

# **HOLLYBROOK LAKE**

The Life of a Community, 1962-2006



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John N. Randolph and  
Virginia R. Randolph

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## Chapter One

# Sweet Home Dunnavant Valley

“**WE’RE** WRITING a history of Hollybrook Lake,” says us.

“Why?” says you.

“Because it’s home, in every sense of the word,” says John.

“Including the time I lived here before Ginny and I were married, it’s been over thirty years. We’ve both lived at Hollybrook longer than any other place in our lives.”

Ginny says, “For someone like me, who was born in Chicago, raised in Arizona, and lived for a time in Peru and Oregon, the notion that Dunnavant Valley, Alabama, would become life’s ‘Sweet Home,’ may seem unlikely. But I can tell you, it’s a great fit.”

John says, “Ginny was recruited here for a teaching position at UAB. The same institution that revitalized our hardscrabble old steel town changed my life as well. Now that we’re both retired, Ginny and I see life at Hollybrook filling the end of our days. It makes us think back to the early years. The valley is changing so rapidly now, we wanted to leave a record of the friends that we’ve known and how the lake community became what it is today.”

Ginny says, “John was raised in Mountain Brook, but his family has deep roots in Shelby County. Living here fits perfectly in his family’s history.”

John says, “And Ginny’s family were the O’Sullivans of The Eire, so

her heritage matches those of the early settlers of Dunnavant Valley. It's sweet home for us both."

## **The Kings and the Randolphs**

JOHN'S PATERNAL grandmother was Mary Etta King, daughter of Peyton G. King and Mary Alabama Tarrant King, whose plantation house, "Cedar Branch," was situated at the present site of the Avondale Public Library in Birmingham. The King family hailed from Shelby County, specifically from a place once known as Wilson's Hill, after its first settler, Jesse Wilson.

The family patriarch was Edmund King. He and his wife, Nancy Ragan King, were among the first Shelby County settlers, arriving at Wilson's Hill in 1817. Although it is unknown how the acquaintance began, the Kings were befriended by the notorious "Red Eagle," William Weatherford, a mixed breed Creek who was involved in the massacre at Fort Mims. Perhaps it was because Red Eagle earned the friendship of General Andrew Jackson that he came to be accepted by white settlers such as Edmund and Nancy King. It is also likely that the Kings' success in frontier Alabama was at least in part due to Weatherford's protection against renegade Creeks who continued to attack settlers even after their defeat at the Battle of Horseshoe Bend. In any event, with slave and Indian labor, King built his Alabama plantation, "Kingswood," on the site of the present University of Montevallo, where the mansion house and family graveyard are preserved today.

During this same period of early settlement, John's paternal great-great grandfather, Dr. Robert Carter Randolph, arrived from Virginia to build his plantation, "Oakleigh," in adjoining Greene County (now Hale), just outside of the historic little town of Greensboro. Although there is no record of it, the proximity of the two settlements and the social proclivities of antebellum gentry make it likely that the King and Randolph families were acquainted—especially since Edmund King was an active supporter of a Baptist school located in Greensboro known as the Manual Labor Institute, which, despite its name, had as its primary curriculum "the art of declamation," or debate, and was an indirect precursor of the School of Arts and Sciences of Samford University.

Following the Civil War, the carpetbaggers, scalawags and tax collectors of Reconstruction decimated the Randolphs' estates, so John's grandfather, Richard Rutherford Randolph, Sr., left Greensboro and came to the boom town of Birmingham to make his fortune. There he met and married Mary Etta King of Avondale. Richard Randolph's signature accomplishment was to develop the Mountain Brook subdivision known as Country Club Gardens adjacent to the Birmingham Country Club. But the Great Depression of the 1930s proved to be the great leveler of fortunes as well, and the wealth of the Kings and the Randolphs was—to pinch a phrase—gone with the wind.

## Dunnavant Valley Settled

SHELBY COUNTY is named for the first governor of Kentucky, Isaac Shelby, who was a hero in the Revolutionary war battle of Kings Mountain, North Carolina. If it seems odd that an Alabama county bears the name of a Kentucky dignitary, then one need look no further than General Andy Jackson for the explanation.

Jackson's troops during the Creek Indian wars hailed from South Carolina, Tennessee and Kentucky. After the defeat of the Indians at the Battle of Horseshoe Bend in 1814, many veterans returned home with tales of a rich land for the taking, now that the Indian threat was diminished. One of the earliest to return with his family was Jesse Wilson, first settler of what is known today as Montevallo. Other early settlements included Harpersville and Wilsonville, and a town called Shelbyville, located within the present city limits of Pelham, which was selected as the first county seat in 1820.

As elsewhere in Alabama, the Civil War touched the lives of the mountain people of northeast Shelby County. Scanning the Alabama Department of Archives' records on line, one finds that in 1907, the Shelby County Tax Collector conducted a census of Confederate veterans living in the county. A number resided in Sterrett, Vandiver and Vincent, while four men were living in Dunnavant at the time:

HENRY ISBELL, born September 3, 1837, enlisted in 1861, served the entire war.

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JOHN ISBELL, born April 20, 1835, enlisted in 1863, served for the remainder of the war.

SAMUEL PHILLIPS, born April 15, 1843, enlisted in 1862, served until the end of the war.

SIMPSON MONROE RAINEY, born January 31, 1845, enlisted in 1864 and served until the end of the war.

Records of the first settlement of the Dunnivant Valley itself are essentially non-existent, but most sources agree that it was the construction of a railroad by the Columbus and Western (later Central of Georgia, now Norfolk Southern) in the 1880s that brought the early homesteaders to the area. Like other early Shelby County settlers, they were people of Scots-Irish descent from the mountains of Tennessee and Kentucky.

The Alabama Archives maintain an on-line record of burials in the Dunnivant Community Cemetery and the Old Pleasant Ridge Cemetery, which identify some of the pioneering families as Alexander, Adams, Bowdoin, Batton, Harris, Brasher, Parker, Ramey, and of course, outnumbering them all, the Isbell family. Among the old markers, many of which are hand carved and either bear no dates or are illegible, the oldest interment appears to have been that of one John Dorough, who died in 1883 and is buried in the Old Pleasant Ridge Cemetery.

There are other private cemeteries scattered through the valley, some so primitive that the grave markers are simply small slabs of stone set on end. One such graveyard is located on the property of the Shoal Creek Country Club, which George Thompson of Thompson Realty Company kindly allowed the authors to visit. It is nearly reclaimed by forest, a scattering of plain stone slabs or piles of rock marking burial sites here and there in the woods. Several of the graves appeared to have collapsed, the obvious assumption being that the surface slumped when the bodies entombed there decayed. Not so, says Henry Ford Batton, grand old man of Dunnivant Valley and gatekeeper at Smyer Lake. "I've always heard that it was an Indian cemetery. Back down along the bottoms where Smyer Lake is today, people found a lot

of arrowheads and believe it was a battle ground between the Indians and whites.” Ford says the graves didn’t collapse, but that “people were coming in digging up the graves, looking for Indian jewelry, until the law come in and run them out.”

Other valley old-timers believe the Shoal Creek graves are not Indian, but those of an isolated and poverty-stricken branch of the Isbell family. Whatever the truth, the graveyard is a poignant reminder of people long gone, and but for a scattering of stones and holes, totally forgotten.

Hollybrook’s gatekeeper, Allen F. (“Joe”) Batton, is a descendent of two of the pioneering families of Dunnavant Valley. Joe’s grandfather, William B. Batton (also known as Willie or W.B.) was born in 1886. He married Emily May Alexander and they eventually settled in at the old Batton place near Dunnavant. W.B. worked for a time in coal mines around Lake Purdy and Springville, but his primary occupation was farming. Emily and W.B. had four children who survived childbirth, one of whom was Henry Ford Batton.

Ford’s life in Dunnavant Valley is a telling revelation of what it meant to be a sharecropper in the early 20th century. A man went where the work was, timbering, farming, anything to scratch out a dime. Timber workers built rough cabins around the valley to live in while they logged the land. When the logging was finished, the men moved on and the sharecroppers moved in to farm. Ford’s earliest memories are of living in a “sawmill house” up against the base of Coosa Mountain while his daddy worked the land. Then they moved on to a house near Dunnavant where W.B. “was sharecropping for Little John Isbell.” Here, Ford spent most of his childhood.

Ford married Zora Lodie May Adaway and they began their life together in a house adjoining the land of Mr. & Mrs. L.B. Green. It was situated just off the old Dunnavant Valley Road in the vicinity of a dead but still-stately oak tree on the pasture adjoining Hollybrook owned today by Sidney W. (“Sid”) Smyer, III (see photo, p. 6). When Ford left to serve in World War Two, his daddy moved into the same house to farm the Green lands, which stretched from a southwestern boundary that included the Hollybrook dam of today, its spillway, Lot 2, and the Sellers’ northeast slough property (see Chapter Two, “Property



A part of 'Mrs. Green's Bottom,' today owned by Sid Smyer III.

Histories”), along the Shoal Creek bottoms northeasterly to the Lake Wehapa property. After L.B. Green died of a heart attack, the farm became known as “Mrs. Green’s Bottom.”

**THE RAILROAD AND THE STORE**

*John Henry was a steel driving man  
He died with a hammer in his hand  
He broke a rib in his left hand side  
And his entrails fell on the ground  
Oh come along boys and line the track  
John Henry he ain't never coming back  
Yonder lies a steel driving man, Lord Lord  
Yonder lies a steel driving man*

West Virginia lays claim to the legendary race between a steam drill and a black railroad worker named John Henry at the Big Bend Tunnel in Summers County. The “steel drivin’ man” won the race, so the story goes, beating the steam drill by 27 ½ feet to 21 and dropping dead at the end.

However, recent research by a University of Georgia chemistry professor and folklorist named John Garst pokes holes in West Virginia’s claim and places the famous event in the Dunnavant Valley. Garst asserts that the race occurred on September 20, 1887, at the Columbus & Western’s tunnel through that part of Double Oak Mountain sometimes called Coosa Mountain, where Alabama Highway 25 today crosses the ridge. He relies upon the traditions of railroad workers in present day Leeds, and eyewitness accounts of the race that place the tunnel through “Cruzee” or “Cursey” Mountain, which approximates the colloquial pronunciation of Coosa as “Koo-see” and the use of that spelling on some old maps. Garst also traces John Henry’s birth to a Mississippi plantation of a family named Dabney and notes that the chief engineer in the construction of the C & W line in Alabama was Fredrick Y. Dabney, a former Confederate Captain raised in Mississippi.

Ford Batton believes that Garst is correct. Ford says he had “always heard that John Henry died at that tunnel”—and he was in a position to know, since his maternal grandfather, Will (“Willalex”) Alexander, worked for the railroad as a security guard at the Coosa Mountain Tunnel. Thus, no one can fault us if we choose to believe that John Henry met his fate in the Dunnavant Valley rather than West Virginia.

What is undisputed is where Dunnavant got its name. When the C & W was under construction, two men—Mr. Dunn and Mr. Avant—came to the valley to open a commissary for the railroad workers. The name of the store, Dunn and Avant’s, later morphed into Dunnavant’s and gave the community its name (which is sometimes misspelled as Dunavant).

## Enter the Smyers

HOLLYBROOK PATRIARCH Harald Lassen’s life has been entwined with that of the Smyer family since Sidney W. (“Billy”) Smyer, Jr., began

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courting Harald's sister, Ingrid Lassen, when they were all teenagers. The Dunnivant Valley became a draw for them because of a rustic camp property on a small lake that was built by Billy Smyer's father, Sidney W. Smyer, Sr., at the site of the present Smyer Lake.

Mr. Smyer, Sr. and his business partners began buying tax titles and individual properties in the valley in the 1920s, including much of the land where Hollybrook Lake, Smyer Lake and Stonegate Farms now exist. There were some seventeen sharecroppers or tenant farmers occupying the old "sawmill cabins" on the land who were required to relocate. Harald says that "valley folklore" has it that a reluctant few had to be "persuaded" to leave, but both Billy Smyer and Ford Batton dispute the rumors. In any event, as each of the cabins was vacated, it was destroyed.

Sidney Smyer, Sr. built the first version of Smyer Lake in the 1930s. The dam was in the same location as the current one, but it was lower and the lake pool was much smaller, perhaps twenty-eight acres. Smyer built a cabin with a screened sleeping porch on the eastern shore of the lake. There was no electricity or potable water, which had to be brought in. It was here in 1947 that fifteen-year-old Harald Lassen first experienced the wild beauty of the Dunnivant Valley, when he came to "camp out" at the Smyer cabin.

Originally, the only roaded access to the valley was from the northeast, through Dunnivant. But in the 1940s, a dirt track known as the Dunnivant Valley Road was built, leaving the old U.S. Highway 280 at its entrance to "the Narrows," and meandering northeast alongside Yellow Leaf and Shoal Creeks, crossing the latter on a big "timber bridge" and arriving in the vicinity of Smyer Lake after about thirteen miles of rough going.

In 1951, Smyer Lake dam washed out in a flood, and Harald joined with workers from one of the Smyers' business interests, Dolcito Quarry Company, in surveying and rebuilding the dam to impound Smyer Lake as it exists today. Dolcito employees also provided the labor in building some of both Hollybrook's and Smyer Lake's historic structures, including a residence for Dolcito's first superintendent, John Cushman. The house replaced an old "sawmill cabin" that was situated on the south side of today's Smyer Lake spillway, where the lake's first

superintendent, Ben Raines, lived for a time—as did Ford Batton after Raines left. Eventually, the cabin was demolished, and the new one that was built for Cushman is the same structure occupied most recently by Anne G. Miller and the injured animals she tended for her Alabama Wildlife Rescue Service. John Cushman built the little pond across Smyer Lake Road from the house, dubbing it Lake Alice.

