

Member of local Native American tribe, disabled Veterans join forces to defeat HOA

JANUARY 28, 2026



Lawsuit over Ancestral Lands Exposes Fake HOA

Two hours from Shreveport lies over 8,000 acres of contested land between the Sulphur and Red Rivers. After nearly five years of fighting, a member of the Natchitoches-based Adai Caddo Indian Nation and over 20 property owners won a decisive court victory against Shawnee Creek Land Owners Association (SCLOA), a Garland, Texas corporation that illegally operated as a homeowners association, collecting dues, filing liens, and threatening foreclosure on properties in Red River County.

After a two-year legal battle, the 6th Appellate District of Texas Court of Appeals ruled SCLOA is not a valid HOA, cannot levy assessments or file liens, and all its filings are void. The case is CV05438 in the 102nd Judicial District Court of Red River County.

The Victory

“From the very beginning, we all knew the SCLOA HOA was fake,” said Robert Brevelle, a tribal councilman, award-winning entrepreneur, historian, and chairman of the

Louisiana Genealogical and Historical Society. Brevelle previously served as battalion commander of the 3rd Battalion, 19th Military Police Brigade, which oversaw protection of Native American sites in Northeast Texas, including Red River County. “Many of us have owned our property for decades, and there has never been an HOA. SCLOA bullied property owners, threatened to auction our property, trespassed, damaged property, and denied access by installing gates. I could not help but think of the similarities to what my Indian ancestors experienced as their lands were taken. 200 years later, another group of strangers are once again attempting to steal the very same land. But this time, the Indians were prepared.”

The Land and Its History

The land was once part of the Caddo Confederacy, an alliance of Indian Nations who historically inhabited much of what is now Texas, Louisiana, Arkansas, and Oklahoma. Brevelle is a lineal descendant of Jean Baptiste Brevelle, a Parisian-born Marine stationed at the first European settlement in Northeast Texas (Le Poste des Cadodaquious, 1719) who became the licensed Indian Trader and married Anne des Cadeaux, a Native American woman.

“This land means everything to me,” said Brevelle, the largest landowner in the area. “My ancestors are the indigenous peoples of this land. They were here for over 10,000 years before Columbus set sail. I hold legal title to this land, pay the taxes, protect my ancestors’ remains, and ensure environmental and wildlife conservation for generations to come. No matter the cost, I was not going to let SCLOA steal or desecrate these lands.”

The Scheme

SCLOA, operating from a residential home at 2638 Princewood Drive in Garland, Texas —not a commercial office—claimed to be an HOA since 2001 but did not attempt to form as one until 2021, twenty years later and only after plaintiffs threatened legal action. The corporation:

- Collected over \$43,000 annually from more than 100 property owners through false assessments and threats of foreclosure
- Filed liens against senior citizens, disabled veterans, minorities, and even deceased individuals
- Continued operations after the Texas Secretary of State forfeited its right to conduct business
- Filed false covenants and bylaws decades after the subdivision was established
- Required vehicle stickers and placards for property owners to access their own land, with board members acting as unauthorized law enforcement
- Charged \$4,000 permits to harvest timber despite 95% of properties having agricultural exemptions

- Used fraudulent “affirmative voting” with only 15% quorum, counting non-responses as “Yes” votes
- Paid board members \$15 per hour despite claiming volunteer status in official filings
- Owns zero property, roads, or common areas in Red River County

The Victims

Gary Qualls, a disabled Native American veteran, senior citizen, and patriarch of a Gold Star Family who has been repeatedly featured on C-Span News, filed his own lawsuit against SCLOA in 2019 (CV04435 in the 6th Judicial District Court): “Bryan DeLeon and Debbie Cleckley illegally filed 5 liens on my property. To add insult to injury, SCLOA filed liens in the name of my deceased parents, who passed away over 11 years ago. They trespassed, damaged my property, extorted money, and threatened to physically hurt me. I am a longtime resident and retired veteran, and I expect the district attorney to do their job and prosecute those who break the laws of our country.”

Danny and Amanda Kelley, retired disabled veterans who sold their Killeen home for their forever retirement property: “Two weeks from closing, Debbie Cleckley threatened to stop our closing by filing a lien. Even after SCLOA was paid, she took over 4 months to release it. This delay caused our mortgage interest rate to nearly double. Every month, we pay more because of SCLOA. Since then, we have been shot at, had our property destroyed, and received threatening letters. We provided videos to the sheriff. No charges have been filed. Even after we won the lawsuit, SCLOA board member Harald Koch assaulted me with his tractor while trespassing and destroying my private property.”

