

[Date]

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND FIRST-CLASS MAIL**

[Name]

[Mailing Address]

[Address of Unit]

Re: NOTICE OF PROPOSED ACTION – GRANT OF LIMITED COMMON AREA
UNIT __, SEA PINES CONDOMINIUM #__

Dear [Name]:

We, the **Board of Managers of the Sea Pines Condominium __ Association** (hereinafter referred to as “the Board”), the governing body of the organization of unit owners of the Sea Pines Condominium _____ (the “Condominium”), are sending this notice to you pursuant to the provisions of Section 5(b)(2)(ii) of the Massachusetts Condominium Statute (Mass. General Laws Chap. 183A) in connection with a proposed grant of limited common area to the owner(s) of Unit __ at the Condominium. You are hereby notified that the Board has agreed to grant limited common area, described in the attached proposed **Grant of Limited Common Area** to _____, as the owner(s) of Unit __, (the “Unit Owner”) for the installation of photovoltaic solar panels (“PSPs”) in the common areas depicted on the plans attached to the proposed grant (the “Grant”).

Before the Board and Unit Owner can execute and record the Grant, however, Gen. Laws Chap. 183A, § 5(b)(2)(ii) requires that the consent of:

- The owners and first mortgagees of all units shown on the recorded condominium plans as immediately adjoining (i.e. next to or touching at some point or along a line) the common area in which the PSP’s and related equipment are to be installed;
- The owners of any unit the access to which will be directly and substantially impeded by the common area in which the PSP’s and related equipment are to be installed or by the proposed PSP’s and related equipment themselves;
- The first mortgagees of any such unit to which access will be directly and substantially impeded, provided that such mortgagee has given notice of its desire to be notified of the granting or designation of limited common areas by the Board; and

- at least fifty-one (51%) percent of the number of all mortgagees holding first mortgages on units within the Condominium who have, pursuant to G.L. c. 183A, § 4(5), given notice to the Board and their mortgagor unit owner of their desire to be notified of the granting or designation of limited common areas by the Board.

After reviewing the proposed Grant, condominium documents, and recorded condominium plans, the Board is of the opinion that your consent is or may be required under G.L. c. 183A, § 5(b)(2)(ii).

Please review the proposed Grant and the Consent form attached to this Notice. Please provide a signed **Consent form**, indicating either your assent or objection to the Grant, to the address below within sixty (60) days of the date of mailing of this notice. If you do not respond within such 60 days, you will be deemed to have consented, as provided in G.L. c. 183A, § 5(b)(2). Further, please note that under G.L. c. 183A, § 5 (b)(2), mortgagee consent to the Grant cannot be withheld unless the interests of the mortgagee would be “materially impaired” by the Grant.

Thank you for your prompt attention to this matter.

Consent forms must be personally delivered, mailed by prepaid First Class or certified mail, or sent by overnight courier to:

Sea Pines Managing Agent
Mercantile Property Management
(or then current managing agent)
18 Waterhouse Rd.
Buzzards Bay, MA 02532.

It is the responsibility of responding unit owner and mortgagees to ensure that the Consent form is received by the Board’s agent within the time provided.

Very truly yours,

Board of Managers of the Sea Pines Condominium _ Association

Enclosures: Proposed Grant of Limited Common Area; Consent form