Another residence that dates from the early fifties is the house adjoining Smyer Lake's gate that Ford Batton currently occupies. Sidney Smyer, Sr. had it built for his wife's sister and her husband, Jack Russell, who worked for a time as superintendent of all the Smyer lands in the valley. Russell left after a few years, and Ford moved in. "I've been living here fifty years," he says.

Harald Lassen and Billy Smyer had a mutual friend named George Kidd, who owned a construction company. Around 1955, Kidd was hired to build a couple of houses on Smyer Lake at locations that were difficult to reach on the primitive Smyer Lake Road, so the builder ferried materials across the lake by boat. Ford Batton says, "The contractors brought their yardmen to do that kind of work. They were old and didn't know anything about being on the water. When they started the motor, it deep dipped the rear of the boat and let some water in. The men got scared, they started moving around and filled the boat with water and it turned over." Three of the workers drowned.

In the 1950s, Billy Smyer became involved in buying Dunnivant Valley lands that his father had not acquired. One of the first properties he focused on was "Mrs. Green's Bottom." L.B. Green had died some years earlier of a heart attack, and Mrs. Green had become destitute. According to Ford Batton, Billy bought the Greens' two hundred and forty acres for \$18.00 an acre. Harald Lassen attended the closing in Leeds and says that Billy Smyer paid Mrs. Green in ten dollar bills.

Around this time, Billy Smyer also acquired the property containing what is now Hollybrook's northwestern slough, where a small pond known as Erkit Lake had been built. The original access to the first Smyer Lake caretaker's cabin, occupied by Ben Raines and then Ford Batton, ran from the old dirt Dunnivant Valley Road along a track that skirted the shore of Erkit Lake. It is still visible today, passing just beside the remains of a stone chimney (see photo, p. 10) that once

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Old Smyer Lake Access Road and Relic Chimney

heated a primitive hunting and fishing cabin owned, according to Ford Batton, by “some Birmingham doctors.”

Billy Smyer had the southwestern shore of the Erkit Lake property improved with barbeque grills and covered picnic sheds as a retreat for employees of the Dolcito Quarry Company. During the tensions of the 1960s civil rights era, Dolcito executives began to worry about how their black employees would be received by Dunnavant Valley locals, and decided to close the facility. Eventually, Erkit Lake became part of Hollybrook, and title to the picnic grounds passed to Ingrid Lassen Smyer (see Chapter Two, “Property Histories”).

By the end of the 1950s Harald Lassen was working for both the Dolcito Quarry Company and the Smyers’ real estate agency, Birmingham Realty Company. He recalls being in Billy Smyer’s office,

pouring over maps and devising the layout of what would become Hollybrook Lake. Later, he also assisted in surveying the first twenty lots in the original subdivision, which was created in 1962.

Harald's Hollybrook house was the first to be built, in 1964. By then, Dolcito Quarry Company had a new superintendent, Erion Cushman, son of the first superintendent, John Cushman. Harald says that Erion became "jealous" over Harald's use of Dolcito employees to construct his lake house, so Cushman was allowed to build a cabin for himself in Hollybrook's southwestern slough. Five more houses were built during the 1960s, and their histories, as well as that of all Hollybrook lots, are detailed in Chapter Two, "Property Histories."

Billy Smyer never built on Hollybrook Lake, considering it instead a business investment—and one which today he believes to have been a failure, because "we sold those lots for one-one-hundredth of what they're worth now." Be that as it may, Hollybrook is Billy Smyer's legacy, one which—as we'll see—did not come easily.



## Property Histories

**T**HE ORIGINAL subdivision, known as the Survey of Hollybrook Lake First Sector, Map Book 4, page 74, Shelby County Probate Court, 1962, contained twenty lots, all fronting the main body of the lake. The land under the lake itself was deeded by Sidney W. (“Billy”) Smyer, Jr. and wife, Ingrid L. Smyer, to Hollybrook Lake Corporation (HLC) in 1962.

The Corporation issued ten shares of its common stock to each of the purchasers of the original twenty lots, as evidence of those shareholders’ right to the use of Hollybrook Lake—known as a “lake right”—so long as the shareholder abided by the property restrictions and rules of the Corporation. The stock was transferable to subsequent purchasers of the lots under procedures adopted by HLC.

However, the Smyers retained title to lake-front acreage tracts along the original bed of Shoal Creek below Smyer Lake dam; to parcels adjoining both the northeast (NE) and southwest (SW) sloughs of Hollybrook; and to properties fronting the northwestern (NW) slough that was once a separate pond known as Erkit Lake, where the Dolcito Quarry Company built a retreat for its employees. These acreage tracts were completely unrestricted, raising the specter of future subdivision and crowding of the lake, or of uses incompatible with the single family character of the original development.

Fortunately, as these slough properties inevitably became target of acquisition and development, most of the purchasers appreciated the

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Map of Hollybrook Lake. Numbers and Letters Correspond to the Text in this chapter.

values of Hollybrook Lake and were eager to preserve them, allowing their parcels to be restricted against re-subdivision and limited to single family use. For their part, the Smyers insisted that the tracts remain of relatively large acreage so as to limit the impact upon Hollybrook. In return, the Lake Corporation granted the new owners status as shareholders with a lake right equivalent to those in the original development.

Additionally, during the late 1990s, the Smyer family proved willing to similarly restrict the remaining unsold slough properties in exchange for lake rights, although this result was not easily achieved, as several complicated issues regarding access rights also had to be resolved. This situation is described in full in Chapter Five, “Controversies.”

## The Original Subdivision

THE FOLLOWING is the history of the original twenty lots in the Hollybrook Lake Survey of 1962 (denoted by their numbers on facing page map ). The dates that follow are drawn from records of HLC's transfer of stock, or from minutes of shareholders' meetings, and are not necessarily the precise date that title actually transferred.

LOT 1—Originally purchased by James G. Ennis and Louise Wells Ennis in June 1965. The Ennises built the house there, one of the oldest on the lake. After James' death, Louise sold to Pamela T. Collier (Mrs. James) in January of 1975. In September 1978, Collier sold to Dorothy Cobbs Shaw, who remodeled the house and became the forth full-time Hollybrook resident. In 2002, Shaw sold to Walter L. ("Wally") Evans II, who also remodeled the house as a permanent residence for him and his wife, Angelika S. Evans.

LOT 2—Thomas O. ("Tom") and Katherine G. ("Kitty") Coleman purchased this lot in January of 1965 and built the boathouse cottage the same year, making it the second oldest residence at Hollybrook. In 1976, they sold to John N. Randolph, who remodeled the cottage as his "bachelor flat" and became the second full-time resident at the lake. In 1980, John married Virginia R. ("Ginny") Randolph and they built a new permanent residence on the lot in 1984, and enlarged it in 1990.

LOT 3—Robert G. ("Bob") and Sally Burton were the original owners and built their house, which they called "Burton's Barn," in the 1970s. Some years later, the house was enlarged and the Burtons became full-time residents. After Sally's death, Bob sold to Dr. W. Hansford ("Hans") Watford, Jr., and Jeanette Watford in 2000.

LOT 4—The original owner was Virgil Handy. Bob Burton purchased the lot in June of 1981 and later sold it to Terry and Cynthia Argo in 2002, along with acreage fronting the south or western side of the NE slough (see map on facing page and the discussion of acreage tracts below). The Argos constructed the residence on Lot 4.

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LOT 5—The first owners were William W. Hughes and Emily B. Hughes, who purchased the lot in May of 1965 and built the house ca. 1967. In August of 1974, the property was sold to Francis H. Hare, Jr. and Suzanne B. Hare, and then purchased by John W. Haley in February 1989.

LOT 6—The original owner, Harold Miller, sold to Dr. John B. and Georgene (“Genie”) Morris in early 1974. Their house was built that same year.

LOT 7—John P. and Tina Darnall were the original owners. The property was sold in 2002 to Donald W. (“Donny”) and Catherine Patton, who constructed the residence on the lot.

LOT 8—The first owners were Robert E. and Suzanne B. Parsons. The property was sold to Laurence W. (“Larry”) and Brenda M. Church in August of 1986. They completed their house the following year and became full-time lake residents.

LOT 9—The original owner was Sherwood B. (“Tippy”) Bickerstaff, who constructed the residence there ca. 1968, making it one of the oldest at Hollybrook. In October of 1973, the property was sold to Oliver J. and Vivian S. Edwards, who became the first full-time Hollybrook residents. The property was sold in November of 1988 to Gene Gray, who sold it in September of 1991 to Joseph W. (“Joe”) and Kimberly T. (“Kim”) Buffington, who sold it in June of 2002 to Walter W. (“Billy”) and Tasha Bates.

LOT 10—Harald and Betty Lassen’s lot is one of just two still owned by the original Hollybrook owners (the other being Peyton Norville’s). Their residence is the oldest on the lake, completed Thanksgiving day, 1964.

LOT 11—Ingrid Lassen Smyer sold to Gilbert J. (“Gilly”) Key, Jr. and Virginia Key in October of 1979, and they constructed the residence there. After Virginia died and Gilly remarried, the house was remodeled

and he and Ann M. Key occupied it as their residence until selling to Michael and Peggy Balliet in February 2002.

LOT 12—The original owners were Wilbur K. Allen, Sr. and Christine Allen. The property was transferred in March of 1986 to their son and daughter in law, Wilbur K. Allen, Jr. and Elon Allen, who built the residence there.

LOT 13—The first owners were Sam and Mary Beth Cain, who sold to Sara B. Arthaud and daughter, Carolyn Cain, in 1979. In January of 1985, the lot was sold to William F. (“Bill”) Hamilton, Jr. and Katherine M. (“Kappy”) Hamilton, who constructed the residence there. The property was sold to R. Merritt and Karen Rogers in 2002.

LOT 14—Arthur L. and Shirley Little were the original owners. After Arthur’s death, the lot was sold to Pratt and Ann Marie Brown in 1980.

LOT 15—The original owners were W. Travis McGowin III and Emily (“Emmy”) McGowin. The lot was sold in November 1985 to Arthur Hartley, who built the house and became the fifth permanent resident at Hollybrook Lake.

LOT 16—T. Peyton Norville III was the first and, at this writing, the only owner of this lot.

LOT 17—This property was originally owned by Charles H. (“Chuck”) and Adelle B. Colvin, who sold it in October of 1974 to W. Garner and Martha D. Cheney. The property was sold to Henry S. (“Hank”) and Paula Perkins in May of 2005. At this writing, construction of a house is imminent.

LOT 18—First owners were Wayne W. and Christine (“Chris”) C. Killion, who built the house there, one of the oldest on Hollybrook Lake. The property was transferred in August of 1984 to their son and daughter-in-law, Christopher H. (“Chris”) and Lynne Killion, who occupied it as

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their residence for a few years. Then the property was sold to Virginia Payne in 1988. Norma Borella purchased it in November of 1995, remodeled the house and occupied it briefly as her residence. Robert (“Bubba”) and Sharon Byrd bought the property in March of 2002, and plan to someday rebuild or replace the old structure.

LOT 19—Originally owned by C. Peter and Helen W. Bolvig, the lot was sold in October of 1976 to James T. (“Jim”) Hamn Jr. and Jane Hamn, who dubbed the place “Hamnbone’s Hideaway” and built the residence there.

LOT 20—Albert Tulley was the original owner. He sold in May of 1979 to Marvin (“Mike”) and Ann Shaw, who built the concrete and steel house known to some as “the Bunker.” The Shaws sold it to D. Spencer (“Spence”) and Dyane Bonjean ca. 1994, who occupied it as their residence until selling the property to Dr. Robert (“Rob”) and Robbin Sorrell in March of 2002.

### **Acreage Parcels**

THESE TRACTS were in the several sloughs and were not included in original Hollybrook Lake Survey. After the appropriate restrictions were imposed, the authorized stock of HLC was increased to accommodate the purchasers of the following acreage parcels, granting each of them a lake right, except where noted. Denoted by letter on the map on page 14, commencing in the NE slough and continuing around the lake counter-clockwise, their histories are as follows:

PARCEL A—A tract fronting the north or eastern shore of the NE slough (behind Lot 2) was sold by Sid Smyer III to Randal (“Randy”) and Darla Sellers in 2006. Plans for a residence are pending as this is written.

PARCEL B—A small parcel in the rear of the NE slough originally owned by Ingrid L. Smyer was sold for non-payment of real estate taxes and has passed to various purchasers of the tax title. At this writing, stockholder John Haley is finalizing his purchase of the parcel. It does not have a lake right.

PARCEL C—The tract fronting the south or western shore of the NE slough (behind Lot 3) was acquired by Bob Burton from Ingrid L. Smyer ca. 1989 and was sold by Burton to Terry and Cynthia Argo in 2002. This parcel does not have a lake right.

PARCEL D—A parcel lying in the small slough between Lots 5 and 6 was acquired from Ingrid L. Smyer by John W. Haley ca.1989. This parcel does not have a lake right.

PARCEL E—Acreage tract adjoining Lot 11 and extending around the north or eastern shore of the old Dolcito Quarry Company pond known as Erkit Lake (now the NW slough of Hollybrook) was sold by Ingrid L. Smyer to Henry and Leslie Donald in February of 1997. The Donalds built the handsome, sprawling house there known affectionately as the “Green Mile,” and occupied it as their residence.

PARCEL F—Acreage tract fronting the south or western shore of Erkit Lake, site of the former Dolcito Quarry Co. picnic ground, was sold by Ingrid L. Smyer to Johnny W. and Carol M. Reese in April of 1988. It was sold to Sunny Eppes Solomon ca. 1993. The imposing residence she built there inspired a worker come to Hollybrook on a job to remark, “That looks like a prison I was in once.” Solomon sold it in February 2002 to Richard E. and Harriet Thompson, who improved its appearance and occupied it as their permanent residence.

