



WHITE CLIFFS COUNTRY CLUB

To: White Cliffs Community Association Unit Owners
From: WCCA Board of Governors
Subject: Cliff Project Update
Date: July 9, 2007

At the Board of Governors' (BOG) June 28, 2007 meeting, several owners in the Community requested that the Board seek in court a Declaratory Judgment to determine if the construction of the proposed and permitted third groin should be considered "maintenance/repair to an existing improvement" or a "new improvement". If the court were to rule it to be a new improvement, then a two-thirds majority vote of the owners (as stated in Article XVI, Section 5 of the By-Laws) would be required for construction to proceed.

Based on this request, the BOG has asked our legal counsel, Henry Goodman, to explore the feasibility of this request and how it could impact our ability to execute contracts currently under review, as well as our ability to complete the project within the timeframe stipulated in the approved Orders of Conditions and associated permits.

WCCA's counsel has advised the Board that in order to seek a Declaratory Judgment and have it heard as soon as possible, the Board should file the required formal complaint in the Boston Land Court, rather than the Plymouth County Superior Court. In addition, if the counsels for both sides act in a cooperative spirit, with a sense of urgency, with the sole intent of getting a judgment on this specific issue, we may be able to get a hearing and judgment reasonably quickly.

In the interest of minimizing community divisiveness emanating from this project, the BOG has decided to move forward with obtaining this Declaratory Judgment. The Board anticipates that the required formal Complaint will be filed with the Boston Land Court the week of July 9th.

- If the Court rules that the construction of the groin has been correctly classified as "maintenance/repair", the project will continue as planned.
- If the Court rules that the construction of the groin is a "new improvement", the BOG will seek the required two-thirds vote of the owners.

WCCA, Inc. d/b/a WCCC
One East Cliff Drive, Plymouth, MA 02360 (508) 888-8700

In the meantime, the BOG will continue to secure the required financing for this project assuming it will be approved.

As a reminder, if you plan to exercise the one-time payment option, please return your payment of \$1,976.00 by the July 31, 2007 deadline. All owners not utilizing this payment option will be billed on a 36 month program commencing with the July 2007 statement (the one you receive approximately August 10th).

If the Court rules that the construction of the groin is a "new improvement", and the subsequent vote of owners does not achieve the required two-thirds favorable majority vote, all funds paid under the one-time payment option or the 36 month payment option will be promptly returned to owners who have made payments.

This project has recently become a very emotional and stressful situation for all of us. The BOG has and will continue to work within the framework of the WCCA Declaration and By-Laws to do whatever is necessary to make the correct decision. Our goal is and has always been to make the correct decision, not necessarily to make the most popular decision. We ask all owners to put the well-being of WCCA above their own personal interests. The BOG strives to maintain, for all owners, a lifestyle that we all have come to enjoy and will continue to listen to all owners and members regarding the concerns of our Community.

**WHITE CLIFFS COMMUNITY ASSOCIATION, INC.
BOARD OF GOVERNORS**

Alan Isherwood, President	Joseph Piperato, Clerk	Ted Widmayer, Treasurer
Ruth Lenehan	Mary Ann Horan	Emil Boudreau
	Peter Lekouses	