Francisco Sanchez, a Hispanic senior citizen: “I have owned this land for nearly 30 years. A SCLOA board member and his son threatened to beat me up and throw me in the river because I would not give them money. I reported what happened to the sheriff, but no one was arrested. Bryan DeLeon filed a lien on my property in 2022, and Debbie Cleckley filed another one in 2024. They have tried to force me to move and take everything I have worked for.”

What’s Next

Despite the civil court victory, property owners are calling for criminal prosecution. “SCLOA preyed upon the most vulnerable in our communities,” said Randall Potcinske, a property owner who was harassed and invoiced by SCLOA even before he purchased his property. “We neighbors banded together, and we have done our part. We exposed the crime. We paid for our own attorney and won the civil suit. The district attorney needs to prosecute those responsible for criminal activity. This is the biggest real estate scam in the history of the county.”

Property owners filed dozens of police reports alleging trespassing, property damage, harassment, and threats of bodily harm. Despite video evidence, no arrests have been made. SCLOA defendants include directors and officers Bryan DeLeon of Grapevine, Matthew Cairns of Arlington, Scott Davis of Plano, Debrah "Debbie" Cleckley of Garland, James Gabbard of Flower Mound, Sandra Borre of Azle, Michael Jensen of Parker, Anita Muncy and Daniele Loke of North Richland Hills, Diane Fontaine of Welasco, and Harald Koch and Paul Zigler of Avery.



Robert Brevelle, plaintiff against SCLOA



Gary Quails, plaintiff against SCLOA

SCLOA Timeline: Five Years of Illegal Operations

Date	Event
2001	SCLOA claims to have been operating as an HOA since this date (later proven false)
2019	Gary Qualls files lawsuit CV04435 in 6th Judicial District Court against SCLOA for illegal liens and harassment
2020-2021	<p>SCLOA escalates illegal activities:</p> <ul style="list-style-type: none"> • Installs gates blocking property owners from their own land • Trespasses on private property • Damages property and reroutes waterways • Files false liens against disabled veterans, senior citizens, and minorities • Threatens foreclosure and property auctions • Collects \$43,000+ annually in fraudulent assessments
2021	ONLY AFTER threat of legal action, SCLOA attempts to register as HOA with IRS for first time (20 years after claiming to be an HOA)
2021-2023	<p>Robert Brevelle and 20+ property owners file lawsuit CV05438 in 102nd Judicial District Court of Red River County</p> <p>Texas Secretary of State repeatedly cites SCLOA for non-compliance</p> <p>Secretary of State forfeits SCLOA's right to transact business in Texas</p> <p>SCLOA continues illegal operations in violation of state law</p> <p>Property owners file dozens of police reports documenting crimes</p>
2023	<p>MAJOR VICTORY:</p> <p>6th Appellate District of Texas Court of Appeals denies SCLOA petition (No. 06-23-00058-CV)</p> <p>Court Rules:</p> <ul style="list-style-type: none"> • SCLOA is NOT a valid HOA • SCLOA has NO right to levy assessments or file liens • All SCLOA assessments, bylaws, and restrictive covenants are VOID • All liens filed by SCLOA are void and of no force or effect
Post-2023	<p>Despite court ruling, SCLOA board members continue criminal activities:</p> <ul style="list-style-type: none"> • Harold Koch assaults Danny Kelley with tractor while trespassing • Continued property damage and harassment • Veterans shot at on their own property <p>Property owners await criminal prosecution by Red River County District Attorney</p>

Key Facts:

- Over 100 property owners victimized

- \$43,000+ collected annually through fraud
- SCLOA never registered as nonprofit with IRS despite claims
- SCLOA not listed as tax-exempt corporation on IRS website
- Board members paid \$15/hour despite claiming volunteer status
- SCLOA owns ZERO property in Red River County
- SCLOA filed liens against deceased individuals
- Victims include disabled veterans, senior citizens, Native Americans, and minorities
- Dozens of police reports filed; no arrests made despite video evidence

SCLOA Directors and Officers Named in Lawsuit:

Bryan DeLeon (Grapevine), Matthew Cairns (Arlington), Scott Davis (Plano), Debrah 'Debbie' Cleckley (Garland), James Gabbard (Flower Mound), Sandra Borre (Azle), Michael Jensen (Parker), Anita Muncy (North Richland Hills), Daniele Loke (North Richland Hills), Diane Fontaine (Welasco), Harald Koch (Avery), Paul Zigler (Avery)

CAUSE NO. CV05438

ROBERT BREVELLE, ET AL

Plaintiffs,

v.