PARCEL G—Acreage tract adjoining the Thompson property, and extending around the northern shore of the original bed of Shoal Creek to the Smyer Lake dam was sold by Ingrid L. Smyer in June of 1983 to Temple W. Tutwiler III, who built the residence there. The property was sold to Dr. William J. (“Billy”) Cornay III and Elizabeth Cornay in July of 1995.

PARCEL H—Acreage tract opposite the Cornay property, extending from the foot of the Smyer Lake dam along the southern shore of the original Shoal Creek bed to the rear of Lot 12 was sold by Billy Smyer to Nancy N. Brower in November of 1988. She constructed the residence there and for a time occupied it as her home.

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PARCEL I—A three-acre parcel fronting the northern shore of the southwest (SW) or “Cushman Slough,” where the relocated Shoal Creek flows out of the Smyer Lake spillway, lying between Lot 14 and the old Cushman property, below, was sold by Billy Smyer to Pratt Brown in November of 1988.

PARCEL J—A parcel adjoining the above, also fronting the northern shore of the SW slough, was sold by Billy Smyer in September of 1971 to Erion A. Cushman, superintendent of Dolcito Quarry Co., and his wife, Rhonda T. Cushman, who built the residence there ca. 1966-67, one of the oldest on the lake. The Cushmans were not shareholders in Hollybrook Lake Corporation. They sold the property to John I. Kinney in February 1977. John became a shareholder and remodeled the house, becoming the third permanent resident of the lake—joined by his wife, Leigh, after their marriage.

PARCEL K—A parcel of some fifteen acres adjoining the Cushman-Kinney property, also fronting the northern shore of the SW slough, running to the spillway of Smyer Lake, is owned by Sid Smyer III and his siblings, Ingrid Frances (“Fran”) Smyer and Harald Lassen (“Hal”) Smyer, and at this writing is being offered for sale. If properly restricted, the property will have a lake right.

PARCEL L—A ten acre tract opposite the above property, and fronting the southern shore of the SW slough, running from the Smyer Lake spillway to the Sorrell tract, below, was sold by Billy Smyer to Stonegate Realty Company, which sold it to Jim Jasinski in 2005.

PARCEL M—A tract of some thirty acres adjoining Lots 15 through 20 on the south, and fronting the southern shore of the SW slough between Lot 15 and the Jasinski property, above, was sold by Billy Smyer to Mike and Ann Shaw in the 1990s, who sold it to Rob and Robbin Sorrell in January 2003.

The “Swamp House” does not front Hollybrook Lake, but lies to the southeast of it, beside the “duck swamp” below Hollybrook dam.

Billy Smyer built the cabin there, and because of his historic ties with Hollybrook Lake, was invited to become a shareholder of HLC in 1977. The shareholder representing the Swamp House property has a lake right, exercised at a small parcel with a pier on Hollybrook dam adjacent to Lot 1. The Swamp House was transferred by Billy Smyer to Andrew (“Drew”) Edge and his brother, Richard Edge, in February 2002, Drew Edge being the sole shareholder having lake rights with respect to this property.

### **Adjoining Properties**

As described throughout this book, Hollybrook shareholders have since the lake’s founding been faced with problems arising out of the exclusion of the Smyers’ slough properties from the original 1962 Hollybrook Lake Survey. The situation was further complicated by Billy and Ingrid Smyer’s divorce. In their settlement, lands surrounding Hollybrook Lake were divided between Ingrid, Billy and their three children, Sid III, Hal and Fran.

In the 1980s, Ingrid L. Smyer decided to divest herself of her Hollybrook holdings, resulting in the sale of large tracts to Johnny Reese and Temple Tutwiler, both of whom restricted their properties and became shareholders. Ingrid also transferred to Sid Smyer III lands lying between Hollybrook Lake and County Highway 41, as well as acreage adjoining the NE slough and Lot 2, once part of “Mrs. Green’s Bottom.” Then she sold her remaining properties lying “inside” of the Hollybrook Lake road to the adjoining shareholders, Larry Church, John Morris, John Haley and Bob Burton.

The properties sold to Bob Burton and John Haley actually front the lake, but neither has been approved for a new lake right. Bob Burton sold his parcel, along with Lot 4, to Terry and Cynthia Argo in 2002.

In 1996, Sid Smyer III sold some two acres adjoining Lot 2 to its owners, John and Virginia Randolph, and in 2006, sold his acreage fronting the NE slough to Randy and Darla Sellers. All that remains of his land “inside” the lake road is a triangle adjoining the spillway, which is restricted against development.

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Disposition of the remaining Smyer land, as far as Hollybrook Lake is concerned, is covered by the agreement described in Chapter Five, “Controversies.”

### **First Residents**

The first five shareholders to make Hollybrook Lake their permanent residence were:

OLIVER AND VIVIAN EDWARDS (Lot 9), 1973 to 1988.

JOHN RANDOLPH (Lot 2), 1976 to present (with VIRGINIA joining in 1984).

JOHN KINNEY (Cushman slough property), 1977 to present.

DOROTHY SHAW (Lot 1), 1978 to 2002.

ARTHUR HARTLEY (Lot 15), 1985 to present.

At this writing, the remaining permanent residents are:

LARRY AND BRENDA CHURCH (Lot 8), 1987 to present.

RICHARD AND HARRIET THOMPSON, former Dolcito Quarry picnic area, 2002 to present.

HENRY AND LESLIE DONALD (acreage adjoining Lot 11), 2004 to present.

WALLY EVANS (Lot 1), 2002 to present (with ANGELIKA joining in 2005).

TERRY AND CYNTHIA ARGO (Lot 4), 2005 to present.

Finally, JIM AND JANE HAMN (Lot 19) divide their residences between Hollybrook and their home in Montgomery.



Lassen house (Lot 10), built 1964

## Oldest Houses

Determining the construction dates of the oldest houses (those built in the 1960s, a criterion arbitrarily chosen by the authors) was hindered by a lack of records and fading memories. The first two seem certain:

LASSEN HOUSE (Lot 10), built 1964.



Coleman-Randolph Boathouse Cottage ca. 1976

COLEMAN BOATHOUSE COTTAGE (Lot 2, now Randolph), completed 1965. Five houses were built ca.1966–69, but the authors have been unable to determine their precise year of completion:



Cushman-Kinney House

CUSHMAN HOUSE (now Kinney). John Kinney's recollections, and the consensus of Hollybrook "old timers," put this house as the third constructed.

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Hughes-Haley Cottage

HUGHES HOUSE (Lot 5, now Haley). Bob Burton, who owned the lots adjoining this property, says that this house was completed prior to the Bickerstaff house, making this one number four.



Bickerstaff-Bates House

BICKERSTAFF HOUSE (Lot 9, now Bates), was apparently the fifth.



Killion-Byrd House

The sixth constructed was the KILLION HOUSE on Lot 18 (now Byrd). According to Lot 18's first owner, Wayne W. Killion, the house was completed in the late 1960s, after the Cushman, Hughes and Bickerstaff homes, but before the last of the sixties' houses.



Dorothy Shaw at Ennis-Evans House ca. 1978.

*Photograph courtesy of Dorothy Shaw and Wally and Angelika Evans*

ENNIS HOUSE (Lot 1, now Evans), number seven.



## Chapter Three

# Milestones

**T**HE LAND including and surrounding what was to become Hollybrook Lake was owned by Billy Smyer and his family. Once the decision to build the lake was made, title to the real estate comprising the original 20-lot Hollybrook Lake subdivision (see Chapter Two, “Property Histories”) was transferred to a corporation controlled by the Smyers called the Fish Land Company. It then imposed the original property restrictions recorded in Shelby County on September 6, 1962, the most important of which limited use of the lots to permanent single family residences and prohibited their resubdivision.

Fish Land Company was the entity that sold Hollybrook lots to their first owners. Once this was accomplished, control of the lake was turned over to Hollybrook Lake Corporation (HLC), a company that the Smyers had incorporated back in January of 1961. The incorporators and their subscribed shares were:

SIDNEY W. SMYER, Sr.	1 share
SIDNEY W. SMYER, JR.	189 shares
INGRID L. SMYER	10 shares

These shares were ultimately transferred back to HLC, which re-issued them to the purchasers of the first twenty lots. In April of 1962,

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Billy Smyer and his wife, Ingrid L. Smyer, deeded the land under the water of the lake to Hollybrook Lake Corporation.

Several years passed before all the lots were sold and control of HLC was turned over to the shareholders/lot owners. The first minute book entries report upon what was apparently the first meeting of the Board of Directors on July 12, 1972, followed by the first meeting of shareholders on September 9, 1972. The initial slate of officers included Wayne W. Killion, President; John P. Darnall, Vice President and Secretary; and Billy Smyer, Treasurer. Wayne Killion was authorized to borrow up to five thousand dollars for the purpose of acquiring a mobile home to house a gatekeeper the corporation hoped to attract. Additionally, the first rules of the corporation were adopted by the shareholders.

### **Historic Rules of Hollybrook Lake**

THE RULES have been amended several times over the years to cover a variety of subjects, ranging from crowding of the lake to development of lots. While no attempt will be made here to recite them all, some of them are of historic interest and deserve mention.

One of the original purposes of Hollybrook Lake, along with fishing and boating/water skiing, was duck hunting. The rules confined water skiing to the main body of the lake, and the sloughs were set aside for fishing and hunting. Although no duck hunting has occurred at Hollybrook in decades, the rules relating to the practice remain on the books and include these highlights:

*“—Duck hunting shall be allowed during season on Mondays, Wednesdays and Saturdays only, and on said days hunting shall have priority over fishing. No fishing shall be allowed in the duck hunting areas on such days.*

*“—Hunting of game other than ducks on property adjoining the lake is prohibited except on written permission from the owner of such adjoining property.*

*“—The discharge of firearms or so-called pump guns on or within the vicinity of the lake is strictly prohibited, and the discharge of shotguns on days other than duck hunting days is prohibited. (A rule that is*

still occasionally violated, and will likely be again, the relationship between men and their guns being what it is.)

*“—All stockholders desiring to duck hunt shall first build a blind in an assigned location and shall meet on the days listed above at the dam not later than one hour before sun-up, and will be assigned blinds by lot. No one arriving after that time will interfere with the duck hunters.”*

Hunting is no longer permitted at the lake, but the other major intrusive use—water skiing—remains. Some of the historic rules of note on this subject include:

*“—Water skiing and boating shall be conducted so as not to interfere with anyone fishing.*

*“— No more than two boats shall engage in water skiing at the same time.*

*“—Any boat pulling a water skier shall have an operator and observer who can watch the skier.*

*“— Water skiing will be permitted between the hours of 9:00 A.M. and 6:30 P.M., but positively no water skiing after dark.*

*“-- Skiing boats shall move in a counter-clockwise direction at all times.*

*“—Skiing is not allowed within 25’ of any dock or other obstruction.*

*“—No ‘inboard’ motor boats will be allowed at any time.*

*“—No ‘outboard’ motor boats with motors in excess of 85 H.P. are to be allowed.*

*“— Fast operation of motor boats shall be allowed only during the same time as skiing is allowed (9:00 A.M. to 6:30 P.M.). At other times boats are to be operated at trolling speed.”*

Although these rules have been in effect for over thirty years, violations—intentional or otherwise—continue to this day. The several new lake rights that have been issued in recent years for the slough properties once owned by the Smyer family assure that the problems these rules address will continue to grow in frequency and significance.

## **The Caretaker**

One of Hollybrook’s earliest concerns was to secure the property against trespass, theft and vandalism, the first step being to recruit a

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caretaker. As noted above, President Wayne Killion was authorized to borrow \$5,000.00 to purchase a mobile home, and at first it appeared that Wayne had successfully induced the chief deputy sheriff of Shelby County, Bill Davenport and his wife, June, to become Hollybrook caretakers.

As it happened, the caretaker's job was actually taken by one William Jenkins, with the understanding that he would qualify for and seek appointment as a deputy sheriff. By June of 1975, however, Jenkins had failed to gain the appointment, and announced that he would be moving to Sterrett. John Darnall accepted responsibility for finding a replacement.

In the end, the mobile home cost totaled about \$5,600.00, including \$3,570.00 for the trailer itself, the remainder for site preparation and amenities. It was situated inside the original gate on land that eventually passed from Ingrid L. Smyer to her son, Sid Smyer III. That location became an issue between Sid Smyer and HLC during the 1990s, until resolved by the agreement that is described in Chapter Five, "Controversies."

When Jenkins vacated the mobile home, the inimitable O.J. Edwards (see Chapter Four, "Personalities"), then Secretary-Treasurer of HLC, produced an inventory of what remained:

- 1 Broadmore House Trailer—55' long—metal covered
  - Carpeted thruout [sic] except bathroom and kitchen area—these are tiled.
- 1 large room—combination living, dining and kitchen
  - a. 1 large sofa—covered in fabric—3 cushions
  - b. Gold drapes at windows
- In kitchen area: 1 Frigiraire [sic] Refrigerator
  - 1 Electric Stove—4 cooking eyes and built-in oven
- 1 very small bedroom—empty
- 1 larger bedroom with Amana single room air conditioner
- 1 bathroom with 54" tub and two lavatories—all fixtures badly stained due to iron in water

## 1 Utility house—empty

### Good storage closet space

Note the reference to badly stained bathroom fixtures. During the early years of Hollybrook, there was no community water supply. Everyone relied upon wells, and while the water tested fit for consumption in most cases, it was filled with minerals that both stained fixtures and clogged even the best water filtration systems.

