



THOMPSON LAW GROUP

A PROFESSIONAL LIMITED LIABILITY COMPANY

November 14, 2017

VIA HAND DELIVERY

Indian River Farms Owner's Association
Attn: Board Members

Re: Surface Water Drainage Retention Pond

Dear Board Members:

Please be advised that this firm has been retained by several owners of lots within the Indian River Farms Owner's Association (the Association). It is my understanding that the Board of Directors of the Association intend to hire landscaping contractors to enter upon the lots of Association members who's lots are subject to a certain Drainage and Impoundment Easement granted to the City of Virginia Beach for the maintenance of a certain surface water drainage retention pond.

Pursuant to Section 4.1 of Article IV of the Declaration of Covenants, Restrictions, Reservations and Easements of Indian River Farms (the Declarations), the Association has the authority to maintain, manage, operate and control, for the benefit of the Members, various improvements found within the "Common Area" of the Association.

Pursuant to Section 1.7 of Article I of the Declarations a "Common Area" is defined as, *inter alia*, all of the real estate specifically designated as "Common Area" on recorded plats of the Properties, in Exhibit C to the Declaration and any amendments thereto.

The retention pond is not set forth as a Common Area on any of the governing documents of the Association. Therefore, the Association has no authority or control over it. Moreover, the dedicated easements of record clearly grant the City of Virginia Beach, not the Association, a right to access and maintain the retention pond.

Therefore, please except this correspondence as express notice that any attempt by the Association to enter upon the lots of my clients shall be deemed a trespass and violation of the Association's authority under the aforesaid Declarations, Bylaws, Rules and Regulations.

Furthermore, the Association is hereby demanded to cease and desist with any plans to directly, or indirectly, enter upon the properties of my clients in an effort to access or maintain the subject retention pond or its embankment.

Finally, should the Association fail or refuse to comply, this firm has been directed to file suit against the Association in the Virginia Beach Circuit Court for injunctive relief, including recovery of attorney fees and costs as provided for the Association's governing documents.

Feel free to contact me should you have any questions or concerns.

Sincerely,

Brett Thompson

cc: Mr. Don Darcy
Mr. Jimmy Parra
Mr. Jon Clarke
Ms. Sharolyn Rancour