



## BREAKWATER ESTATES Homeowners Association

# NEWS

May 2023

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### Board of Directors

- **President: MJ Melah**
- **Vice President: Bill Bonn**
- **Secretary: Brian Eichenlaub**

### Members at Large

- **Lana Warfield**
- **Joanne McShalley**
- **Nancy Hewish**
- **Jeff Trigilio**

Board of Directors email address:  
[bwehoabod@gmail.com](mailto:bwehoabod@gmail.com)

### Board Vacancies Filled

The Board is happy to announce that we have two new Board Members, Nancy Hewish and Jeff Trigilio. Recently Karen McGavin and Lisa McFate retired from the Board creating the two openings. Karen has been on the Board for many many years and it won't be the same without her. Lisa has only been on the Board a short time but made a big impact. We are grateful to both for their volunteering. If you see them in the community please stop and thank them.

### Email Authorization

Recently the BWE Board mailed an Email Authorization form to the community. The State of Delaware mandates that the Annual Meeting packet, which contains several documents, be sent by regular mail, which is quite expensive. The State, however, has changed that mandate and now allows us to do this annual mailing by email instead, but only if the resident authorizes us to do this.

We already email many communications to the community, as you know, but this particular authorization concerns primarily the State-mandated annual meeting documents, the heavy packet we send out once a year. We therefore need your special authorization.

Stamps are \$0.63 each. Without your signature to authorize email mailing for the annual packet, we can incur several hundred dollars expense both in postage and in printing.

We have 92 residents, and to date we have received only 35 signed authorizations.

We will send out the authorization form once more as a reminder and we urge you to sign it.

If you already have a copy of it, please send it back as soon as possible.

# Short Term Rentals Committee

As you know, some residents have brought to the Board concerns over rental properties in Breakwater. As a result, the Board formed a Short Term Rentals Committee (STR) to hear the concerns and research the issue. Ten homeowners agreed to participate on the Committee, presenting a wide variety of opinions and experience, but we need to hear more from our community at large. At this time, there are several homes in Breakwater that are currently involved in rentals, but we have no record of exactly how many. We know of two houses that are used by companies to house their employees. All current residents and any homeowners that currently rent their properties could be "grandfathered" into any proposed changes.

The Breakwater covenants contain very little language in reference to rentals. Several neighborhoods in Rehoboth and Lewes, who have seen increasing numbers of rental properties, have added amendments to their by-laws restricting rentals by varying degrees. Some of those amendments include:

1. requiring minimum rental terms (annual, quarterly, monthly, weekly, etc.)
2. allowing only a certain percentage of the homes in the neighborhood to be available as rentals
3. disallowing institutional buyers from purchasing a home in the neighborhood strictly for rental purposes
4. disallowing rentals for a minimum of 2 years after the house is purchased
5. disallowing homes to be used 100% for rental, without the owners ever living in the house
6. requiring homeowners to register with the Board if they are going to offer their property for rental
7. requiring fenced yards for rental homes that will allow pets

A **Survey**, which will help guide the committee in its deliberations, will be sent to you. Please answer as many questions as possible. If you are uncomfortable with any of the questions, simply skip and move on to the next, but please return something. This is your opportunity to share your position and opinion with the Committee. Please know that the Committee is trying to get a better understanding of how many properties are currently renting and how you feel about rentals in Breakwater. Your feedback will help determine whether or not any amendments will be proposed to our covenants.



## Real Estate Activity Summary

Prepared by Lana Warfield, *(who is a board member and resident of the community since 2000.)*

I am a licensed Realtor in Delaware and have worked for Berkshire Hathaway PenFed Realty for over 20 years. Well, officially it is Spring and warmer temps are now approaching, finally.

Let me begin with what is going on in our corridor of **Munchy Branch** in two words ... not much. In the last 90 days since I prepared our first qtr. newsletter article, there has only been one bit of activity in homes similar to ours in Breakwater.

There is only one home for sale, a new modular home **TruVale Acres**. It is a 3Br, 2 Bath, 1430 Sq. Ft. listed at \$484,000. The lots over there, if you don't know, are substantially smaller than ours. This lot measures 60'x120' which is .16 of an acre.

### LAND IN OUR CORRIDOR--

There is one lot for sale and it is located in Shady Ridge for \$275,000. It is partially in the wetland area and again is much smaller than our lots and this lot is a triangular shape.

### McKINNEYS GROVE--

McKinneys Grove is almost sold out. Since February, 2 homes have sold and another went under contract. Sold prices were \$729,450 and \$791,350. The home under contract was listed for \$823,805. Five homes are still for sale and they are listed between \$728,000 and \$813,000. Remember, too, their status as Condos and they will have monthly fees of \$279.