By the time of a Board of Directors meeting in September of 1975, John Darnall had located a replacement for caretaker, twenty-two-year old Allen F. (“Joe”) Batton, an electrician who was already “moonlighting” with the county sheriff. To induce Batton to accept the job, the Board authorized the purchase of a water filtration system and an additional air conditioning unit for the trailer. In return, Batton agreed to seek appointment as both deputy sheriff and game warden.

Joe Batton and his wife Julia were introduced to the shareholders at the annual meeting held October 26, 1975. They continued to live in the aging mobile home for as long as they could manage it, but the birth of their children required a bigger residence. HLC allowed them to use the old trailer as a down payment on a modular home that the Battons purchased at their expense in 1991. Joe and Julia Batton have been permanent residents at Hollybrook for over thirty years, longer than any HLC shareholder.

## Shoal Creek

IN 1976, just as Kimberly-Clark Corporation’s logging operations around Hollybrook began silting the lake (see Chapter Five, “Controversies”), Thompson Realty Company embarked upon landscaping the grounds and excavating for ponds that were to complement its big new development, the Shoal Creek Country Club, straddling its namesake creek. There followed an unusually long period of heavy spring rains, so that by May of 1976, Shoal Creek’s developer, Hall W. Thompson, felt compelled to write an apology to Hollybrook for the massive runoff of silt that had turned the entire lake mud-orange.

Mr. Thompson said that he was “surprised” by the siltation, but

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blamed it on the weather. He wrote, “Our rains this year have come in large quantities; and . . . are seven inches above normal for the year to date, with an even greater number of inches in the month of May.” He promised improvement in the months to come and urged HLC to think ahead: “One big benefit of our development to all your residents is the mountain road (Hugh Daniel Drive) which will cut sizeable miles off their trip each way to and from their homesites.”

On May 16, 1977, Hugh Daniel Drive was open for traffic—as a private road for the benefit of the Shoal Creek development. Hall Thompson again wrote HLC, granting Hollybrook owners permission to use the roadway but asking that it be kept free of construction traffic—a little like blowing in the wind, with the builders of The Brae, Greystone, Greystone Glen, The Crest at Greystone, Greystone Cove, North Lake at Greystone and Greystone Farms all planning their assault upon Hugh Daniel Drive. Thompson endured the burdens of road ownership under such circumstances for several years—even at one point soliciting donations from valley property owners to help maintain it—but inevitably had it dedicated as a public road. This turned the hassle and cost of it over to Shelby County, until the City of Hoover annexed the Greystone developments and it became a city road.

Thompson proved right about one thing: By summer of 1976, Hollybrook Lake was regaining its natural appearance. Since then, no other development has impacted the lake quite as much as Shoal Creek. That may change soon, for there are big plans a-brewing for the northern end of the Dunning Valley—which are discussed in Chapter Six, “The Future.”

### **The Gate**

THE FIRST gate was a large swinging double-door chain link affair, hinged at the two brick pillars beside Highway 41. The two doors were secured in the center by a heavy chain and double padlocks—one for Hollybrook owners and the other for Alabama Power Company. The system called for looping the locking bars of the padlocks though each other so that either Hollybrook shareholders or the power company could open their respective padlocks and gain entrance. Invariably, however, one padlock or the other would be bypassed by individuals

to whom the system was incomprehensible, and people were occasionally locked in or out. The result was that the gate was usually left open to avoid the hassles, most of which were dealt with by Oliver Edwards and/or Joe Batton. Edwards, in fact, became so frustrated with the situation that he unilaterally installed another chain link gate and lock at the entrance to what is today known as Brook Lane.

In sum, Hollybrook had no effective means of securing its properties. All manner of people were gaining access to the lake and the surrounding properties, and there was little the caretakers (who were unpaid, it should be noted) could do, as both Joe and Julia were employed full-time. The problem was exacerbated by the fact that Ingrid Smyer's old Dolcito picnic ground property offered direct access to the lake from Highway 41. HLC maintained a gate there as well, and found it no more effective in eliminating trespassers than the main gate.

Occasional burglary occurred. Wayne Killion caught a couple of Dunnavant "holler people" looting his house and had them imprisoned. Other shareholders had such things as fishing tackle, boat trailers and fishing boats stolen.

Some property loss bordered on the absurd. For example, the authors returned from a weekend at the beach to find their boathouse cottage broken into. The perpetrators stole a box of insurance policies and a few souvenir pesos from Mexico—obviously the work of children. Still, the potential for more significant problems remained, and the stockholders wanted something done about it.

Finally, in 1983, purchase of an electric gate was authorized at a cost of \$5,520.00, which included a coded punch-pad and a telephone box that enabled guests and workmen to contact individual stockholders to gain entrance. (Although the telephone would not accept an attempt to call long-distance, it did work for local calls. Once its existence was discovered by valley residents, there was a regular stream of people who stopped daily at the gate to call friends and family—this being in the primitive days before cell phones.)

The new electric gate, a single span constructed of heavy metal tubing that swung out on its hinges, was operational on September 30, 1983. A heavy bolt attached the gate to its operator arm, and it was

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secured by a combination lock having the theoretical purpose of allowing shareholders to disconnect the gate during power failures. During normal electrical service, however, stockholders were instructed to employ a nearby switchbox that allowed the gate, once opened, to be turned off and kept open for guests or workmen.

The new gate was scarcely an improvement over the old one, requiring repeated repairs, usually the result of someone improperly disconnecting the operator arm, which damaged the drive chain. It was also rammed by vehicles on occasion, as was the wooden telephone box, which eventually hung in shambles from its post. Within a few years, the gate failed to work more often than not. A new operator was installed in 1989 at a cost of \$2,800.00, which improved matters somewhat, but still the punch code was rarely changed, and thus became well known to a number of people—a problem that was compounded by the coming and going of numerous construction workers during that time. As a result, occasional petty burglaries and frequent trespass continued to occur.

Most of the trespass involved non-stockholders coming onto the lake to fish. Many of these people were acquaintances of the Batton family who had obtained the gate code in order to visit the Battons' residence, which was located inside the gate at the time.

Finally, in 1995, HLC authorized relocation of the gate so that the caretaker's residence lay outside of it, and the installation of a new sliding-gate system with code, telephone and remote control, at a cost of approximately \$4,500.00. The new gate was promptly rammed by a vehicle driven by someone unfamiliar with the relocation. Other repair problems led to a complete replacement of the system in 2001, at a cost of \$3,900.00.

While the sliding gate, on the whole, operated more dependably than the old one, the code was still rarely changed and inevitably became widely known. Trespass continued. The potential seriousness of the situation was underscored on an occasion when Dyane Bonjean was alone at her residence on Lot 20, and was forced to crouch in terror behind her kitchen cabinets while a group of men stole her husband's all-terrain vehicle from their driveway.

Later years saw more thefts of boats and trailers, fish feeders and



“Little Hollybrook” Curve on Unpaved Road, ca. 1984

the like, leading the Board of Directors in 2004 to adopt a system of changing the gate codes every month. At this writing, the new procedure has dramatically reduced trespass problems.

## **The Road**

THE ORIGINAL Hollybrook Lake road was constructed by the developers when the dam was built in the early 1960s. A single-lane dirt track, it accessed the rear of all the original lots except Lots 12, 13 and 14, which were reached from the Smyer Lake road. One of the Board of Directors’ first actions after taking over HLC from the developer was to authorize scraping and grading the road in 1975, at a cost of about \$1,400.00.

Re-grading and the application of gravel in selected spots, along

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with extensive repairs to the spillway bridge, were completed in 1981 for around \$6,000.00. Still, the dirt track continued to easily erode, filling low-lying spots with puddles of mud and water, the most notorious of which gained the sobriquet, “Little Hollybrook Lake” (see photo, p. 40). It occupied the spot where the present road turns south to run beside Sid Smyer III’s pasture and fence line towards the spillway bridge.

In 1984, Billy Smyer offered to donate the necessary gravel if HLC would agree to apply macadam paving to the lake road, and the work was approved by the shareholders at a cost not to exceed \$41,400.00. President Bob Burton was authorized to seek three-to-five year financing for the project.

Just before paving was to commence, the Birmingham Water Works Board announced that it planned to install a treated water supply line in the Dunnivant Valley. This far-sighted initiative was the work of the late David Vann, former Birmingham Mayor and then-President of the water authority. He was one of the few who recognized the attraction our beautiful area would become to developers.

However, many received the news with disbelief, as there had been at the time virtually no significant new development in the valley for decades but the Shoal Creek Country Club. Running a new water line here seemed a questionable diversion of funding. Among the unbelievers was Hollybrook’s President, Bob Burton, who felt that HLC should not delay its road paving on what he saw as an off-chance that water service would actually become available to the lake’s properties.

The paving project was completed in June of 1985 at a cost of \$33,400.00, which was financed with Central Bank of the South (now Compass Bank) and paid by monthly stockholder assessments. The loan was paid in full in 1988.

Meanwhile, David Vann had prevailed. The water line had been installed in the valley, and all Hollybrook owners with residences had subscribed for the service at a nominal early connection fee of \$50.00 apiece (shareholders bore the expense of running the line from the connection to their respective houses). Soon, the Water Works contractor had dug a trench for the water line down the middle of the recently-paved Hollybrook road, patching it haphazardly with asphalt

and leaving it in little better condition than the old dirt track. In 1992, the road was recovered with asphalt paving at a cost of \$7,900.00.

Finally, in 2002, Shelby County's "9-1-1" agency required that Hollybrook homes be given numbered street addresses, both to enable emergency vehicles to identify destinations and to eliminate confusion with Smyer Lake's "Hollybrook Lane." Thus, the road serving Lots 7 through 11 and the Donald tract was renamed "Brook Lane," and that serving Lots 3 through 5, "Holly Way." The main perimeter road was dubbed "Hollybrook Lake Road." Installation of new road and house-number signs was completed in 2003 at a cost of \$820.00.

## The Lake

ACCORDING TO the records of the Shelby County Revenue Office, Hollybrook Lake is comprised of 55.6 acres and is taxed on that basis. (A 2005 report from a private fish management company recites that the lake is 80 to 85 acres, but there is reason to doubt the accuracy of the source. In any event, HLC is best served by the smaller acreage when the tax man cometh.)

The oldest HLC minute book reflects that before 1982, property taxes for the real estate containing the lake itself totaled \$87.04 per year. The Board of Directors was alarmed when in 1982 the County Revenue Office notified the Corporation that the lake was going to be assigned a new market value of \$90,950.00, resulting in annual taxes of \$271.80. By 2005, market value of the lake was fixed at \$139,740.00, and property taxes had risen to \$517.00, which, thankfully, is still quite nominal considering the actual value of real estate in the valley.

Fishing has always been a priority for many Hollybrook shareholders; boating safety being another. In 1977, on advice from the Alabama Department of Conservation, the stockholders decided that the lake be drained and re-stocked with fish, and that certain obstructions be removed from the lake bottom in the interest of safety.

Once the lake had reached its lowest point of draw-down, shareholders gathered for a jubilee, pulling their fill of big fish from the "holes" that remained, which were then poisoned with rotenone to kill the "trash fish." The lake remained down for many weeks while the various projects were underway, long enough for a big margin of lake

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bottom to become sufficiently dry to walk on, allowing shareholders to stroll from one end of Hollybrook to another if so inclined. No one could say that the overall effect was beautiful, but it was definitely interesting and an experience that may rarely if ever be repeated.

In his minutes of the stockholders' meeting held January 19, 1978, HLC Secretary-Treasurer O.J. Edwards reported that the following work had been completed:

1. Trees in the spillway had been removed.
2. A ledge of about 4' in height had been cut in the spillway just above the bridge to create a waterfall to discourage fish coming into the lake from downstream.
3. A channel had been cut in the spillway below the bridge to facilitate run-off.
4. (Certain repair) work on the drainage stand-pipe had been done . . .
5. Trees and bushes had been removed from the dam.
6. The lake had been drained, all fish removed and the lake refilled.
7. A drainage channel had been cut between the 'picnic area' small lake and main lake.
8. Four platforms and walk-ways had been built to be used in fertilizing the lake.
9. Certain maintenance work had been on the drainage valve itself.
10. (T)wo spots or areas where the bottom of the lake was abnormally high and dangerous had been lowered from 2 to 3 feet with use of heavy dirt moving equipment.
11. Restocking with game fish had begun, with 40,000 bream being placed in the lake on November 25, 1977 and that 8,000 large

mouth bass will be placed in the lake this spring . . . All above fish are placed without any cost to us.

Responsibility for all this work (and certain repairs to the spillway bridge as well) was undertaken by the indefatigable John Darnall, who also received HLC approval for buying 10,000 channel catfish at a cost of \$1,000.00 to “maintain the proper fish balance” recommended by the Department of Conservation. Total cost of the draining and restocking project came in at \$4,463.00, which was paid by special assessment of the shareholders. The lake was closed to fishing until June 1, 1979.

In 1977, after the lake refilled, it was fertilized at a cost of \$678.00, then again in 1978 for \$644.00. The annual cost thereafter remained nominal until the mid-1990s, when a company called Southeastern Pond Management was hired to improve the lake’s fishing. From that point on, managing the lake for fishing became HLC’s dominant priority in terms of both money expended and impact upon water quality and aesthetics.

Southeastern Pond was so enthused over having another lake to exploit, it promptly recommended draining the lake again, poisoning the holes and restocking, at an estimated cost of \$25,975.00. The shareholders balked at this, settling instead upon an annual program of fertilization, with periodic applications of lime to reduce alkalinity. At this writing, the most recent full treatment of lime and fertilizer occurred in 2004, at a cost of \$18,050.00. A small minority of shareholders objected to such a large recurring expenditure—especially since annual fertilization turns the lake murky and produces malodorous algae blooms in the heat of summer—but the argument that access to good fishing increases Hollybrook property values has held sway with the majority of shareholders, even though only a handful actually fish with any regularity.

