

The MBPH board would like to share an inquiry about our pier lease program we received from a local realtor along with an attorney's opinion on her inquiry.

From: Chris Sweeney <chriss@patsrealty.com>
To: "maplebeachassoc@yahoo.com" <maplebeachassoc@yahoo.com>
Sent: Friday, June 30, 2023 at 12:27:19 PM CDT
Subject: Piers/Schmeling Park

Hi:

It has come to my attention about some changes being made to the pier spots at Schmeling Park.

I would like to give my perspective as a local realtor regarding the recent changes you are making with the piers at this park.

I think the way you are allowing the transfer of piers to a "new owner" after a sale/purchase just seems unfair to other owners in Maple Beach who want a chance to acquire one.

I am worried if all owners in Maple Beach do not have a fair shot at getting a pier spot because all spots are already accounted for, one would wonder if that will affect property values in Maple Beach.

Rock River Leisure Estates has a very fair way of handling their pier situation. I would look at their rules and contact them. There is a waiting list for piers and a pier space does not run with the property. If an owner sells their RRLE, the pier space goes to the next person on the list, not to the new owner.

As a realtor trying to sell property in Maple Beach, I do not feel there is a way to transfer the "pier space" with a sale.

Thank you.

--

Christine Sweeney
Pat's Realty, Inc.
608-295-3593-cell
608-884-4311-work
chriss@patsrealty.com

From: **Andrew Frank** <andy@franklaw.us>
Date: Mon, Aug 28, 2023 at 6:11 PM
Subject: Maple Beach Property Holders, Inc.
To: Eric Richardson <i90rick@gmail.com>

Rick,

I have reviewed the lease for the pier slots at Maple Beach and discussed the matter with you and attorney Buck Sweeney. There seems to be an issue whether there are enough slots to go around so that everyone who so desires can get one. There is also an issue whether a lease holder has the right to renew the lease essentially forever.

My opinion is no one has an absolute right to have a lease. The lease agreement itself states it can be renewed for one year at the option of the majority of all lot owners of in the subdivision. This wording implies that there will be a meeting of the members to decided when or if a lease will be renewed. If there is a shortage of leases available for all who properly request one, the board should establish an equitable method of allocating them. I recommend a list be maintained so those who requested, but do not get, a slip be first in line for the following season.

My understanding is the pier slips front on common ground in which all property owners within the association have an equal interest. That being the case no one owner shall have rights greater than the another within the common area. This situation is analogous to common area designations within a condominium development. The Wisconsin Statute is clear that condominium common areas are equally owned by all.

Andrew H. Frank

101 NORTH PARKER DRIVE – SUITE 240
JANESVILLE, WISCONSIN 53545
(608) 756-5541
(608) 756-2173 (FAX)
andy@franklaw.us