### FRAUD ALERT--

Recently, I attended a Continuing Ed class on Fraud. It was conducted by a Delaware attorney and throughout the 3-hour class, she spoke to us about the fraud and attempts to fraud, that are going on right here in Sussex County. Vacant land is especially vulnerable because if you own a lot somewhere, you don't necessarily drive by it frequently. Other At Risk properties include Second Homes, Investment Properties, Estate Sales and Vacant Properties. These properties are being offered for sale on For Sale by Owner websites, Zillow and also through Real Estate brokerages.

The fraudster lists a property for sale as if it is their property, they have all of the info they need to appear to be the actual owner including what looks like a valid Drivers License and if the process doesn't get caught ahead of time, the fraudster collects money from an unsuspecting Buyer and the actual Owner. Because of these activities, our Recorder of Deeds office has developed a form that all property owners can access online. The form is a one page document and will at least let you know if anyone has changed the owners name and contact info. Unfortunately, it is a notice if there has been activity on your property.

Owners can access it on the following address: <https://sussexcountyde.gov/deed-fraud-alert>. If you have other questions you may call the Recorder of Deeds office at 302-855-7785.

In addition to illegal property transfers, the attorney also cautioned us about wire transfers of money. Through email the fraudster changes something in the wiring instructions used that would divert the funds from where they were intended, like a Settlement Attorney's account for a Purchase and settlement to the fraudsters account. Once the funds land in the account they are immediately moved to another untraceable account, most likely not in the U.S. I am sorry to end our article on such a down note however it is best to be aware of what is going on and be vigilant in all of your transactions to avoid this happening to you or your family and friends.

Wishing you all a Happy Spring and Summer. Enjoy!

## **FUN Committee**

### **Community Yard Sale**

On Saturday, May 20th we'll be having a Community Yard Sale from 8 am - 1 pm. Fieldwood is having one the same day, so hopefully traffic will be brisk. Do a little spring cleaning in your garages, sheds, closets and drawers. Your "trash" could become someone else's treasure. It's amazing what people are looking for and are willing to buy. Lighten your load and make some money at the same time. We'll advertise and promote, and you just buy and sell. Set up in your driveway and let the customers come to you. If you have nothing to sell, walk around and check out what your neighbors are selling.

### **Summer Kick-Off Party**

The same Saturday afternoon, we'll have a Summer Kick-Off Party to ring in the 2023 season. We'll block off a portion of the street in front of 5,6,7 Light Ship at 4:30 pm, set up some tables and crank the tunes. Please plan to stop by and reconnect with old neighbors and meet some new ones. This is totally a pot luck event, so please bring something to share, as well as your beverages. If you have any tables or chairs you'd like to loan to the party, just let us know and we'll come pick up and return afterward.

There are so many fun things going on this summer in and around Rehoboth. Check out one of the free concerts at the Rehoboth Bandstand every Friday, Saturday and Sunday starting Memorial Day Weekend (<https://www.rehobothbandstand.com/events/>). Lewes also offers free concerts at the Canalfront Park on Tuesday evenings starting June 6th (<https://www.ci.lewes.de.us/220/Summer-Concert-Series>).

### **The Breakwater Lending Library**

...will be open for business Memorial Day Weekend and will be located near the mailboxes. Feel free to borrow a book or donate some to the library. It's a great way to sample new topics and authors and the best part is that it's FREE!

The new beautifully designed **Breakwater Estates Facebook Page** is now up and running. It's a closed group, open to residents only. The purpose of the page is to help foster a sense of community and belonging in Breakwater. It will be a great place to share recommendations of local service people (plumbers, electricians, lawn services, etc); restaurant reviews; recipes; happy events like births, birthdays and anniversaries; and more. If you've lost your pet - post; dropped your sunglasses while out for a walk - post; need a babysitter - post; want to compliment someone's beautiful garden - post. Our Facebook group will be a site for positivity, not for addressing community issues. It is not connected to the Homeowners Association, so matters relating to the HOA should be addressed to [bwehoabod@gmail.com](mailto:bwehoabod@gmail.com) or <https://www.infohoa.com>. This will be a private page open to residents only. The page will allow for more immediate sharing of info, rather than having to wait for the quarterly community newsletter. This will be a positive and uplifting page with strict guidelines about acceptable posts and comments.

To join the group, please go to <https://www.facebook.com/groups/breakwaterestatesrehobothbeach/>. You'll be asked to verify that you are a resident by answering two questions. Once verified, the group administrator will admit you to the group - usually within 24 hours. Anything you post will be reviewed by the admin before it appears on the page. The reason for the review is just to make sure that nothing unintentional accidentally ends up on our nice, happy little neighborhood page. We hope that our Breakwater group helps to further connect our neighbors with each other. If you have any difficulties joining, please email Joanne at [jmcshalley@msn.com](mailto:jmcshalley@msn.com).

