, the little sandy tongue), were served with eviction notices by the Mexican government. "These were supposed to be our so-called golden years," says Tom, 69. "What's going on is not right."

What happened was that the McIntyre and their neighbors got caught in the crossfire of a 12-year-old land dispute that has struck fear into many of the estimated 60,000 Americans in Baja, who cannot legally own land on the Mexican coast but have leased property from Mexican landowners. In 1973, the government deeded a 22,000-acre parcel to an ejido, a cooperative of 85 Mexican peasant families who live in the area. In 1986 the government added 15,000 more acres, including the sand spit, to the land, according to the ejido. Because the spit was unsuitable for farming, the collective was allowed to grant long-term leases to Americans. While one large portion of the spit was contracted to a Mexican resort developer, who built homes next to a hotel on his property and sold them to Americans, the rest of the land was directly leased to U.S. families, who built or renovated beachfront homes.

This mini housing boom attracted the attention of five Mexican families, who sued the government in 1987. They claimed they owned the sand spit as far back as the 1950s and planned to develop it. They added that the government's Agrarian Reform agency had incorrectly redrawn the boundaries of its land grant and illegally transferred ownership to the ejido. In 1995, Mexico's Supreme Court ruled in the plaintiffs' favor.

"A grievous error was made in the quest for El Dorado," says Esteban Carlos Pedroarena, 48, a member of one of the five families. Pedroarena, who manages his family's oriental-vegetable farm in Tecate, near the U.S. border, wants the residents to leave; only then will he renegotiate new leases. He also wants to develop condominiums on any vacant lots. "This land was intended to generate income," he says. "It's time to wake up and figure out that you are not going to get away with a free ride."

Retired college professor Owen Geer, 76, holds little hope that he and his wife, Alicia, 60, who will retire from teaching in two years, can salvage the \$200,000 they spent to ' build a home they worked on themselves. "This is a nightmare," says Geer, who, fearing confiscation, is sacking his own pride and joy before the house is taken from him. "I'd rather destroy it myself than have other people desecrate it," Geer said one recent morning as he loaded a minivan with sofas, mattresses and even doors removed from their hinges.

But Geer is in the minority. Most of the Americans have chosen to stay and fight in court. The McIntyre, who were not aware of the litigation when they bought their home, received notice from the ejido informing them of the litigation but assuring them that if the property were transferred to a new owner, their 30-year contract would still be valid. The McIntyre have some hope that a settlement can be reached by which current owners, most of whom are on fixed incomes, are allowed to keep their homes. "We're trying to do everything we can to keep everybody here and keep everybody calm," says Tom McIntyre.

To that end, the McIntyre and about 200 other residents hired **Dennis Peyton**, an expert on Mexican land law with offices in Tijuana. At the very least, **Peyton** says, his clients should be compensated by the government for the money they spent renovating or building their homes, which range from modest beach houses to dream mansions worth more than \$500,000. But compensation aside, Gilberto Jose Hershberger of the Agrarian Reform agency says, "we intend to give the owners their property."

Leaving their beloved Mexico, even with money in hand, is a possibility the McIntyre don't even want to entertain. The New Hampshire natives had been vacationing in Baja ever since Tom's job as a Department of Defense engineer had led them to relocate from Long Island to San Diego in the late 1960s. "We'd always gone camping down here," says Pat, 64, a former real estate broker. "We'd been to the bullfights in Tijuana, we'd been to Ensenada, to San Tomas. There is a lot to see. And the people are wonderful." So when a friend in a development north of Ensenada suggested they look into Baja as a possible retirement home, it made perfect sense.

After searching for three years, they found their new home in 1996. The rambling three-bedroom house boasts an enormous kitchen, three sun decks and a bubbling fountain in the middle of a courtyard surrounded by brilliant purple bougainvillea. They paid just \$60,000 for it and spent another \$40,000 installing plumbing, tile, a new roof and hot water. The affordability of their house—and its proximity to San Diego two hours north, where most of their 5 children and 11 grandchildren live—more than offset reservations about leasing. "When you fall in love with a place," says Pat, "maybe you do take more risks."

Time will tell if their gamble was a loser. For now, the McIntyre can take comfort from support for their cause, which is mounting. When the deadline for evictions arrived in early October, members of the ejido bulldozed a 5-ft.-high roadblock of dirt to thwart officials. "The North Americans consider themselves

defrauded," says Francisco Arguello, president of the ejido. "But we did not defraud them. We were also defrauded." And on the political end, Sen. Dianne Feinstein of California has written to the Mexican ambassador in Washington, D.C., asking him to look into the situation.

Though still organizing and hoping for the best, the McIntyre are considering contingency plans. They could put some of their things in storage and, if need be, return to San Diego and rent a studio apartment. "The only thing we know is we'll survive," says Tom McIntyre. "It's not the first time we've had to eat feathers. And even if I'm on the other side of the border, I'll be stirring up the pot. I'm retired. I have nothing better to do."

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Leslie Berestein in Baja California

- **Contributors:**
- Leslie Berestein.