



Written by [Raven Clabough](#) on November 22, 2011

## Texas Couple Fined \$7,000 for Posting Sign in Yard

When Johnnie and Clara Russell posted a small yard sign on their own North Texas property outside Ft. Worth several years ago, they did not expect that they would have to seek government permission first. The sign, which promoted an event called "Wake Up America" for conservative pundit Glenn Beck's "9/12 Project," provoked the ire of one of their neighbors, who complained to authorities.



*The Blaze* [reports](#):

Apparently the sign violated the rules of the Homeowners Association (HOA) that governed the subdivision where the Russells lived. And although Mr. & Mrs. Russell claim they never joined the association, never paid dues to the association, and never signed any papers acknowledging the association as a governing body with rules over their property, they were sued for violating the rules.

The Russells received their first notice of violation while out of town, so it was returned to the HOA. The second one was then hand-delivered by a local constable.

The couple took their case to court, where they pointed out a variety of inconsistencies which allowed several other signs in the neighborhood which promoted local teams and yard sales to remain intact, but forced their own sign to be taken down. The Russells were found guilty by Justice of the Peace Lynn Marie Johnson and were ordered to pay over \$7,000 in legal fees incurred by the Homeowners Association.

The Russells, not able to afford the fine, were forced to file an "inability to pay" motion. They then appeared at another hearing with Judge Johnson to appeal the fine and request that the case be moved to a higher district court. However, such a move would have required the posting of a bond double the amount of the fine. Texas civil courts typically require the 200-percent bond in these cases, although criminal cases require only 10 percent.

*The Blaze* discovered several causes for concern in its investigation of the case:

It was also explained to us that Judge Lynn Marie Johnson also happens to be a *personal friend* of a member of the board of the Homeowners Association that is suing the Russells. Clara reports to us that [Kathy Kornegay Chruscielski](#) is the board member who calls Judge Johnson her friend. Ms. Chruscielski also posted photos of the swearing in ceremony of her friend, the Judge.

It remains to be seen whether the Russells will be able to appeal the case further, given the extreme



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cost of the pursuit and the irregularities and concerns of the situation. The case very clearly highlights, however, the increasing lack of authority homeowners are permitted to maintain over their own property.

In a similar recent incident in Los Angeles, Laly Dobener [placed](#) a nearly 25-foot cross in her front yard. Neighbors complained that the cross was an eyesore attracting unwanted attention to their cul-de-sac and hurting property values, prompting an investigation by city officials. Dobener was confused by the response to her cross, asserting first that her First Amendment rights should permit her to post the cross without issue, and second, that her neighbors should not be offended by the presence of her religious symbol. "I don't understand what my neighbors are so upset about. The cross isn't hurting anyone. It is my way of expressing my love to God and to the world....to bring God's love to everyone."

Dobener was given two options by Los Angeles building and safety officers: either remove the cross from her yard or get a permit for it. However, as noted by building and safety spokesman Dave Lara, "If she wants to apply for the permit, though, she has to meet all design, building, and zoning codes...This is a public safety issue."

Unwilling to back down, Dobener has asserted that she will file the paperwork necessary to keep the cross intact.

The incident in Los Angeles was similar to one in New Jersey, when Patrick Racaniello attempted to [post](#) a small cross in his front yard. A neighbor complained about the presence of the cross, which Racaniello had placed on a tree, contending, "I don't like having the cross staring at me."

Town officials ordered Racaniello to remove the cross because it allegedly violated a littering ordinance which prohibits citizens from posting anything on structures, including trees. The ordinance is said to be breached if anything posted is "calculated to attract the attention of the public."

Racaniello complied and removed his cross from the tree, but then erected a six-by-four-foot replacement and put it near the front of his property. Officials once again mandated that he remove the cross, this time on charges that the cross was placed in off-limits "right of way" area. City attorney Sharon Weiner defended the "right of way" regulation, explaining that it is for the protection of the general public as items placed in that area could be "a distraction to the traveling public."

Racaniello then moved the cross back behind the appropriate line, so as not to be in violation of any of the ordinances. Frustrated by what he perceived to be a violation of his rights, Racaniello took his case to the Alliance Defense Fund, which informed officials that they would take the case to court if the township did not permit Racaniello to post his cross anywhere he would like on his own property. The ADF's assertions forced the New Jersey city officials to relent.

James Madison, known as the Father of the Constitution, warned about the encroachment of the government, both local and national, on the property of its citizens:

Government is instituted to protect property. ... This being the end of government, that alone is a just government which impartially secures to every man whatever is his own. ... That is not a just government, nor is property secure under it, where arbitrary restrictions, exemptions, and monopolies deny to part of its citizens that free use of their faculties.



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