We're excited about bringing a whole new level of fun and sense of community to our little slice of paradise here in Breakwater. If you'd like to join the Fun Committee or have any suggestions or comments, please forward them to Joanne McShalley at [jmcshalley@comcast.net](mailto:jmcshalley@comcast.net)

## Neighborhood News

### • **Dead Trees at the Munchy Branch Entrance**

Many residents have inquired about the several dead trees at the main entrance. The board has discussed the trees at great length. Before taking any action, however, we have been waiting for the county and state to come through with the final design for the long-promised bike trail that may impact that entrance area. Meanwhile, Brian Eichenlaub of the Board did further research and discovered that the state has finally decided to put the bike trail on the other side of Munchy Branch Rd., unless there is widespread disapproval. Brian said that there will be a public hearing regarding the bike trail at Cape H.S. June 20th, from 4pm to 6pm. All are encouraged to attend.

### • **Stop Sign at Lighthouse and Beacon**

A concerned resident has let the Board know that there is a potentially dangerous intersection at Lighthouse and Beacon. Therefore the Board has contacted a contractor that will install a new stop sign at that corner. Especially with summer coming, for everyone's safety, please follow the 18 mph speed limit and come to a full stop at all stop signs.

### • **House Numbers**

Please make sure your house numbers are clearly visible from the street. This is also a safety issue, especially if fire companies or police are called to your home. GPS isn't always accurate.

## Upcoming Recycle Dates:

Recycle Day! on May 22, 2023  
Recycle Day! on June 5, 2023  
Recycle Day! on June 19, 2023  
Recycle Day! on July 3, 2023  
Recycle Day! on July 17, 2023

## Treasurer Report

Breakwater Estates annual dues are now \$520.00. This breaks down to \$130.00 per quarter. You have the option to pay quarterly or annually. We have a very tight budget and we rely on everyone to pay their dues on time. If you have questions concerning your dues, please call our HPS manager Hector Justiniani at 302-227-7878, or you can check your HOA account on the HPS portal at [www.infohoa.com](http://www.infohoa.com)

## Covenants and Need to Impose Fines

As mentioned previously, the Board has found it necessary to enforce penalties regarding violations to rules and regulations set forth in the Covenants. As a result of complaints from several owners, we have unfortunately had to fine a very small number of residents regarding trash, debris, machinery, lawn equipment and unregistered vehicles placed or parked in the yard in front of their homes, visible from the street. These violations are defined in the Covenants.

According to regulations, fines are doubled if the violations are not corrected within a reasonable amount of time. If the fines continue to accumulate and are not paid, the HOA is forced to attach a lien to the property (along with attorney's fees), which the Board tries very hard not to do.



## Important Covenant Items & Amendments

- The board of directors is authorized to establish fines for covenant violations.
- Exterior satellite dishes must be placed in the least visible location from the street.
- Cars must be parked in the driveway, not on the lawn.
- Campers may not be stored in an open area but rather in a garage or shed.
- Fence height and composition are specifically defined by the Covenants and must be approved by the Board.
- Lawn tractors should be stored in a shed or garage or to the rear of the house, not visible from the street.
- Gas and oil tanks must be concealed with shrubbery or a wooden enclosure.
- Owners must clean up after pets, and all pets must be kept on a leash in the common areas.
- Extensive repairing or overhauling of cars on property is not permitted.
- Vehicles may not be parked on the berm.
- Residents must get Board approval for all exterior construction, including outbuildings, decks, fences and color schemes for buildings.
- Driveways must be paved, or covered with brick, stone, or shell.
- The number of tenants allowed for each property must not exceed twice the number of bedrooms.
- Trash Cans - If you do not live here full-time, please make arrangements with your neighbor(s) to pull your trash can from the street after pick up. The reasons are two-fold: Our restrictive covenants do not allow for trash cans to be left out more than 24 hours, and it advertises that you are not home, which can be an invitation to burglars. If you see a trash can left out after pick-up, please be a kind neighbor and put it back. It is little kindnesses like this that make BWE such a great neighborhood!
- Speed limit - We all need to remind one another to heed the 18 mph speed limit.
- Bulletins -The current newsletter is posted on the bulletin board by the mailboxes.
- If you wish to post an announcement, such as a garage sale or lost pet, please notify one of the board members, or email the board directly at [bwehoabod@gmail.com](mailto:bwehoabod@gmail.com)
- Part-time residents - Remember it is a good idea to have a neighbor keep an eye on things for you when you are away.
- Landlords - If you are renting out your home, please remember you are responsible for what your renters do. Please make sure your tenant receives and accepts the community HOA documents, before or when the lease is signed. If your home is vacant, please inform either HPS or the board in order to keep an eye out for any unwanted activity.

## Happy Summer Everyone!!!

