


Briarbrook Village

21 DAVIS ROAD • ACTON, MA 01720 • (978) 263-8866

17 April 2003

The Arbors Condominium Association
Board of Trustees
c/o Mr. Sam V. Nablo
16 Quail Run
Acton, MA 01720

Gentlemen:

This is in response to the recent letter from Sam Nablo to the Briarbrook Village Condominium Association Board of Governors concerning Parcel F and the possibility that the Parcel might be conveyed to the Town to facilitate the acceptance of part of Davis Road. The Briarbrook Village Board met on Tuesday evening, April 15th, and discussed the matter then. I called Mr. Nablo yesterday to relate the substance of that discussion and Mr. Nablo asked me to provide a letter concerning this matter.

To begin with, the Briarbrook Board does not know specifically what action would be required to authorize a conveyance of the Parcel. We have read the letter from Steven Graham, Esq., dated December 5, 2000, to Charlie Perkins, Esq., which discusses some aspects of how a conveyance might be arranged under the condominium statute. However, the letter does not specifically address some very practical issues. Would a vote of the Briarbrook Board be sufficient to authorize a conveyance of common area of the Association? An experience we had years ago in an unrelated matter has left us with the understanding that a Board vote would not be enough. If approval of the owners is required, is a majority vote sufficient? Would some supermajority vote be necessary? Would a special meeting of the owners be required?

These questions and others bring up the next issue, which is that the Briarbrook Board is not inclined to incur legal expenses to better understand these issues. Like all condominium associations, Briarbrook Village faces many financial challenges, especially this year after the harsh winter we have just had. The part of Davis Road that serves Briarbrook Village was accepted by the Town long ago. The acceptance of the part of Davis Road that serves The Arbors and Bellows Farm does not directly concern Briarbrook Village and so it seems inappropriate for Briarbrook to incur legal expenses relating to the matter.

If Briarbrook were to agree to convey Parcel F, we would be concerned about the maintenance and repair of the sewer line that runs under Davis Road from Briarbrook Village to the wastewater treatment plant. It seems likely that an easement for the sewer line could be arranged, but that is another legal issue that would have to be addressed.

In addition to the foregoing concerns, several of the Briarbrook Board members asked whether any compensation would be given for the Parcel. One Board member stated that he would be hard pressed to explain to other owners the conveyance of a part of the Association's common area if there were no consideration for the property.

I believe this letter accurately describes the discussion the Briarbrook Board had on Tuesday night. If you have further questions or need other information, please let me know.

Sincerely,



Richard A. Bruce
Property Manager

cc: Briarbrook Village Board of Governors

**Arbors Condominium Association
Board of Trustees
Acton, MA.**

16 Quail Run,
Acton, MA. 01720
March 26, 2003.

Briarbrook Village Association Inc.,
C/o The Board of Governors,
21 Davis Road,
Acton, MA. 01720

Att'n. Richard Bruce.

Dear Richard,

It has been our goal, both at the Arbors as well as at Bellows Farm, to have Davis Road accepted by the Town of Acton. After discussions with the town engineer, Dave Abbt, it is clear that a major obstruction to acceptance is that portion of the road which was apparently conveyed, inadvertently, to Briarbrook.

At the request of the Town, Steve Graham of Graham and Harsip, had proposed a method for conveyance of the title for the so-called 'Parcel F', which would incur minimal expense. This was also sent to Charles A. Perkins, Jr.

For the obvious reasons of public safety and property liability, for all who live along Davis Road, our Board requests that Briarbrook Village take action to convey the property in question to the town of Acton as soon as possible.

We would appreciate being informed of your action on this matter so that the request for Davis Road acceptance can come before the Acton Town Meeting in a timely manner.

Yours sincerely,


Sam V. Nablo
Trustee

c.c. Arbors Cond. Assoc. Board (Jack, Gluck, Scanlon, Halm)
Bellows Farm Condominium (c/o Mark H. Burak)