

RULES AND REGULATIONS -- CLUB PROPERTY

PRIVATE PROPERTY POLICY

WHEREAS the Dedication and Restrictions for Cape George Colony Club ("the Club") provide that "The entire area embraced in this plat shall be considered and treated as private property and at no time shall be open to the public."; and

WHEREAS Article II, Section 3 of the Articles of Incorporation authorizes the Board of Trustees to "make rules, regulations, interpretations, decisions and enforce decisions and determinations pertaining to covenants and restrictions..." ("CC&R's"); and

WHEREAS the CC&R's, by not expressly prohibiting certain practices, have thereby preserved to all Members key incidents of ownership of private property including: (1) the right of a Member to hold out for rent and to rent his or her property or home; and (2) the right of a Member to, without restriction, invite guests ("licensees") or persons performing labor or services ("invitees") to his or her own property at any time; and

WHEREAS the historical pattern and practice of use within the Club concerning the preservation of the privacy of the community has been to maintain posted No Trespassing and Private Community signs at Club entrances and other locations forbidding entrance to trespassers; and

WHEREAS the historical pattern and practice of use within the community has been to allow unrestricted, untracked ingress and egress (no locked gates, no posted security entrance) to persons who were licensees or invitees of Members (including friends and family, delivery people, garage sale attendees, potential buyers of property viewing homes for sale, housekeepers, roofers, yard care and materials deliverymen, etc.) and to require, for identification purposes, the use of permanent car decals for Members and car passes for use by nonmembers when parking in common areas. Established exceptions to these practices have included the gating at night of the marina road and the gating of the boat ramp; and

WHEREAS the Board of Trustees, having consulted with the Club's attorney of record, Richard Shaneyfelt, concerning the uses of Club private property and the desirability of articulating a Policy to clarify and perpetuate the current long established practices and uses;

THEREFORE, in light of the foregoing, the Board of Trustees does hereby establish the following Private Property Policy:

1. A Member has the right to host invitees and licensees at his or her own property.
2. A Member in good standing has a right to equal access to the Club's common property subject to the rules of use regulating such property.
3. A Member in good standing has a right to host invitees and licensees at the Club's common property subject to the rules of use regulating such property.
4. Trespassers are members of the public who are neither licensees nor invitees of a Member, agent or employee of the Club. Trespassers shall be excluded from Club property.

Approved by the Board of Trustees at the Regular Board Meeting of 13 March 2003.

Reaffirmed by The Board of Trustees at the Meeting held: April 16, 2009

William A. Stull, President

Richard Poole, Secretary