**SHAWNEE CREEK LAND OWNERS
ASSOCIATION, ET AL**

Defendants.

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IN THE DISTRICT COURT OF

RED RIVER COUNTY, TEXAS

102 JUDICIAL DISTRICT

ORDER

On this date, came on for consideration, Plaintiffs’ Partial No-Evidence and Traditional Motion for Summary Judgment, and having considered same, together with Defendant’s Objections, Motion to Strike, and Response to Plaintiffs’ Partial No-Evidence and Traditional Motion for Summary Judgment, Defendant’s First Amended Objections, Motion to Strike, and Response to Plaintiffs’ Partial No-Evidence and Traditional Motion for Summary Judgment, Plaintiffs’ Reply in Support of their Partial No-Evidence and Traditional Motion for Summary Judgment and Defendant’s Supplemental Brief in Opposition to Plaintiffs’ Partial No-Evidence and Traditional Motion for Summary Judgment, as well as the arguments of the parties at the hearing on the motion, the Court finds as follows:

1. Plaintiffs filed suit against Defendant, Shawnee Creek Land Owners Association (hereinafter “Defendant” or “SCLOA”) seeking a Declaratory Judgment, asserting breach of restrictive covenants, violations of Texas Civil Practice & Remedies Code § 12.002,

violations of the Texas Debt Collection Act and trespass and asserting derivative liability under the doctrines of agency and respondeat superior.¹

2. Plaintiffs have now filed a no evidence and a traditional motion for summary judgment as to Defendant's affirmative defenses of res judicata and collateral estoppel and traditional summary judgment as to their Declaratory Judgment action declaring SCLOA to be invalid.

3. Texas Rule of Civil Procedure 166(a)(i) provides:

No-Evidence Motion. After adequate time for discovery, a party without presenting summary judgment evidence may move for summary judgment on the ground that there is no evidence of one or more essential elements of a claim or defense on which an adverse party would have the burden of proof at trial. The motion must state the elements as to which there is no evidence. The court must grant the motion unless the respondent produces summary judgment evidence raising a genuine issue of material fact.

4. The Court finds there has been an adequate time for discovery for the Court to consider the No-Evidence Motion for Summary Judgment.

5. Plaintiffs seek no-evidence summary judgment on Defendant's affirmative defense of res judicata, asserting Defendant has no evidence as to any of the three elements of res judicata:

"(1) a prior final judgment on the merits by a court of competent jurisdiction; (2) identity of parties or those in privity with them; (3) a second action based on the same claims that were raised or could have been raised in the first action." *Pinebrook Props., Ltd. v. Brookhaven Lake Prop. Owners Ass'n*, 77 S.W.3d 487, 495-96 (Tex. App. – Texarkana 2002)(citing *Amstadt v. Unites States Brass Corp.*, 919 S.W.2d 644, 652 (Tex. 1996)).

6. The Court finds Defendant has failed to produce evidence to support the element of identity of the parties or those in privity with them.² Further, Defendant has failed to produce

¹ Not all Plaintiffs asserted each cause of action.

² In support of its res judicata affirmative defense, Defendant relies on an Agreed Declaratory Judgment entered in Cause No. CV04435 by the 6th Judicial District Court of Red River County, Texas, wherein Gary Qualls was the Plaintiff, hereinafter referenced as "the First Action."

evidence of privity between Gary Qualls, the Plaintiff in the First Action, and the Plaintiffs in this case³. Therefore, the Court GRANTS Plaintiffs' no-evidence motion for summary judgment as to Defendant's affirmative defense of res judicata.

