

Comfort, Davies & Smith, P.S.

L A W Y E R S

Brian T. Comfort
Steven W. Davies
Michael B. Smith

November 15, 2010

Re: *Seaview Terrace and Seaview Terrace First Addition*

Dear _____:

I understand there is an issue regarding who has the right to enforce the covenants. I reviewed the covenants for Seaview Terrace, and also the subsequent covenants that were recorded covering Seaview Terrace First Addition. I am now told that some other properties also have certain rights to use a beach and a dock within the development. I have not reviewed whatever that written agreement allowing these other properties to have access to the beach and the dock, but my opinion is unless there is something within that written documentation giving these adjacent owners the right to enforce the view covenants then they do not have the right to enforce the covenants.

My opinion is only those lots covered by the specific covenants governing those lots, are the burdened and benefitted the properties. The courts do take a more liberal attitude now in enforcing covenants, so I suppose some argument could be made at least between the original development and the first addition the covenants should be enforceable among all the lots within the original development and first addition. The argument would be it had the same developer, and that based on what are essentially identical view restriction covenants there was an intent that someone within the first addition could enforce the covenants against someone in the original development. I think that argument though is a stretch and not likely to succeed.

Let me know if you have any other questions.

Very truly yours,

COMFORT, DAVIES & SMITH, P.S.



Brian T. Comfort

BTC:kg

[btc\Seaview\Borg.ltr]