## **Burton’s Weir**

WHEN BOB BURTON retired to the lake, he began to notice that the water level was slowly receding. The cause was the persistent erosion of the soft mudstone that bottoms the lake’s spillway. In 1989, Bob

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obtained permission from HLC to install a simple concrete weir across the mouth of the spillway in order to raise the lake back to its original level. The cost was \$1,948.00.

By 2004, after Bob Burton had sold his lot, other shareholders noticed that the lake level was once again receding. The perceived cause was a hole measuring eighteen feet wide and six feet deep that had eroded beneath “Burton’s Weir,” which some believed was accelerating the loss of mudstone on the bottom of the spillway. Although a few shareholders questioned the significance of the problem, the majority felt that a more permanent weir should be installed. Michael Balliet undertook to supervise the project, resulting in the construction of a new concrete “dam” around and below the existing weir. Reinforced with “rebar” and filling the hole under the weir, the dam extends downstream at a 45-degree angle. Total cost of the new weir was \$10,350.00.

### **The Dam**

IN 1978, HLC received a request from the Alabama Department of Civil Defense to allow the U.S. Corps of Engineers to inspect Hollybrook’s dam as a part of an ongoing National Dam Safety Program. In light of events to come, it is unfortunate that the report generated by the inspector was not preserved in the corporate minutes. All we know now is that at the annual meeting of shareholders on October 15, 1978, John Darnall was authorized to have the back side of the dam cleared of trees and bushes “to a distance of 30’ below the dam as per (the inspector’s) recommendation.” A program of periodic dam clearing continues to this day, but whether the federal inspector recognized the dam’s real weakness and included it in his report, is unknown.

On January 25, 1990, during heavy rains totaling as much as six inches in the Highway 280 corridor, a one hundred-foot section along the top of the dam collapsed—more accurately, slumped downhill on the slope opposite the lake—taking part of the road atop the dam with it.

Jim Hamn was among the first to discover the problem. He called the county sheriff and assisted the deputies in notifying property owners downstream. As a safety measure, Lake Wehapa opened its drainage valve to accommodate a potentially large flow from Hollybrook.



Hollybrook Dam Collapse, January 1990. Copyright © *The Birmingham News*, 2006. All rights reserved. Reprinted with permission.

Fortunately, the collapse grew no worse and never dropped to the level of the lake itself. But additional heavy rains were forecast, so then-President Bill Hamilton promptly arranged for heavy machinery to dig a relief trench down the middle of the spillway. Although the downpours continued on into February, the relief trench did its job, and Hollybrook's dam crisis was over. Shelby County was later declared a federal disaster area for which financial assistance was available, but on inquiry, it developed that eligibility for relief was limited to damage from flooding between February 2nd through the 16th, 1990. Hollybrook's disaster simply came a week too soon to qualify.

On March 7, 1990, shareholders convened in special meeting to hear a report on the cause of the collapse:

*"Bill Hamilton and John Darnall summarized the conclusions of Bhat*

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*Engineering that the primary cause of the failure derived from construction of too steep a slope on the back side of the dam when it was built . . . During the 28 years since the dam was constructed, waters feeding from the spillway into the swamp downstream have produced a constantly standing pool of water at the base of the dam. This, coupled with natural seepage under the dam from the lake impoundment, weakened the back slope at its base. The installation of the water main along the top of the dam created a crack into which water could seep from the top. These conditions combined with the heavy rains . . . to cause a 100-foot section of the dam to fail. Additional sections could fail in the future if the slope problem, in particular, is not remedied along the entire length of the dam.”*

The report also noted that the diversion of a large volume of water into the relief trench had undermined the spillway bridge, which would also require repair.

The solution to the problems with the dam, according to Bhate Engineering, would be to remove the “soft” dirt at its foot and replace it with gravel and fill extending a distance out from the foot so as to prevent back-up from the swamp reaching the dam itself. Then, the slope of the back side was to be filled with dirt until “a 2.5 to 1 slope is achieved.” Billy Smyer agreed to donate the fill dirt from his Swamp House property to the south of the dam. A budget was adopted and the work authorized.

The work was completed by the time of the regular meeting of shareholders on November 11, 1990. Total cost of dam and bridge repair was \$47,800.00, which the shareholders were to pay by special assessment of \$1,840.00 per lake right. One other issue remained:

“The question was raised whether stockholders not using the lake road should be assessed for the expense of repairing the spillway bridge. Following discussion, consensus was expressed that since the situation resulted from an act of nature producing a potential for liability common to all stockholders regardless of their use of the lake road, the cost of repairing all of the damages should be shared by everyone.”

Thus were the dam and bridge rendered structurally sound. Unfortunately, the dam still had an unresolved weakness, not physical but

legal, which came to light in the mid-1990s when events led to the lake rights and access agreement with the Smyer family that is described in Chapter Five, “Controversies.”

Simply stated, when Billy Smyer and his then-wife Ingrid L. Smyer conveyed the land under Hollybrook Lake to HLC in 1962, the deed omitted any reference to the dam itself. Billy would say later that he intentionally retained title to the dam—and, in fact, had been paying the property taxes on it since 1962—because it offered the most feasible route to some eight hundred acres of Smyer family land immediately to the south of Hollybrook Lake. This was both a perfectly reasonable explanation and a legitimate concern, but it begged the question of how a legally viable lake community—the lake being the primary inducement for purchasers to buy lots—could exist if the community did not own its dam. Additionally, when the original Survey of Hollybrook Lake was placed on public record in 1962, having the effect of “dedicating” the real estate shown there to the new subdivision, it depicted not just the boundaries of the original twenty lots, but also that of the dam itself. Was this not a dedication of the dam as well?

These are the kind of questions that make trial lawyers giddy, and it is a testament to the good faith of the Hollybrook “family,” past and present, that the issue never reached the courts. Chapter Five describes the ultimate solution.



# Personalities

**A**NY RECOGNITION of the people who have impacted Hollybrook Lake must begin with BILLY SMYER, owner of the land, developer of the subdivision, primary incorporator of Hollybrook Lake Corporation and both its first President and first Treasurer. Billy also played a critical role in resolving issues that arose over the years with members of his family, the most serious of which occurred in the 1990s with disputes over road and lake access rights (see Chapter Five, “Controversies”). With Billy’s leadership, the situation was brought to an amicable conclusion—the usual result when he became personally involved.

The late OLIVER EDWARDS and his wife VIVIAN (also deceased) were the first full-time residents of Hollybrook Lake, having retired to the former Bickerstaff house on Lot 9 in 1973. Oliver served as Secretary-Treasurer from 1974 to 1982, saying that he preferred to hold that position “so I won’t have to be the President.” He was deeply religious, highly ethical and widely liked and respected. He was also painstakingly exact. The corporate records he kept are full of instances revealing his penchant for capturing minutia. For example, in 1976, HLC became embroiled in a dispute involving a fence it installed along Highway 41, which was cut by Kimberly-Clark Corporation to access lands to the south that were being logged (see Chapter Five, “Controversies”). Oliver reported to then-president TRAVIS MCGOWIN:

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*(T)he top wire was detached in the following points, left loose, lowering the fence height to these various heights: 24", 36", 29", 36", 32", 26", 26"; also at other points . . . the wire was severed and left on the ground, lowering the remaining height to 27", 32", and 19". Further, the wire was cut at two other places, leaving the height at 15" and 21". Also, in another place it was pulled from the post and left at a height of 22" for a distance of about 40'. Also, various limbs and tree tops falling and/or severed during the cutting process fell across our fence at other points and were left there, resulting in a fence height of 6", 18", 26", and 27" in four places, and 0" in two additional places.*

So meticulous was OLIVER EDWARDS that he rarely made mistakes, which renders all the more delightful his minute book entry reporting that the health of the fish population was going to be checked by the "State Department of Conservatism," leaving the reader to wonder if the State Department of Liberalism was given a fair opportunity to respond. Everyone at the lake was saddened when Oliver and Vivian were forced by advanced age and seriously declining health to leave Hollybrook in 1988.

For JOHN DARNALL, Hollybrook Lake was a case of unrequited love. The early records of HLC have John's name all through them. He served as the first Vice President and Secretary, multiple terms as President during the 1970s and 80s, and was in charge of the work when in 1977 HLC decided to drain the lake to remove obstacles from the bottom and restock with game fish. He also supervised necessary repairs to the spillway bridge from time to time, and when the dam suffered a partial collapse due to heavy rains in January of 1990, John was able to arrange for his company, Brasfield and Gorrie, to perform the repairs at a discount. In sum, John was perhaps the single most valuable shareholder Hollybrook Lake has ever had, yet as the years went by, and John's business responsibilities increased, he was never able to fully enjoy the fruits of his labors, and eventually sold his lot in 2002.

A close second in rendering Hollybrook service was BOB BURTON. An original shareholder, he also served multiple terms as President

and filled various other capacities, including supervising road work and repair projects. After Bob's retirement, he and SALLY became full-time residents and were the "eyes and ears" of Hollybrook, in much the same manner as were OLIVER and VIVIAN EDWARDS in the lake's early days. Perhaps most importantly, Bob acted as intermediary between HLC and his close friend, BILLY SMYER, when the disputes of the 1990s imperiled the lake's integrity (see Chapter Five, "Controversies). Bob's discussions with Billy proved to be a key to bringing the situation to an amicable conclusion.

Hollybrook's patriarch is HARALD F. LASSEN. The residence he and BETTY built in 1964 is the oldest on the lake, and they, along with PEYTON NORVILLE, are the only remaining original shareholders of HLC. Harald worked with BILLY SMYER in designing the location of the lake and the layout of its original lots. He was also its first (unofficial) sales representative, enticing TOM COLEMAN (Lot 2), BILL HUGHES (Lot 5) and TIPPY BICKERSTAFF (Lot 9) to buy their properties at \$3,300.00 each. Harald has remained active in the affairs of HLC through all the decades, serving a term as President and, currently, as "Director-For-Life."

Hollybrook has two published authors. Writing as W.H. Watford, DR. HANS WATFORD, JR. has written two mystery novels, *Mortal Strain*, published in 2002, and *Lethal Risk*, published in 2003, and is working on a third. Hans' work has been nominated for at least two awards for fiction writing. JOHN RANDOLPH is the author of *The Battle for Alabama's Wilderness*, published by the University of Alabama Press in 2005. John recently completed his first work of fiction and is collecting a growing pile of rejection letters from publishers and literary agents.

DOROTHY SHAW was Hollybrook Lake's great soul. In the early 1990s, she became involved in "The Baby's Place," a privately-operated group home for infants born with the HIV virus. This led to her becoming a foster parent herself and to found a program known as "Family Pairs," an outreach effort to match babies with foster parents. Dorothy

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took in a little boy for whom the Fates decreed a short life, dying in Dorothy's care in 1995. During this time, she also provided a foster home for a little girl named Simone, whom she eventually adopted in 2002. Dorothy felt that Simone might be more readily accepted in a different school district, so she reluctantly sold her house on Lot 1 to Wally Evans. Now, says Dorothy, Simone is doing well in the 5th grade at Hall-Kent School, with a promising prognosis for her future.

NANCY BROWER was Hollybrook's first and, to date, only female President, courageously presiding over the most difficult and contentious period in the lake's history (see Chapter Five, "Controversies").

GINNY RANDOLPH, serving several terms as HLC Secretary, helped bring the Corporation's communications and records into the technological age, keeping the shareholders more fully informed of the goings-on of the corporation. She was also a leader in the volunteer group, "Neighbors for Good Zoning," which successfully campaigned for zoning in the southwestern two-thirds of the valley, including Hollybrook Lake and its sister lake developments, Wehapa and Smyer. Additionally, she is involved with a non-profit corporation known as the Friends of Dunnivant Valley, Inc., which is the moving force behind a soon-to-be-realized Dunnivant Valley Greenway, connecting some of the various developments in the area with a walking and biking trail.

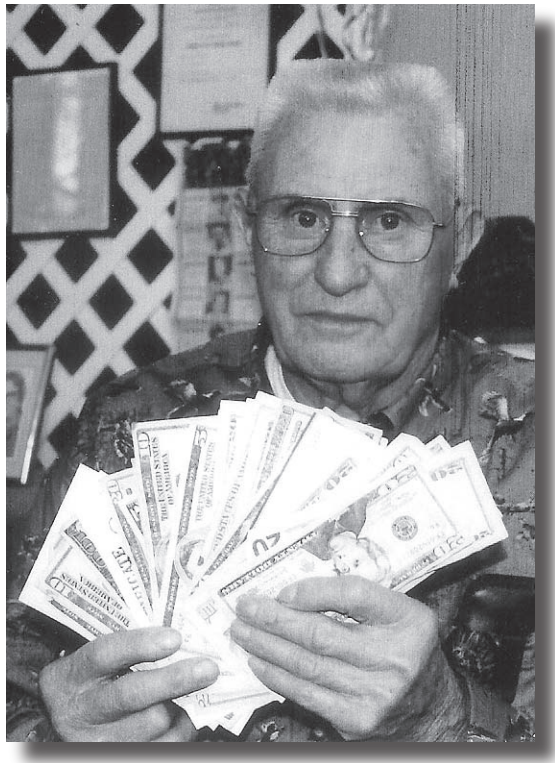
Hollybrook's kind heart is ARTHUR HARTLEY, a senior resident of the lake and past President of HLC. A great wit, he and HARALD LASSEN are the lake's comedic sages. A neighbor once said of Arthur, "He never has a bad word about anybody, and he'll do anything for you. His only fault is that he won't let you reciprocate." No stray dog wanders into Hollybrook without Arthur feeding it or finding it a home—or adopting it himself. He and several other Hollybrook residents have given homes to the all-too-frequent dumped dogs, including LARRY AND BRENDA CHURCH, JOHN AND SANDY HALEY, JOHN AND GINNY RANDOLPH, WALLY AND ANGELIKA EVANS, and our gatekeepers, JOE AND JULIA BATTON, who at this writing have five.

