

# SUPREME COURT OF VIRGINIA



SUPREME COURT BUILDING  
100 NORTH NINTH STREET  
RICHMOND, VIRGINIA 23219  
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## **Granted Appeal Summary**

### **Case**

MARK D. WELLS, ET AL. v. SEAN BEVILLE, ET AL.  
(Record Number 210469)

### **From**

The Circuit Court of Pittsylvania County; S. Moreau, Judge.

### **Counsel**

Eric H. Ferguson (Rhodes & Ferguson Attorneys at Law) for appellants.

James I. Gilbert, IV (Gilbert Law, PC) for appellees.

### **Assignments of Error**

1. The Circuit Court erred in failing to apply the plain and unambiguous meaning of the language used in Restrictive Covenants #4 and #8 as used in Deed Book 540, Page 508.
2. The Circuit Court erred in finding that Mark and Emily Wells lacked the vertical privity necessary to enforce Restrictions #4 and #8 against Sean and Carolyn Beville.
3. The Circuit Court erred in finding that Mark and Emily Wells had “unclean hands” which led to their being estopped in enforcing Restrictions #4 and #8 when the actions of Sean and Carolyn Beville were clear violations of the Restrictions prior to the purchase of Lot 2 by Mark and Emily Wells.
4. The Circuit Court erred in finding that the enforcement of Restrictions #4 and #8 would cause an undue burden upon Sean and Carolyn Beville which would result in unjust enrichment of Mark and Emily Wells.