

The Virgin Islands Consortium

Man Says White Neighbors Are Attempting To Block Him From Using Legal Roadway To Build Home On His Plot In Clairmont

Exclusive / **Published On June 26, 2019 12:48 PM /**

Ernice Gilbert **June 26, 2019**



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ST. CROIX -- "I thought you were going to smash. So Smash! This is what you guys created and I will deal with it. You created this!"

Those were the words of Bernard Cuffy in April, a local business owner with a plot of land in Clairmont, St. Croix, who over the course of a few months relayed to The Consortium that White neighbors to his plot in the Clairmont community, located atop the mountain in

Salt River (second left entering from Kingshill Road), have made it extremely difficult for him to clear the legal path, as per the lot's subdivision, to get to his property.

In fact these neighbors, Mr. Cuffy said, have gone so far as to block the legal pathway to his plot with boulders. And when he had those boulder removed, the neighbors placed them again. This after the Department of Planning and Natural Resources (D.P.N.R.) visited the location and again confirmed that the pathway Mr. Cuffy has been meaning to clear, is the legal roadway as per the subdivision. The V.I.P.D. also visited the location and directed that the boulders be removed.

So what's the problem? Why are these neighbors, all of whom Mr. Cuffy said are White, are so determined -- going as far as illegally placing boulders in the road -- to stop Mr. Cuffy? He told The Consortium a week ago that the neighbors said they were concerned about security, although Mr. Cuffy said he was not sure why. "It's going to be a security issue for them because I am not White. That's the problem" said Mr. Cuffy, who owns Carpet Masters, a firm offering rug and carpet cleaning as well as sales. "They want to control the mountain. You can't control the mountain, it's not yours. It's a subdivision. This is the Virgin Islands."

The situation started in October 2018, when Mr. Cuffy said he received a message from the neighbors asking that he attend a meeting to "discuss the overgrown road that we all share together." He said the neighbors have been so determined to block him from using the road that they offered to pay for the development of another path, which Mr. Cuffy said would affect the value of his property, while losing pristine views. When that did not work, the neighbors offered to buy the plot from Mr. Cuffy, but he refused that offer as well.

The neighbors then wrote a joint letter, which in essence calls for Mr. Cuffy to either use the route they wanted to clear for him, or they'd tie him up through the legal system.

Excerpts from the letter, provided to The Consortium by Mr. Cuffy, are below:

"With your election to disregard our polite but unwavering and clear position that we, (the Devlins), the Adams, the McKenzies and the Hookers, making up the six lots affected by your intention to clear that ROW, adamantly oppose your doing so, we have had no choice but to seek counsel on how to act to prevent its clearance, which we fully intend to exhaust to the fullest extent provided by law, bringing however many different actions as may be necessary, and for however long that might take.

"If we have to litigate an endless list of injunctions to stop the opening, which we absolutely would and I'll commit here, WILL do, it will run us both, potentially, in the tens of thousands of dollars each, which we would be splitting 6 ways on our side and could go on virtually indefinitely.

"Bernard, given that we ALL unequivocally and adamantly oppose the clearing and opening of that ROW that will, and I repeat, WILL, result in years of litigation to prevent such, and the expense and inherent bad blood that comes with litigation, that we come to some solution that you can live with to utilize the alternate access to your plot #38. It is not our, nor any of our neighbors' intention or desire to have to fight with an adjoining neighbor. The cost to litigate with us, and the costs required in engineering, permitting

and environmental compliance will drive the cost of your lot far beyond what you would have paid for it at a retail pricing, and far, far more than the cost of perfecting and utilizing the existing lower road access. I think we would all rather come to some reasonable resolution to prevent the litigation, or purchase your plot at a reasonable profit if you just can't live with it, and be done with it, than start feeding the lawyers."

Attempts to reach plaintiffs' attorney Mark Eckard via cellphone were unsuccessful as of Wednesday evening. We left a message.

Mr. Cuffy, steadfast in his stance to use the legal pathway to his plot, refused to acquiesce. The neighbors then held to their threat of litigation and filed suit seeking a temporary restraining order (TRO) in the Superior Court on St. Croix. The suit reads in part, "Plaintiffs seek emergency order forcing defendant to immediately stop cutting a road on plaintiffs' properties." This after surveyors have determined that the roadway was not on any of the neighbors' property, according to Mr. Cuffy, and according to The Consortium's viewing of the markers left by a surveyor hired by Mr. Cuffy and another by one of the neighbors.

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Mr. Cuffy said the Superior Court judge, while seeing no problem with the pathway that Mr. Cuffy intends to clear after looking at the D.P.N.R. paperwork, allowed the plaintiffs, upon request, a short space of time to consult with the Board of Land Use (B.L.U.) to appeal D.P.N.R.'s decision. However, according to Mr. Cuffy, the judge said he would not wait if a B.L.U. response was taking too long.

Yet even as the B.L.U. response pends, Mr. Cuffy said he was given yet another offer two weekends ago. Again, he refused.

[Read the original document](#)

Mr. Cuffy said the attempts to stall his progress have cost him financially, but he conveyed his unwavering determination to move forward. He said people should not "give up their rights because of some rich folks who say you can't pass."

He said although the neighbors know he owns the plot, they have called police on four different occasions claiming that he had trespassed. "You know I'm the owner. You know there's a road. You know that you've stated that there's a road, but you call the cops just to inflict pain and hardship on me," Mr. Cuffy said. "It's unbelievable the things that I've had to go through. And there it is I had to show my ID, I had to show the deed, and then I had to show them [police] the map at the entrance. Appalling."

The situation came to a head in April when a neighbor's son threatened to smash the glass of Mr. Cuffy's vehicle, according to Mr. Cuffy. He said the son then jumped into his vehicle and drove towards Mr. Coffee as if to knock him down. The son's father went to the driver's side of his son's vehicle urging him to leave the area. The father then proceeded to apologize to Mr. Cuffy for his son's behavior, but Mr. Cuffy had had enough.

"You created this," he told the father, referring to his and the other neighbors' attempts to block Mr. Cuffy from moving forward with clearing the legal pathway to his plot. "You created this. You have fed the nonsense to him so you have created this monster, and you will deal with this monster."

This story was last updated on June 26, 2019 at 6:09 p.m.

Feature Image: Bernard Cuffy stands on the legal pathway to his plot in Clairmont, behind two boulders illegal placed there by White neighbors attempting to stall progress of the road's clearing. (Ernice Gilbert, VIC)