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Retirees win small reprieve

MEXICO: An attempted eviction over Baja property rights may be headed to the courts.

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American retirees and members of a Mexican land cooperative stood shoulder to shoulder Monday, protesting the arrival of government officials who sought to serve eviction notices on the elderly residents.

The co-op members had erected earthen berms and strategically parked dozens of cars and trucks to protect the American homeowners at Punta Banda, where some 300 U.S. citizens who lease land from the co-op found themselves amid a land dispute that started more than a decade ago.

Even though the retirees avoided eviction, their fate remains uncertain as they head to the courtroom and negotiating table.

"We're feeling relieved," said Leigh Zaremba, a Villa Park resident who lives in the Punta Banda development and is a leader of a homeowners association there. "It looks like this thing is going to move glacially now - more court cases."

The controversy involves two groups - a peasant cooperative and private landowners - vying for this four-mile stretch of stucco homes south of Ensenada. The Mexican Supreme Court has sided with the private landowners. Caught in the middle are the retirees who face the prospect of either eviction or new leases that may result in higher rents.

Officials with the Agrarian Reform department, acting on the recent court decision, arrived Friday and again Monday to issue eviction notices, but were blocked by protesters.

More than 70 American retirees, including up to a dozen from Orange County, gathered at the barricade Monday. After arguing for about an hour, the government officials drove off.

About 12 retirees, though, began moving their personal belongings out of their homes over the weekend, saying the uncertainty of the situation worried them. Mexican law does not allow foreigners to own land near the coast or border, so Americans generally enter into long-term contracts.

The retirees had been paying rent to a cooperative known as the Ejido Coronel Esteban Cantu, which is made up of 85 families. In Mexico, after the Revolution of 1910, the government granted farming plots to landless peasants - known as an ejido. In the 1980s, the cooperative and builders worked together to develop this finger of land that rests between an estuary and the ocean.

But seven landowners, some of whom say their families had owned the parcels for several decades, argue that the property was incorrectly included in the boundaries of redrawn maps. It includes the Baja Beach and Tennis Club, a resort hotel. German Malamud, one of the landowners, attended Monday's protest.

"I feel sorry for them, but I feel sorry for me, too," he said of the retirees' plight. "I'm tired of litigation."

Malamud, who owns about 25 acres, said he was frustrated that the Agrarian Reform department won't forcibly carry out the evictions.

American retirees living on Malamud's property said Malamud's attorney told them that he plans to bulldoze their homes for new development.

Malamud said he might negotiate long-term leases with the retirees. But he declined to outline specific plans for the property.

"I'm planning to do something that makes economic sense," he said. Other landowners contend that some retirees knew of the legal dispute when they signed lease agreements with the cooperative.

Attorneys representing various Americans living at Punta Banda have requested stays and hope that a court will appoint a mediator to guide negotiations. Some of the residents have begun meeting with the new landowners to work out new lease agreements.

Dennis John Peyton, an attorney representing dozens of Americans, said he is urging his clients to stay out of the dispute over title of the land. He is encouraging them to stay put and to convince a court that they entered into good-faith agreements when they first did business with the Cantu cooperative.

But the retirees, some of whom own \$200,000 homes here, don't know what to expect. They've got a lot of questions.

How much more rent, they wonder, will they have to pay to the new landowners? Most have paid the cooperative up to \$2,400 annually for two lots. Some retirees say their new landlords have told them they will have to pay up to \$6,000 a year now. They also wonder if they will receive compensation for improvements, such as the \$150,000 purified water system they paid for. And whether they will receive compensation for the construction of their homes.

Members of the cooperative, meanwhile, are upset about the loss of the land that has provided them with a steady income. The Agrarian Reform agency, they say, gave them its blessing to develop and lease the land.

"This is not right. It is a shame," said Francisco Arguello Alvarado, a member of the Cantu cooperative.

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Punta Banda homeowners watch as land co-op members surround Mexican officials trying to deliver evictions Monday.

CONFRONTATION: Agrarian Reform representative Gilberto Hershberger, right, wearing glasses, and a land co-op representative in the straw hat are denied access.

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