Hollybrook has been very fortunate over the years to have a mostly congenial populace, but, inevitably, there have been a few difficult relationships. A fair history of the lake requires that they be mentioned. Some are described in Chapter Five, “Controversies,” including one involving SID SMYER III, who, although never a HLC resident or shareholder, precipitated its most serious dispute, involving road access and new lake rights. Having noted that, it also bears mentioning that ever since the resolution of those disputes in the late 1990s, with which Sid fully cooperated, his actions as neighboring landowner have been respectful, and his relations with his former HLC adversaries cordial—to the relief and pleasure of all involved.

For years, Hollybrook people had been give permission to walk and bike on the fire lane roads that crisscross the Smyer lands south of the lake. That changed when SPENCE AND DYANE BONJEAN purchased the Shaw residence on Lot 20 in 1994. Within a few months, Spence had obtained a lease on the Smyer lands for use as a hunting preserve and forbade anyone—including Hollybrook owners—to enter. On one occasion, he confronted a fellow shareholder with a shotgun slung over his shoulder. This situation was simply a rude annoyance to most Hollybrook people, but to Dunnavant Valley old-timers who were accustomed to poaching the Smyer lands it was a hostile act. As a result, the Bonjeans suffered cold, even dangerous, relations with the local populace, ending only when they sold out in 2002 and moved to the Gulf coast.

JOHNNY REESE was the only shareholder (so far) who appears to have purchased his Hollybrook property—the old Dolcito Quarry Company’s picnic grounds—with short-term gain in mind. His use of the land, and that of his successor, SONNY EPPES SOLOMON, were thorns in HLC’s side for several years. The saga of the old picnic ground is detailed in Chapter Five, “Controversies.”

Thankfully, our discussion of personalities ends on a positive note. Our gatekeepers, JOE BATTON AND JULIA BATTON, have been



Henry Ford Batton celebrates his 80th Birthday, December 31, 2005.

*Photograph by Misty Wallace.*

permanent residents at Hollybrook Lake since 1975, longer than any HLC shareholder. Joe was 22 years old when he was hired. Since then, he and Julia have raised two sons, KURT AND JOSEPH BATTON, and when family friends suffered hard times, took in their two children as well. Julia and her partner, FRANCES HESTER, Joe's sister, operate a cleaning service that many stockholders employ. Frances is the lake's designated dog sitter, as well. Joe Batton is the proprietor of his own electrical company, and has performed electrical jobs for several shareholders, including wiring the authors' house. Together with Joe's handyman father, FORD BATTON, this congenial family has rendered welcome service to Hollybrook ever since the Lake was established.

## Presidents of Hollybrook Lake Corporation

ALTHOUGH NUMEROUS shareholders have given of their time and money to assist in meeting the lake community's needs, special recognition is due those who assumed the sometimes onerous burden of President of HLC. They are as follows (in no particular order):

- Sidney W. ("Billy") Smyer, Jr.
- Wayne W. Killion
- John P. Darnall
- W. Travis McGowin III
- Dr. James B. ("Jim") Collier
- James T. ("Jim") Hamn, Jr.
- Dr. John Morris
- Robert G. ("Bob") Burton
- Wilbur K. Allen, Jr.
- John W. Haley
- Nancy N. Brower
- Arthur Hartley
- William F. ("Bill") Hamilton, Jr.
- Richard Thompson
- Laurence W. ("Larry") Church
- Harald Lassen
- Dr. Hans Watford

## Secretary-Treasurers of Hollybrook Lake Corporation

THE OFFICER responsible for paying the bills and recording the corporation's business is the Secretary-Treasurer, whose tasks must be attended whether in fair times or foul. The jobs became important enough in the 1990s that HLC split the office in two. Below (in no particular order) we acknowledge the shareholders who have taken the special burden of these offices upon themselves.

- John Darnall
- Oliver Edwards
- Dorothy Shaw
- John Randolph
- Nancy Brower
- Spence Bonjean
- Billy and Elizabeth Cornay
- Virginia Randolph
- Merritt Rogers
- Larry Church



## Controversies

**H**OLLYBROOK LAKE seems to have had more than its share of controversies, some of which, such as lake crowding, are common to all communities of this nature. However, others have been more serious and have resulted primarily from the existence of unrestricted property surrounding the lake, and the use of Hollybrook Lake road as the means to access it. The first such conflict recorded in the minutes of Hollybrook Lake Corporation occurred in 1976.

### Wayne Killion vs. Kimberly-Clark Corporation

**DURING THE** spring of 1976, Kimberly-Clark Corporation (KCC) obtained a contract from the Smyer family to log acreage south of Hollybrook Lake. To reach the land under contract, KCC cut through a 1,000-yard line of fencing along Highway 41 previously erected by HLC, opening a new and unsecured access to the perimeter road. Heavy traffic by logging trucks and equipment going back and forth on the dirt road led inevitably to erosion and the constant flow of silt from spring rains into the lake. Some of the Smyer family's fire lanes to the south were opened by KCC to get to the timber, making the lake area accessible from that direction as well. And, as is the inevitable nature of logging, the tree work made a mess of the surrounding woodlands.

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Then-President Travis McGowin wrote KCC to protest the intrusion. The company replied, “these things happen,” and “the timber would have been sold . . . and cut by someone,” and “Kimberly-Clark and its logging contractors have, in our view, operated as responsible citizens while working in your area.” KCC projected that it would be finished by October of 1976. It agreed to repair the damage to the fence and to “Close off all logging roads that Mr. Smyer wishes closed off.”

There was little else HLC could do, for at the time the Smyer family had not yet granted the corporation a right of way through their lands. In short, the Smyers owned the road and could use it as they saw fit.

But shareholder Wayne Killion was far from satisfied with KCC’s response. His property on Lot 18 was one of the largest in the original subdivision, extending southerly beyond the Hollybrook Lake road itself. KCC had this part of Killion’s property logged as well, and its subcontractor used it as a marshalling point for stacking logs and parking equipment.

Wayne engaged the law firm of Bradley, Arant, Rose and White to demand damages for “negligence, repeated trespass and wantonness.” The attorneys’ letter to KCC detailed the complaint:

*(T)here is a penalty under Alabama law for one offence of trespassing. There is also a penalty for cutting trees on the property of another. Each act of dumping oil, abandoning Gulf lube motor oil cardboard boxes, John Deere pump boxes, abandoned logs, bent trees and miscellaneous garbage like Van Camp’s Pork & Beans, empty cans of Dow Concentrate Anti-freeze (a solid orange plastic container), Kelly’s Vienna Sausage cans, cracker boxes, tubes of Gulf extreme high pressure grease, wrappers which formerly contained Moon Pie Deluxe, constitutes a trespass.*

KCC blamed the trespass and damage on “a small, ***independent*** logger who hauls wood to an ***independent*** wood dealer in Columbiana. We used this small logger one time . . . but were not satisfied . . . and cancelled the operation (emphasis theirs).”

Unwilling to let KCC pass the buck, Wayne Killion filed suit. In 1979, he reported to HLC that the “Kimberly-Clark dispute has been resolved with a verdict in favor of the plaintiff and an award of \$3,000.00 in compensatory damages. Obviously this amount does

not cover the legal expenses, but I believe the Lake Corporation will at least be considered more seriously by Kimberly-Clark Corporation in future . . .”

The incident underscored the need for HLC to have a more defined legal interest in its perimeter road, and the Smyer family agreed to rectify this apparent oversight. Thus, in September of 1979, Billy Smyer, his wife Astrid M. Smyer and his son Sid Smyer III executed a formal easement for the road in favor of HLC. In January of 1980, Billy Smyer’s ex-wife, Ingrid L. Smyer, executed an identical conveyance.

These grants were a critical improvement for HLC and its shareholders, as they formalized the right to the use of the lake road. But what was gained was still only an easement, and a “non-exclusive” one at that, meaning that the Smyers could continue to use it as they saw fit, so long as they did not interfere with the access rights of HLC and its lot owners.

The issues of ownership and access rights to the road would continue to stew until finally resolved in the 1990s, as described in the last segment of this Chapter.

## **Fire on the Mountain**

AN INCIDENT was saved from becoming a controversy by the arrival of the Dunnivant Volunteer Fire Department just in the nick of time.

In March of 1984, Billy Smyer obtained a permit for a “controlled burn” in order to clear the Hollybrook dam. The month had been unusually dry and blustery. On the weekend chosen for the burn, a strong northwesterly wind swept across the lake. When Billy started his fire on the dam, Dorothy Shaw’s adjacent home on Lot 1 was engulfed in unbearably thick smoke, forcing her to evacuate the premises until the smoke abated.

The blaze burned the dam as intended, but it didn’t stop there. Strong winds carried the fire onto the Smyer lands to the southeast, where the blaze raced towards Double Oak Mountain. However, just as the fire left the dam, the wind backed for a time to the west, sending the flames onto the Killion property at Lot 18, site of one of Hollybrook’s oldest residences. The fire was literally licking at the base of the house’s deck supports (see photo, p. 60) when the volunteer



Fire on Lot 18, March 1984

firemen swarmed onto the property with equipment to pump water from the lake, and doused the fire.

The primary blaze continued to burn southeasterly across the Smyer lands. When it reached the big power line easement straddling Double Oak Mountain to the southeast of the lake, it torched a dense dry stand of grasses and underbrush, sending towering flames rushing up and over the mountain, where firefighters eventually put it out. There have been no more controlled burns in the vicinity of Hollybrook Lake since.

### ***Restriction Violations and Other Annoyances***

THE ORIGINAL property restrictions imposed on the 1962 Hollybrook Lake subdivision were brief, simple and logical: Single family residential

purposes only, no re-subdivision of the lots, no temporary residences, a forty-foot construction set-back from all property lines, mandatory approval by HLC of improvements prior to construction, and the like. Yet they were often roundly ignored by shareholders, especially in the early years. Most of the incidents were amicably resolved in the end, so in the interest of community, a description of them here for informational purposes does not necessarily require that the specific shareholders be identified.

### ***The Forty-Foot Setback.***

The very first offenders of this requirement were, alas, the authors' predecessors in title, who built their boathouse cottage on Lot 2 out over the northeastern slough of the lake in 1965. If anyone objected, there is no record of it in HLC's minutes; nor is there any record that the plans were submitted for approval in advance. For that matter, neither is there any record of prior approval of plans for any of the seven residences built during the 1960s.

In fact, the Corporation appears not to have become a viable entity controlled by the property owners until 1972 (see Chapter Three, "Milestones"), seven years after the cottage on Lot 2 was erected. John Randolph purchased the cottage in 1976 as his bachelor residence, and in the ensuing thirty years, no issue regarding the set-back violation has been raised.

Still, its existence posed an issue of concern to the Board of Directors in another context when, in 1983, John and Ginny Randolph applied for approval to build a more suitable permanent residence on Lot 2, retaining the boathouse as a guest cottage and writer's studio. The setback violation had by then become an accepted fact, but the notion of two residences on a lot was a new issue. The Board adopted a corporate policy that only one residence per lot would be allowed, but recognizing that guest cottages are not of themselves objectionable, so long as the aesthetics are compatible, and the single-family and set-back requirements are not violated, it included in its policy a procedure for obtaining approval for two structures under "such special circumstances as to reasonably justify" them. This policy was adopted by HLC as part of its Rules for the Development of Lots on December 26, 1983.

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The only other deliberate attempt to violate the set-back rule came in the early 1980s, when a shareholder proposed to build his residence with an attached deck extending to the very shoreline of the lake “so we can keep an eye on the children.” The Board disapproved; the shareholder objected and requested a meeting. The shareholder brought his architect to defend the proposal, arguing that the purity of his design required that the house be located at the lake shore, particularly since the lot rose sharply in elevation to the rear, requiring extensive excavation if the set-back were to be observed. This was true, as the design, rather than being compatible with the lay of the land, was produced without regard to it, and the Board was annoyed that it was being asked to pacify the whims of an architect instead of upholding the rules of the lake. But in the spirit of community, an accommodation was reached for a smaller set-back on condition that a tree line be retained between the house and the shore and no boathouse constructed. The “no boathouse” requirement was subsequently dropped by the Corporation after the property changed hands.

### ***Temporary Residences***

The first violators of the prohibition against temporary residences were, alas, the author’s predecessors in title at Lot 2. The boathouse cottage was initially erected as a single “upstairs” bunkroom with attached bathroom, and a kitchen in the basement below—a violation of the restrictions’ minimum square footage rule, as well. The latter was rectified when, after some months, the full cottage as it appears today was completed, but again, there is no record of objection when the violation first occurred.

A similar situation occurred in the early 1990s. In fairness to the shareholder involved, some of the conclusions reported in the minutes by the Board of Directors may reflect a simple misunderstanding, but here is what is recorded:

In 1989, the shareholder submitted plans and obtained approval for construction of a boathouse with an attached eight-by-twenty-foot storage room. However, when the shareholder priced the approved plans, he found “that the cost was too high, so I decided to wait.” In 1993, he commenced construction of a different version of the

boathouse. On objection from a neighboring shareholder, the Board of Directors investigated and found features it considered inappropriate, including an enlargement of the “storage room” to twelve by twenty, and the installation or proposed installation of a wood-burning stove, air conditioning unit, sink draining into the lake, and a ceiling fan. The Board concluded that the structure was intended to provide a temporary residence rather than a simple storage area, which violated the rules governing set-backs and minimum square footage, as well as the ban on temporary residences. The dispute was quickly resolved, however, by the shareholder’s willing acceptance of measures that removed the objectionable features, allowing construction to recommence.

