

**OWNERS AT PELICAN COVE PLEASE PERMIT US TO BUILD THE WALL TO SELL OUR HOUSE**

(An Open letter)

To the Owners at Pelican Cove,  
Cole Bay, Sint Maarten,

Lesmo, Italy, April 16, 2018

Dear Owners at Pelican Cove,

On behalf of my parents, Luigi and Silvana Cighetti, I hereby would like to ask your attention for the following very urgent matter: the sale of our home by you at Pelican Cove, which sale has been aborted by its sudden annulment by the Buyer, as, according to him, no wall can be erected to protect the privacy of those using the swimming pool of our property.

As you may know, right now, there are five lawyers involved with this matter: one on behalf of your Pelican Cove Home Owners Association, one for us, one for the buyer, one for the real estate agent and one for our neighbor. And, as you know, papers already have been prepared and submitted to Court for cases which may take a year or more to bring this issue to an end.

From a strict legal point of view the case is an utmost interesting one, with at its center the question which, out of two rights, has preference over the other: the right of view, which is the position of our neighbor and your Association and, on the other hand, the right of privacy which is the position of Sint Maarten laws and of the policy of the Government, according to which position the VROMI Department has issued a permit to us to build the wall. Your association, however, requires us to get its permission to build the wall, which it-and the neighbor- denies to give us.

Meanwhile our situation is getting everyday more and more dire with my mother having had to be flown to Italy for very serious special medical treatment and my father on Sint Maarten struggling with, among others a broken pipe in the house, of which the location still, after a couple of days, despite breaking open most of the floor, has not yet been found.

You know that as one of the longest owners at Pelican Cove, we lived the house and love it very much but that selling it has become such an urgent necessity that we have no choice than to start building the wall and with that run the risk of being stopped by the court for going against the will of your association and/or neighbor. We therefore hereby ask you to permit us to build that wall as otherwise we may not be able to sell our house.

As further arguments to build said wall (which arguments we, obviously also will present to the Court, if so necessary, which we don't hope, depending on your reaction), we would like to mention ao. to you:

- despite the fact that it was Hurricane Luis who had destroyed the then existing wall by our house, instead of my father then rebuilding the wall, he was the first to use his own money and energy to personally help repair the tremendous damage caused by Luis to other properties at Pelican Cove;
  - my father has also had built, at his own costs the pier from our house to the sea and after that continuously done the necessary repairs to it, which since has been enjoyed by all the owners here. I don't think that any other owner has put so much of his energy, love and own money in the resort.
  - all the houses at the Resort have swimming pools and privacy walls while no one has ever asked (let alone received) permission from the Association to build their walls;
  - even the other- side- neighbor of our neighbor who now is suing us has built a new wall around his swimming pool and on his extended property without asking the association's permission to do that.
- We therefore hereby respectfully ask your individual permission, co- owners at Pelican Cove, to permit us to build this wall in order for us to be able to sell our house.

Sincerely, Thomas Cighetti on behalf of his parents Luigi and Silvana.