

***Sea Pines Homeowners Association  
Newsletter***

August 28, 2007

Dear Neighbors,

The FMB met on August 25th. Most of the Board attended and many other owners also not only appeared but contributed to the proceeding.

**Financials.** The association's budget appears to be \$32,000 above the amount projected at the outset of this fiscal year. This situation was attributed to legal expenses. The FMB must rectify this situation soon. This solution is contingent to some extent on the outcome of the ongoing study of our reserve accounts. We expect a draft report for the next meeting.

**Grounds and Maintenance Committee/Bluff Committee.** The budget for replacing trees has been exhausted for the year. Bluff pruning is finished for the year. Please note that the most recent work by Sav-A-Tree during the week of the 20<sup>th</sup> was to prune the additional areas that the Conservation Commission allowed in the now-current Order of Conditions. However, this cutting had not been anticipated in the current budget for bluff pruning. The cost for this additional work for this time period is being paid directly by a small subset of owners, not by the association.

**Pool Committee.** Larry Bernhardt and Eileen Riccardi presented the results of their analysis and redesign of the architect's rendering for the area surrounding the pool. Budget and safety issues led them to recommend changes that netted a significantly lower cost (\$10,000), a figure under the budgeted amount. The major change was in the use of a product called Inca Pavers to be substituted for stamped concrete. The committee recommended deferral of the purchase of new pool furniture until next year; \$5,000 remains from this year's budget and it will be used for the purchase of deck furniture; the Board accepted this recommendation.

This committee, along with Craig McGowan of Mercantile, will meet with the contractors on Wednesday August 29<sup>th</sup> to communicate the changes and confirm the budget proposal. The Board authorized our President, Dave Sullivan, to sign the contract as discussed and approved at Saturday's meeting. This amount is for \$108,200. Taveras Land Design and Wetland Services will supervise Whitten Landscaping in the construction of the renovations. Larry Bernhardt of Sea Pines will verify that contractor expenditures satisfy the budget constraints. With timely approval of a contract, the contractors expect to complete the renovations this Autumn.

**Clubhouse Committee.** The recent Art Show and related cocktail party were highly successful. The show netted \$800. This figure will be placed toward purchase of an exercise machine which will further the objective of upgrading the exercise room. And the cocktail party attracted sixty attendees where twenty is the normal number.

We are sad to report that one of Phyllis Huller's paintings was removed from the clubhouse during the show, such removal occurring without "approval."

**Insurance Committee.** As reported in the last newsletter, John Phelan and Mercantile will mail changes and reminders regarding homeowners' insurance. One item of substantial import for many of us is that the association's insurance does not extend to any changes that affect square footage of a unit since said unit was first constructed. The list will be mailed to owners in September.

**By-Laws Committee.** The FMB devoted considerable time to a matter in which a tenant and related guests exhibited unruly behavior, to say the least. Near-by owners were subjected to screaming with loud, abusive and foul language destroying the hereto-for tranquil days and nights. Parking rules and etiquette were ignored. Police visited the unit. The owner of the unit was notified on multiple occasions about these behaviors. The Board holds that ignorance of the by-laws and related rules and regulations is not a defense for failure to exercise responsibility.<sup>1</sup>

Our attorney has advised us that the by-laws are sufficient if we develop an appropriate enforcement mechanism, namely a schedule of fines. The FMB at the September meeting will address the matter of approving a written schedule of fines and then enforcing them such that the fines apply to all owners found to be in violation of the By-Laws and Rules and Regulations.

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<sup>1</sup> By-laws, Article VIII, Section 1, paragraph 2 states:

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All leases shall comply with the provisions of Article VII, Section 11. All prospective lessees and tenants shall acknowledge in advance, in writing to the Board of Managers, that they have read, and understand, and agree to comply with the provisions of the Master Deed, By-Laws and Rules and Regulations of the Condominium. No lease, rental or occupancy agreement, oral or written, shall be valid, and no lessee or tenant shall be permitted to move into the leased or rented Unit unless and until such lessee or tenant has complied with the provisions of the preceding sentence.

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By-laws, Article XIV, Section 2, points 4 and 6 state:

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4. All leases/rentals require FMB notification in advance. The forms for notification to rent/lease are available from the Managing Agent.
6. It is the Unit Owner's responsibility to ensure that the Common Area Rules and Regulations of Sea Pines Condominiums as well as the Rules and Regulations concerning the Units of Sea Pines Condo 1 become part of the rental/lease agreement and their guests, tenants or friends are aware of them and abide by them. Due to the importance of these rental rules in preserving the Common Elements of the Condominium Association as noted in the By-Laws, the Board of Managers may fine Unit Owners who violate them. Also, Unit Owners should be cautioned that their tenants, guests or friends may be denied the use of Sea Pines amenities for serious and/or repeated violations.

**Legal Matters.** No changes were reported.

**Tennis Committee.** Chairman Lloyd McDonald reported that the black-colored repairs to the courts would be repainted as soon as weather permitted. [Note: the repairs have been completed at this time.]

**Mailboxes.** All owners are being asked as of now to check their mailboxes. The postal delivery personnel have changed recently and many items have been placed in wrong mail boxes. Many of us do not check our boxes because we do not expect delivery in Brewster. However, many bills were incorrectly delivered and may be residing in boxes that are not checked regularly. A simple check may save a home owner considerable anguish. Please notify the Brewster post office if you experience incorrectly delivered mail. Thank you.

For the FMB,

Jim Dalton