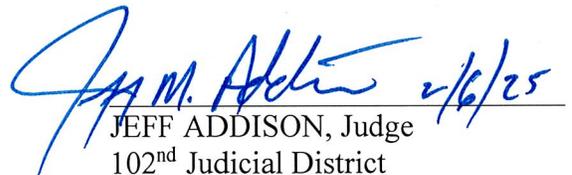
7. To prevail on the affirmative defense of collateral estoppel, a defendant must prove: (1) the facts sought to be litigated in the second action were fully and finally litigated in the first action; (2) the facts were essential to the judgment in the first action; and (3) the party against whom collateral estoppel is sought was a party in the first action. *Eagle Prop., Ltd. v. Scharbauer*, 807 S.W.2d 714, 721 (Tex. 1990); *Houtex Ready Mix Concrete & Materials v. Eagle Const. & Envtl. Servs., L.P.*, 226 S.W.3d 514, 519 (Tex. App.- Houston 2006).
8. For the same reason the Court found Defendant failed to present evidence of lack of identity of the parties with respect to res adjudicata, the Court finds Defendant failed to present evidence the party against whom collateral estoppel is sought was a party to the first action. Therefore, the Court grants Plaintiff's Motion for Summary Judgment as to Defendant's affirmative defense of collateral estoppel.
9. In a traditional motion for summary judgment, the movant has the burden showing there is no genuine issue of material fact, and it is entitled to judgment as a matter of law. *Nixon v. Mr. Prop. Mgmt. Co.*, 690 S.W.2d 546, 548-49 (Tex. 1985); *Ritchey v. Pinnell*, 357 S.W.3d 410, 411 (Tex. App. – Texarkana 2012, no pet.). Once the movant establishes it is entitled to summary judgment, the burden shifts to the non-movant to show why summary judgment should not be granted. *Casso v. Brand*, 776 S.W.2d 551, 556 (Tex. 1989). In reviewing a summary judgment, a court should accept all the non-movant's proof as true

³ Because Defendant's failure to present evidence in support of the identity of parties element of the affirmative defense, which is sufficient to entitle Plaintiffs to summary judgment on this issue, the Court need not consider whether Defendant presented evidence of the remaining elements.

and indulge every reasonable inference in the non-movant's favor. *Sci. Spectrum, Inc. v. Martinez*, 941 S.W.2d 910, 911 (Tex. 1997). All doubts about the existence of a genuine issue of a material fact must be resolved against the movant. *Johnson County Sheriff's Posse, Inc. v. Endsley*, 926 S.W.2d 284, 285 (Tex. 1996).

10. Because the Court's order granting Plaintiff's No-Evidence Motion for Summary Judgment with respect to Defendant's affirmative defenses of res judicata and collateral estoppel is dispositive of Defendant's affirmative defenses, it finds the traditional motion for summary judgment on the affirmative defenses to be moot.
11. With respect to Plaintiff's declaratory judgment action, the Court finds Plaintiffs have established they are entitled to summary judgment. Plaintiffs met their burden of establishing they are entitled to summary judgment, and Defendant failed to present evidence to raise a genuine issue of material fact. Therefore, the Court GRANTS Plaintiffs' summary judgment on its Declaratory Judgment and finds judgment will be entered as follows:
 - A. Plaintiffs did not purchase their properties subject to SCLOA or any other HOA;
 - B. The only restrictive covenants burdening Plaintiffs' properties are the original restrictive covenants contained in Plaintiffs' vesting deeds;
 - C. SCLOA did not obtain unanimous consent of the owners of Shawnee Creek for its creation and, therefore, it did not create any enforceable restrictions against the Owners of Shawnee Creek;
 - D. The October 23, 2020 Agreed Judgment in *Gary W. Qualls v. Shawnee Creek Landowners Association*, Cause No. CV04435 is only enforceable against the parties to the lawsuit and has no bearing on other property owners in Shawnee Creek;

- E. SCLOA is not a valid HOA;
 - F. SCLOA is not a mandatory HOA for Shawnee Creek;
 - G. SCLOA does not have the right to levy any assessments, file covenants or by-laws, or file liens on properties in Shawnee Creek;
 - H. SCLOA's assessments, by-laws and restrictive covenants are void as to all Shawnee Creek properties; and
 - I. The liens filed by SCLOA on the Plaintiffs' properties are void and of no force and effect.
12. All claims for attorney's fees are DENIED.


JEFF ADDISON, Judge
102nd Judicial District
Red River County, Texas