

December 30, 2023

Litigation against the Apes Hill Club Homeowners Association Inc ("HOA"), Apes Hill (Barbados) Inc f/n/a Plantation Sanctuary Inc ("PSI") and PSI appointed Directors (collectively "Defendants")

Dear Fellow Members of the HOA:

On behalf of the Apes Hill Benevolent Society, Inc. I wish you a Happy New Year.

As you know, PSI has never produced a constating document authorizing it to appoint the Directors of the HOA, refuses to allow the Garden Wall Villa Association, Inc ("Garden Wall") to function and fulfill its obligations to owners of villas in Garden Wall, causes the HOA to maintain Common Property that long ago should have been conveyed by PSI to the HOA and Garden Wall, and, as far as we know, does not to pay dues to the HOA or Garden Wall. The Defendants do not answer our questions, the last of which are set forth at the bottom of this email.

I wish I could report that the litigation against the Defendants can be settled but alas that does not seem possible because PSI is apparently unwilling, unless so ordered by the High Court:

(1) to allow the HOA to be operated by Directors who are elected by the Members of HOA and not appointed and controlled by PSI.

(2) to rescind the Rules of the HOA that were enacted by the PSI appointed Directors that require all Members of the HOA to be dues paying members of the Apes Hill Club, a private club owned by PSI, and do allow Members of the HOA to terminate their membership in the Apes Hill Club without incurring continuing liabilities to the Apes Hill Club.

(3) to provide the records of Garden Wall, including the Garden Wall membership list, so that it can be operated by Directors elected by the Members of Garden Wall or, in the alternative, allow Garden Wall to be dissolved provided such dissolution is approved by the Members of Garden Wall and PSI transfers to each Member of Garden Wall, free of charge, sufficient land so that there is no further need for Garden Wall to exist.

(4) to convey the Common Property in the Apes Hill Development to the HOA and Garden Wall free of liens and encumbrances.

(5) to pay dues to the HOA and Garden Wall.

Yours faithfully,
Paul Lamb
President, Apes Hill Benevolent Society, Inc.

For your further information here are questions I submitted in advance of the Annual Meeting of the HOA held on 29 September 2023 that have never been answered by the HOA, PSI or the PSI appointed Directors.

(1) Who is in possession of the books and records of the Garden Wall and why has Garden Wall ceased to maintain the Common Property and the exterior of villas in Garden Wall or otherwise function since PSI purchased all the properties of Apes Hill Development SRL (“Developer”) at Apes Hill on 3 February 2020 and took control of the HOA and Garden Wall?

(2) Who is now responsible for and is maintaining the Common Property and the exteriors of villas in Garden Wall?

(3) How many buildable lots, developed or undeveloped, are now located in Garden Wall, that are owned, controlled, or leased by PSI, and what are their respective lot numbers?

(4) Do the same covenants and restrictions running with the lands in Garden Wall affect all the buildable lots, developed or undeveloped, in Garden Wall?

(5) Who is responsible for maintaining Security and the Common Property in the Apes Hill Community and how much of the costs thereof was paid in 2022 and in the first 8 months of 2023 by each of the HOA and PSI?

(6) What are the obligations of the Developer to the HOA that were not assumed by PSI in the so-called Assignment of Developer’s Rights made on behalf of the Developer to PSI dated 3 February 2020 and how are such obligations evidenced?

(7) Since the last Annual Meeting of the HOA in May 2023, what has been done by the HOA and PSI to improve the Security and the Maintenance of the Common Property in the Apes Hill Community and when and where was each such improvement made?

(8) What is the total amount of accounts receivable, past due and owing more than 120 days, shown on the balance sheet of the HOA for periods ending 31 December 2020, 31 December 2021, 31 December 2022, and 31 August 2023 (each a “Measuring Period”) and how many of those past due accounts receivable, by date and amount, have been secured, written off or collected in each Measuring Period?

(9) Since 3 February 2020, what is the total amount of dues that has been paid by PSI to the HOA during each Measuring Period?

(10) Since 3 February 2020, how many additional buildable lots have been added to the Apes Hill Community by PSI, who is the owner of each such additional building lot, and what is the location and lot number of each of these lots?

(11) When will PSI determine what Common Property, if any, will be conveyed to the HOA and Garden Wall, for what consideration, if any, and when will each such conveyance be made?

(12) When will PSI publish a map showing the golf course and related facilities, constructed or to be constructed; the Common Property; and all buildable lots developed or to be developed in the Apes Hill Community?