

IN THE SUPREME COURT OF THE STATE OF DELAWARE

REHOBOTH BEACH YACHT &	§
COUNTRY CLUB PROPERTY	§ No. 346, 2017
OWNERS ASSOCIATION,	§
	§
Appellant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
ROBERT WOLHAR, JR.,	§ C.A. No. S15A-08-001
	§
Appellee Below-	§
Appellee.	§

Submitted: March 23, 2018

Decided: May 21, 2018

Before **STRINE**, Chief Justice; **VALIHURA** and **VAUGHN**, Justices.

ORDER

After careful consideration of the parties’ briefs and the record below, the Court concludes that the judgment on appeal should be affirmed on the basis of and for the reasons assigned by the Superior Court in its February 2, 2017 opinion affirming the Court of Common Pleas’ grant of summary judgment to the appellee and its July 28, 2017 opinion denying the appellant’s motion for reargument.

Contrary to the appellant’s assertion on appeal, neither the Court of Common Pleas nor the Superior Court “reached out and decided an issue not before the court.” The issue of the validity of the appellant’s amendments to

the restrictive covenants was squarely presented to each court. The appellant stipulated in the Court of Common Pleas that there was no triable issue of material fact. Thus, we find no error in the Superior Court's refusal to consider additional evidence that the appellant failed to present to the Court of Common Pleas, nor do we find any error in the Superior Court's application of the law to the facts.

NOW, THEREFORE, IT IS ORDERED that judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Karen L. Valihura
Justice