


SOUTH CAPE
Homeowners Association Inc.

South Cape Beach Estates
SCHA, P.O. Box 468, Mashpee, MA 02649

Fall 2016 Newsletter

On the Legal front, a number of things have happened:

- 1) The law suit against the association by a property owner, who claims no obligation to share in the expense of maintaining the common properties by paying dues, was defeated and the property owner was required by the court to pay all legal expenses. The fees amounted to 8 times what this property owed.

- 2) For the second time, at an annual meeting, members voted to drop the word “civic” from our association name and insert the word “Homeowners”. Thus changing the name of our nonprofit association from South Cape Civic Association to South Cape Homeowners Association. This confirms the purpose of the corporation “to hold title to real estate...and manage it for the benefit of all lot owners.” It also helps us get rid of the reputation that a “civic” organization is some kind of social organization. This is a name change only, as the corporation’s duties and responsibilities remain unchanged. The Secretary of the Commonwealth, in charge of corporations, has approved our name change. We have included decals with the new name for the paying members of the Association.

- 3) At the July 16, 2016 meeting the members voted overwhelmingly to legally pursue those properties that have not paid their dues. Legal action is being prepared, which will require those properties, or their legal representatives, to go to court and mount a defense as to why they have not paid. Case law now supports homeowners associations’ dues for multiple reasons. Among them are: Title biased, common Scheme, Contract implied in fact, Private nature of Community, Equitable Servitude, Knowledge of Association, Unjust enrichment, etc.

Other ongoing items include:

- 4) New, matching entrance signs are currently being designed and hope to be installed along with new landscaping prior to the start of next season.
- 5) New signs to slow traffic have been delivered and will be installed shortly.
- 6) New motion activated, solar powered dock lighting for both docks is being ordered.

- 7) We are looking into a Road Maintenance Plan that will include a yearly budgeted line item for drain cleaning, crack sealing, line painting and pot hole repairs.
- 8) The pot hole on Wills Work/Manitoba Road has been patched.
- 9) We have drafted a master plan for the common areas and it will initially focus on the Metacomet Beach area. The plan includes the following: elimination of long term parking, addition of bike and kayak racks (see enclosed letter), new placement of the volleyball and bocce courts further away from the beach, and the addition of playground equipment and lawn games (Horseshoe, Corn Hole and Spike Ball) in the newly created space. We will also replace the tops of the tables and benches in the picnic areas with long lasting, non-splintering composite boards to match the recently added benches. Once the final plan is drawn, we will approach the Conservation Department to determine what can be done without a lengthy legal process. We will also work with them to remove non-native, evasive species along the beach area.
- 10) Many of our roads are again on the "Do Not Plow List", including Neshobe, Nehoiden, Manitoba, Wamesit, Samoset and Whipporwill. We will work with our landscaper to correct the issue.
- 11) With the recent passing of Jerry Umina (RIP), the Board is looking to find a new member; please let us know if you are interested.
- 12) Dog owners, please remember to be respectful of your neighbors and pick up after your dog.