### ***Appearance***

One of Hollybrook’s great advantages over its neighboring lake developments is the success with which it has maintained its shoreline in a natural, wooded condition. This can be attributed as much to the willing cooperation of shareholders as to the enforcement powers given the Board of Directors in the Rules for Development of Lots.

Boathouses, however, remain a source of discontent. Many shareholders prefer single-stall boathouses with small attached piers, and in fact succeeded in having that requirement “institutionalized” in the Rules as the preferred design.

But others wanted more elaborate constructions to provide room for children’s play and entertaining. Over the years, the Board has struggled to restrain the extent of development, emphasizing that HLC is the fee owner of Hollybrook Lake with an absolute right to control what is constructed in it. In general, shareholders have cooperated in answering concerns, but the recent trend towards bigger boathouses means the issue is one which HLC will continue to confront until every lot has its boathouse.

### ***Single Family Residential Use***

The first challenge to this restriction began, innocently enough, when two young men applied to jointly own a lot as a fishing retreat. The Board declined, on the grounds that only a single family could own and

use the property. The upshot was that the lot was bought by only one of the men, happily eliminating any further dispute.

The second incident was more serious and required a shareholders' meeting to resolve. After his wife's death, Bob Burton sold his Hollybrook home on Lot 3 to Hans and Jeannette Watford; but Bob also owned Lot 4, which he had acquired from its original owner, Virgil Handy, as well as an acreage tract fronting the northeast slough that he purchased from Ingrid L. Smyer (see Chapter Two, "Property Histories"). These properties he continued to market for sale, and in 2000, he was presented an unusual offer that he would not accept without HLC's approval.

The proposed purchaser's intent, as gleaned from telephone conversations with Hans Watford and John Randolph, was to build a permanent residence for his family on Lot 4. In addition, he proposed to use the whole property on a regular basis in connection with an inner-city ministry that he operated. The word, "camp," was used—at least until the purchaser learned that it was objectionable. The Board felt that it owed Bob Burton a serious consideration of the proposal, in light of Bob's long service to Hollybrook, and called a special stockholders' meeting for that purpose. Although the shareholders admired the purchaser's commitment to his ministry, they were unanimous in the belief that the use was inappropriate for Hollybrook Lake. Indeed, HLC's by-laws specifically prohibit approval "where it reasonably appears that the transferee intends to engage in any activity which would violate the Restrictions" of the subdivision. The operation of a children's ministry being an institutional rather than a residential use, HLC was compelled to disapprove the transfer. Bob Burton was quite understanding, and eventually found other buyers for the property, Terry and Cynthia Argo, who constructed the residence on Lot 4.

### ***Prior approval of construction plans***

This short section is included as a reminder to shareholders. In the early days, it was common for the President to receive a telephone call from a shareholder saying, "My contractor is going to start work on Monday, and I need to get my plans approved." Fortunately, in most of those cases the shareholders had submitted acceptable plans, desiring

to uphold the integrity of the lake as a forested community, but it was and is unfair to the Board of Directors to hit them at the last minute with plans that simply must be approved by Monday or the contractor will move to another job and I won't be able to get started as planned and it will cost me piles of money!

Fortunately, the seriousness of the issues Hollybrook has faced over the years has caused the Board to take its role as arbiter of architectural issues seriously as well. And to their credit, individual shareholders seeking plan approval have of late been treating the process with more respect, indicating their support for the effort to maintain a quality community. Allah grant that the trend continue.

## **The Dolcito Picnic Ground Property**

As an historical aside, we'll mention that John Randolph's first encounter with Hollybrook Lake occurred ca. 1970, at the old Dolcito Quarry picnic ground. Billy and Ingrid Smyer allowed the Birmingham Bar Association to hold its annual spring picnic there for several years, one of which John attended. There were outdoor barbeque pits with cook fires sizzling, and several screened-in picnic shelters containing lines of wooden tables and benches. John has two indelible memories of the event: Loud boozing lawyers on their knees atop the picnic tables, rolling dice and waving fists-full of money; and the beauty of the Dunnavant Valley.

In time, after Ingrid Smyer obtained title to the picnic ground in her divorce from Billy, the retreat was closed and its structures became forms for kudzu topiaries. In 1988, Johnny Reese bought the picnic grounds from Ingrid Smyer, gaining a Hollybrook lake right by restricting it against subdivision into more than two acreage parcels without consent of all adjoining landowners, and limiting both parcels to single family purposes. However, it soon became apparent that Reese had little interest in the Hollybrook community.

He sold all the timber and had the property clear cut in violation of HLC rules. After a time, the clear-cut property began to erode in gullies, pouring silt into both Smyer and Hollybrook Lakes and producing complaints from both communities. In 1990, HLC shareholders voted to require him to implement a rehabilitation plan or face sanctions,

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including loss of the right to use Hollybrook Lake. In the end, Reese rarely if ever visited or enjoyed the lake with his family, but simply held the property until 1993, when he sold it to Sunny Eppes Solomon, who became the source of a new problem.

In February of 1994, Ms. Solomon obtained County approval for a subdivision of her tract into three parcels of between three and four and a half acres each. None of the adjoining landowners, which included HLC and shareholder Temple Tutwiler, had approved the action, but eventually word got out, and then-HLC President Wilbur Allen, Jr., notified Sunny that her re-subdivision violated the property restrictions.

There followed a period of some months in which Sunny Solomon attempted to both pacify HLC and defy it. In September of 1994, she submitted and obtained approval from HLC's Board of Directors of plans for construction of the large residence that today is owned by Richard and Harriet Thompson. But when she commenced work, it was for a small separate structure that had not been approved; and she continued to refuse to "undo" her three-lot subdivision. In return, HLC declined to grant her shareholder status. She hired a lawyer, who threatened suit; HLC stood firm

In the end, Sunny Solomon relented. With HLC's approval, she completed the large residence as originally planned, and attached the smaller home as a guest house. She also re-subdivided the tract into two parcels only, and sold the one fronting Hollybrook Lake to the Thompsons, whom HLC gratefully welcomed as shareholders.

Gone now are all vestiges of the old picnic-ground, but the property still retains a link to its past in a faint but still-discernable trace of the old Dunnavant Valley Road crossing in front of the home.

### **Securing the Integrity of the Community**

In the mid-1990s, events combined at last to bring a solution to the muddle of claims over the use of Hollybrook Lake, its perimeter road and dam, by those owning unrestricted acreage on and around the lake.

To recap the situation: When the Smyers' Fish Land Company created the original twenty-lot Hollybrook Lake Survey in 1962, large acreage tracts in each of the sloughs remained unrestricted. With

the divorce of Billy and Ingrid Smyer came a division of those parcels between Ingrid, Billy, and their son, Sid Smyer III. Sid also obtained title to an acreage tract fronting Highway 41, which included the location of the gatekeeper's residence. Sid's siblings, Harald L. ("Hal") Smyer, and Ingrid Frances ("Fran") Smyer, received title to large parcels to the south of the lake which, combined with land still owned by their father, totaled about eight hundred acres.

Billy had a new pond constructed on the eight hundred acres ca. 1984, toying briefly with, and then abandoning, the notion of building a home there. Otherwise, he often said that the family had no plans for developing the tracts south of Hollybrook.

However, the acreage parcels fronting the lake's sloughs inevitably attracted acquisition. As described in previous Chapters, parcels were acquired over the years by Pratt Brown, Nancy Brower, Temple Tutwiler and Johnny Reese, and were restricted in exchange for Hollybrook lake rights. Additionally, Mike and Ann Shaw, owners of Lot 20 at the time, purchased from Billy Smyer an unrestricted thirty-acre tract that ran "behind" Hollybrook's southern tier of lots and fronted the lake's southwestern or "Cushman Slough."

By 1995, slough properties owned by the Shaw and Smyer families that remained unrestricted (and without lake rights) were the Shaws' 30-acre tract, two parcels owned by the Smyers on either side of the Cushman Slough, and a five-acre property adjoining Lot 2 owned by Sid Smyer III.

The Hollybrook Lake road provided the primary route of access to most of this acreage (some being accessible via the Smyer Lake road) and HLC still possessed only a shared easement across Smyer lands for its road. Unknown to most stockholders at the time was Billy Smyer's claim to ownership of the Hollybrook dam (see Chapter Three, "Milestones").

Several dynamics were at play in the Dunnavant Valley in the decade of the nineties. The new Greystone development and its subsequent clones sprawled over Oak Mountain, bringing the City of Hoover with them. Towards the southern end of the valley, the planned communities of Mount Laurel and Highland Lakes were taking shape. Developers were eyeing several other large tracts, including one to be

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known as Stonegate Farms, which would loop around to the south of Smyer Lake. How close would it come to Hollybrook and the eight hundred acres of Smyer land “behind” it?

Sid Smyer III, meanwhile, decided to build a new home for himself on his farm acreage adjoining Hollybrook on the northeast. Since the existing lake road made a long sweeping turn through that acreage, Sid “reclaimed” the property enclosed by the road there by moving a section of it closer to Lot 2. The relocation of the road proved to be HLC’s first inkling of change in the air.

In time, the developers of Stonegate Farms approached the Smyers about selling their land south of Hollybrook for the new subdivision. Sid Smyer saw this overture as an opportunity—whether encouraged by his family or not is unclear. He envisioned a new entrance through his property on Highway 41 onto the Hollybrook Lake road, which offered a straight shot across the dam to his family’s lands to the south. He talked (speculatively, as one of several possibilities) of a golf course community there similar to Shoal Creek and Greystone, and a sales office on his Highway 41 property to market the development. He also wanted lake rights for all the remaining parcels owned by his family in the Hollybrook sloughs, which he proposed to market as well. In return, he proposed to convey to HLC a parcel that contained the gatekeeper’s residence, which had been maintained there through the years with Sid’s permission.

At first, HLC shareholders were taken aback. Many wanted no new lake rights granted under any circumstances. Others whose property lay within sight and sound of the lake road and the dam were alarmed at the prospect of the route serving an eight hundred-acre development, which would bring an enormous increase in traffic to the lake and threaten its integrity as a community.

In the end, however, shareholders came to realize that the grant of a handful of new lake rights in exchange for permanent restrictions on all the slough properties was in Hollybrook’s best interest. They also began to see an opportunity for HLC to at last control its road and dam. Under the leadership of Presidents Wilbur Allen, Jr. and his successor, Arthur Hartley, HLC made proposals to grant lake rights for the Smyers’ remaining slough properties, and for the acreage owned by

Mike and Ann Shaw as well, in return for uncontested ownership of the road and dam, and limitations on use of the road to access the Smyers' eight hundred acres to the south.

The Smyers saw this as an infringement upon their property rights. How else but across the dam were they to access their property, and what right did HLC have to control their use of it? Tempers flared, relationships were strained. Proposals and counter-proposals were put forward during several tense meetings of the stockholders, very effectively presided over by President Nancy Brower.

In the end, the existence of Stonegate Farms offered the means of a solution. Billy Smyer did sell part of his property to Stonegate, including a twenty-acre parcel that fronted Hollybrook's Cushman Slough, and Stonegate pushed its subdivision roads to the very edge of the remaining Smyer land. The possibility now existed for access to the Smyer acreage through Stonegate, without resort to the Hollybrook Lake road, defusing the most contentious of the disputes. Then, Billy's patient cajoling (he would later call it the "hardest thing I ever did") convinced his family of the advantage of reaching an agreement with Hollybrook on the remaining issues.

The result was a voluminous document that was finally accepted by all concerned and placed on public record in 1998. Summarizing it is almost as challenging as was negotiating it, but here follows an attempt at its highlights:

On condition that the tracts were validly restricted, lake rights would be granted for each of the slough parcels owned by the Smyers and Mike and Anne Shaw. At this writing, Rob and Robbin Sorrell, Jim Jasinski and Randy and Darla Sellers have acquired slough properties pursuant to this agreement, restricted them and become Hollybrook shareholders. Only a fifteen acre tract in the rear of the Cushman Slough remains of the unrestricted Smyer lands, and at this writing it is being actively marketed for sale.

Sid Smyer III deeded his interest in the Hollybrook Lake road and a one-acre gatekeeper's parcel to HLC. In addition, he granted HLC a "greenbelt" easement, or buffer, extending seventy-five feet "out" from the center line of the lake road, which HLC has the right to fence and landscape if it wishes. Sid's remaining acreage lying between Highway

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41 and the lake road was restricted to two single family residential lots. In return, HLC granted a lake right for the five-acre tract in the north-east slough that Sid sold to Randy and Darla Sellers.

The Smyers and Shaws also relinquished to HLC any claim of interest to the whole of the lake road, the dam and the lake itself, the only exception being a corner of the dam where the lake right for the shareholder representing the Swamp House property (today, Drew Edge) is exercised.

The Smyers retained the right to build a new roadway through the swamp below Hollybrook's dam by attaching it to the toe of the dam itself. The notion here was to preserve an alternative for access to any development that might occur on the family lands to the south. Since the Smyers no longer owned the Hollybrook road and dam, the new roadway would extend from Highway 41 through Sid III's farm property, across the toe of the dam and alongside the boundary of the Swamp House lot. To compensate Sid for the encroachment, he was to receive a share of the proceeds from the sale of the Smyers' Hollybrook slough properties.

Whether the new roadway will ever be built remains speculative, but in the interim, the 1998 agreement provides an easement on the Hollybrook road and dam for the Smyers to access no more than four single-family residential parcels of no less than twenty acres each. Any greater density of development must be accessed elsewhere—potentially, by the new roadway across the toe of the dam. And the Smyers' right to cross the dam to access the four restricted parcels terminates if another feasible route comes within five hundred feet of that land—as may now be the case through Stonegate Farms.

