

May 8, 2018

Joe Kerrigan
Head Trustee, Clifton Park Trust
By email

Dear Joe,

In the most recent Trustee email/ regularly mailed letter to the lot owners and the Club Members, you have misrepresented your Trust given “regulatory authority” as allowing you to unilaterally grant permissive use of the Beach to non-lot owners. As you must be fully aware, the Trust only grants you authority to make rules for use of the Beach by the lot owners. Not more. Further, there is no wording in the Trust that allows you to unilaterally grant permissive use rights to anyone. Please promptly retract and correct that claim if you cannot find the wording to support it in the Trust.

Further, that Trustee email appears to be intended to frighten your beneficiaries by presenting only a partial and misleading description of the financial consequences which possible Trustee actions would have on lot owner assessments. If there were fewer Beach users, the expenses would drop and the impact would not be as you implied.

Accordingly, please send a letter to all beneficiaries publicly correcting your false claim of Trust derived authority to grant permissive use to non-lot owners unless you can clearly demonstrate where in the Trust that is granted to you. While doing so, please also provide your beneficiaries a fulsome portrayal of possible assessment consequences that includes the fact that the overall cost of Beach maintenance would be reduced if there were less Beach use.

Respectfully,

Arthur Dueck MD, Paul Bjorn DO, Nancy Binder, and William R. Keller, Captain, USN (Ret.)

The Plaintiffs