One of the most significant provisions of the agreement fixed the market value of a Hollybrook Lake right as of 1998 at \$38,500.00. This figure is important as a starting point for calculating the value of compensation due to HLC in the event the owners of the three remaining parcels not covered by the agreement with the Smyers (two in the northeastern slough, and the other between Lots 5 and 6—see Chapter Two, "Property Histories") ever apply for a lake right for those tracts.

The conclusion of the 1998 agreement ended a time of unfortunate strife between Hollybrook shareholders and the Smyer family. Indeed,

it had the overall effect of restoring cordiality to the relationship. Everyone seems to have realized that settling the long uncertainty over unrestricted land around Hollybrook Lake has worked to the advantage of all concerned.

Precisely what will be done with the Smyer lands to the south, and how they will be accessed, appears at this writing to depend much upon Stonegate Farms' plans, and its ability to influence Hal and Fran Smyer.

## The Future

It requires no crystal ball or divining wand to foresee the future of Dunnavant Valley: Rapid change—as rapid as the sudden appearance of motorcycle groupies barreling down Highway 41 every weekend, lured here by the beauty of the valley and the “Twenty-Nine Dreams” motorcycle park just over the mountain in Vandiver—not to mention the Barber Motorsports park just over the other mountain, near Leeds.

As this is written, the U.S. 280 corridor is a canker of construction clawing out of Inverness and Brook Highland to consume the towns of Chelsea and Harpersville, in much the same way as accessibility to Interstate 65 has overwhelmed other north-Shelby towns like Pelham, Helena, Alabaster and Calera. The southern end of Dunnavant Valley is likewise churning with new development.

From the Mayor of Hoover comes a proposal to build a limited access roadway down Grants Mill Road and across Oak Mountain to tie in with a widened Highway 41, thereby providing access for west-bound suburban traffic to U.S. 280 and I-65. Fortunately, that idea has (so far) enjoyed no acceptance from Shelby County authorities—it would be an incredibly expensive proposition, and it is inconsistent with the County's master plan—but it is a fact that when the Birmingham Water Works installed its lines down the valley in the 1980s, the state Highway Department required that the pipes be buried along the very edge of the right of way, to make room for a four-lane Highway 41 at some time in the future.

As far as Hollybrook Lake is concerned, the most immediate issue is encroaching development. Several key factors offer some hope that most of our immediate surrounds will remain a low-density residential district.

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The first is zoning. With Shelby County Commissioner Ted Crockett shepherding the process through, most of the Dunnavant Valley is now contained in a zoned beat stretching roughly from the northern (eastern) shore of Lake Wehapa down the southern two-thirds of the valley to U.S. 280. Crockett suffered loud criticism from some quarters for omitting the northern end of the valley—the village of Dunnavant itself—from the zoning beat. But the fact was that the people of that area simply did not want zoning. The obvious solution was to respect their wishes and limit zoning to the areas where it was supported by the residents.

And that support was crucial, for the zoning law required a favorable vote of the people in the beat. The volunteer organization known as Neighbors for Good Zoning took responsibility for collecting enough signatures on zoning petitions to require the County to call an election. Hollybrook's Ginny Randolph was in the forefront of that effort, assisted at times by Brenda Church, Richard Thompson, John Randolph and Larry Church. Ginny and other leaders, residents of Mount Laurel and Highland Lakes, also worked tirelessly to turn out the vote on election day in early 2005. The voters approved zoning by two-to-one.

Zoning, of course, does not mean that lands cannot be developed. It simply requires that new projects be scrutinized by County officials and notice given to nearby property owners. The advantage zoning brings to Hollybrook lies in the second factor favoring low density development here—Shelby County's master plan (which zoning opponents consider to be straight from the mind of Karl Marx). The features of the plan applicable to Dunnavant Valley call for the greatest density of development, residential and retail, to occupy the southern end of the valley, while the northern end remains rural and low-density residential. Theoretically, a proposed development that does not conform to the master plan would not be favorably received by County officialdom, particularly if it is opposed by surrounding property owners.

The third factor favoring low-density is sewer service—or more precisely, the lack of it. Sewer service for the southern end of the valley is reportedly “maxed out” in accommodating existing developments and those now under construction, and there is no sewer service available to Hollybrook and other communities in the northern end. However,

there is nothing to prevent a developer with deep enough pockets from including a private sewage package plant in a proposed development plan.

As this is written, there are rumors of a big new residential development planned for more than 1,500 acres just across Highway 41 from the entrance to Hollybrook Lake. The tract straddles Oak Mountain and reportedly fronts Alabama Highway 119, which may provide the primary access point. It is not known yet how the developer will handle sewage, but assuming adequate treatment as a given, it remains to be seen whether Shelby County can (or is willing to) successfully resist a high density development solely on the grounds that it is inconsistent with its master plan.

The ability of a developer to provide a private sewage facility would make it more difficult for government to reject a development. Nevertheless, the public health issue could prove to be a critical tool in fighting inappropriate density in the northern end of the valley.

The fourth factor in favor of low density is the crowding of schools. Many people from other neighborhoods in the valley oppose dense development on the school issue alone. Already, organized groups are complaining to officialdom about the mounting pressure upon the new Mount Laurel Elementary School, and would be natural allies in a rezoning fight.

Nevertheless, change is coming to Hollybrook, and it is coming very soon. In addition to the (rumored) big development across Highway 41, Stonegate Farms is planning an exclusive sixteen-lot private subdivision that will sprawl across the top of Double Oak Mountain in plain sight of Hollybrook, Wehapa, Smyer Lake and the original lots in Stonegate Farms. The development's few positives include a minimum lot size of twenty acres each, which permits their being accessed by a substandard private road—one that is, hopefully, less visually intrusive than a subdivision standard road—that will be accessed through Stonegate Farms.

The land for the development is being acquired from Billy, Hal and Fran Smyer. But, says Billy Smyer, Hal and Fran still have no plans to develop their remaining acreage lying between the base of Double Oak Mountain and Hollybrook Lake. Stonegate Properties, however, remains interested in the Smyer lands. The only question is whether

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someday Stonegate will make a high enough offer to induce the Smyers to sell. When and if that happens, the possibility of a northern entrance to Stonegate Farms from Highway 41, across Sid Smyer's property and the toe of Hollybrook's dam, grows more realistic. And in that event, the idea of Sid Smyer III developing his farm property as well is not inconceivable.

Still, regardless of what goes on around it, Hollybrook Lake has succeeded in securing its community as best as it could—and just in the nick of time, it seems. It should continue to boast one of the most pleasant residential experiences in the state of Alabama.





# Flora and Fauna of Hollybrook Lake

## Flora

The plant listings below were compiled by Ginny Randolph during decades of roaming Hollybrook's hills and vales. We cannot claim that the lists are exhaustive, or that they result from anything but amateur field botany, but we doubt that anyone else has produced an inventory to equal it, so it is proudly included in this book as the alpha and omega on the subject.

### *Flowering plants*

Herbaceous plants, vines and small shrubs

- Ageratum
- Arrowhead
- Asters
- Birds foot violet
- Blackberry bush
- Black-eyed Susan
- Blacksnake root
- Blue eyed grass
- Blue Flag Iris
- Blue lobelia
- Bluet
- Bottle Gentian

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- Cardinal flower
- Carolina jessamine
- Carolina sweet shrub
- Common evening primrose
- Common fleabane
- Common nightshade
- Common plantain
- Common polypody
- Common ragweed
- Coral honeysuckle
- Coreopsis
- Corn speedwell
- Curled dock
- Dandelion
- False solomon seal
- Fernleaved false foxglove
- Field of phlox
- Flowering spurge
- Fly poison
- Foxglove
- Goats rue
- Goldenrod
- Greenbrier carrion flower
- Heal-all
- Hearts-a-bursting
- Honeysuckle
- Horse nettle
- Houstonia
- Huckleberry
- Indian pink
- Kudzu
- Leather flower
- Low bachelor button
- Lyre leaved sage
- Marsh pink
- Milkweed

- Morning glory
- Moss, several varieties
- Mountain mint
- Mountain phlox
- New York ironweed
- Oak leaf hydrangea
- Orange grass
- Partridge berry
- Partridge pea
- Perfoliate bellflower
- Poison ivy
- Queen Anne's lace
- Ragweed
- Rosinweed
- Sedge, several varieties
- Sensitive brier
- Skullcap
- Spotted wintergreen
- Spring ladies' tresses
- Spurred butterfly pea
- Statis
- Sunflower
- Sweet William
- Thistle
- Tick trefoil
- Trumpet honeysuckle
- Turks cap lily
- Turtlehead
- Virginia creeper
- Whorled loosestrife
- Wild petunia
- Wild rose
- Woods violet
- Yellow hawkweed

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***Ferns***

- Boston Fern
- Bracken fern
- Royal Fern

***Large Shrubs and Trees***

- American beech
- American holly
- American hornbeam
- Chinese privet
- Dogwood
- Downy serviceberry
- Eastern red cedar
- Eastern redbud
- Florida maple
- Fringe tree
- Hazel alder
- Loblolly pine
- Mimosa
- Mountain laurel
- Mountain longleaf pine
- Myrtle tree
- Native Azalea
- Parsley hawthorn
- Pignut hickory
- Sassafras
- Sourwood
- Southern red oak
- Sumac, several varieties
- Sweetgum
- Sycamore
- Turkey oak
- Water oak
- White oak
- Yellow tulip poplar

## **Fauna**

The following list of critters is limited to those personally observed by the authors. Rumors that Sasquatch once lived in an abandoned house trailer next to the duck swamp cannot be confirmed.

### ***Birds***

- American goldfinch
- American woodcock
- Barn swallow
- Barred owl
- Belted kingfisher
- Black duck
- Black vulture
- Black-and-white warbler
- Blue jay
- Bobwhite quail
- Brown creeper
- Brown thrasher
- Brown-headed cowbird
- Brown-headed nuthatch
- Canada goose
- Cardinal
- Carolina chickadee
- Cattle egret
- Cedar waxwing
- Chimney swift
- Chuck-will's-widow
- Common crow
- Common egret
- Common grackle
- Common loon
- Common snipe
- Downy woodpecker
- Eastern bluebird
- Eastern kingbird
- Eastern phoebe

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- Eastern wood pewee
- Evening grosbeak
- Great blue heron
- Great crested flycatcher
- Green heron
- Hairy woodpecker
- House sparrow
- House wren
- Indigo bunting
- Killdeer
- Lesser scaup
- Mallard duck
- Mockingbird
- Mourning dove
- Osprey
- Pied-billed grebe
- Pileated woodpecker
- Pine siskin
- Pine warbler
- Prothonotary warbler
- Purple finch
- Red shouldered hawk
- Red tailed hawk
- Red-bellied woodpecker
- Red-headed woodpecker
- Red-winged blackbird
- Robin
- Rock dove
- Rose-breasted grosbeak
- Rough-winged swallow
- Ruby-crowned kinglet
- Ruby-throated hummingbird
- Rufous-sided towhee
- Screech owl
- Slate-colored junco
- Starling

- Swamp sparrow
- Tufted titmouse
- Turkey
- Turkey vulture
- Whip-poor-will
- White-breasted nuthatch
- Wood duck
- Wood thrush
- Yellow billed cuckoo
- Yellow warbler
- Yellow-shafted flicker

### ***Fish***

There are fish in Hollybrook Lake. Or at least there had better be, considering all the money we spend on them.

### ***Insects***

You name 'em, we got 'em. Just a few of the more interesting are:

- Bald-faced hornet
- Buffalo treehopper
- Cicada
- Damsel fly
- Deer fly
- Doodle-bug
- Dragonfly
- Dung beetle
- Fifteen-spotted ladybug
- Fire ant
- Firefly
- Green June beetle (Junebug)
- Japanese beetle
- Katydid
- Leafhoppers
- Luna moth
- Mayfly
- Nine-spotted ladybug

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- Praying mantis
- Scarab beetles
- Scorpion
- Spittlebug
- Stinkbug
- Striped blister beetle
- Striped cucumber beetle
- Tiger swallowtail butterfly
- Tomato hornworm
- Velvet ant
- Walking stick
- Waspie
- Zebra swallowtail butterfly

***Mammals***

- Beaver
- Bobcat
- Coyote
- Eastern chipmunk
- Eastern cottontail rabbit
- Eastern mole
- Eastern wood rat
- Evening bat
- Goldus Yappus Canis Stinkus
- Gray squirrel
- House mouse
- Muskrat
- Nine-banded Armadillo
- Raccoon
- Red fox
- Southeastern shrew
- Southern flying squirrel
- Virginia Opossum
- Vole
- White tailed deer

***Reptiles and Amphibians***

- American toad
- Anole (American chameleon)
- Bullfrog
- Chorus frog
- Common snapping turtle
- Common water snake
- Copperhead
- Coppermouth rattle moccasin
- Corn snake
- Cottonmouth
- Cricket frog
- Eastern box turtle
- Eastern fence swift
- Eastern newt
- Five-lined skink
- Garter snake
- Green snake
- Green tree frog
- King snake
- Leopard frog
- Mud turtle
- Painted turtle
- Rat snake
- Ring-necked snake
- Slider turtle
- Slimy salamander
- Soft-shelled turtle
- Spotted salamander

## About the Authors



John and Ginny Randolph are both retired, John from the law firm of Sirote & Permutt, P.C., and Ginny from teaching and administration in the School of Health Related Professions at UAB. Their love affair with Hollybrook Lake goes back over thirty years.

*Photo by Brenda M. Church*