

August 20, 2018

VERY IMPORTANT! Please Promptly Read and Take Immediate Action

Immediate action is needed by ALL Beachside Villas (BSV) owners to help preserve the continued beach access and use we have all enjoyed over the years, since the inception of BSV. It is urgent that you please carefully read the following information and complete and promptly return the enclosed affidavit by September 8, 2018 to help protect and continue with our open beach use and access. We apologize for the short notice but this needed action has only just come to our attention.

First, it is most important to understand that BSV does NOT have "Deeded Access" to the beach. BSV does not own any beachfront property. The access we have customarily used since BSV was built is "Public Access", owned and maintained by the county and made available for anyone's public use. This public access is only 66 feet wide and stretches from the end of the boardwalk to the Gulf waters. The beachfront property directly to the left is privately owned by the Sugar Dunes condos and the property directly to the right is now privately owned by a developer who has started construction of a few homes on the adjoining property.

Second, the State of Florida has recently enacted controversial legislation that became effective as of July 1, 2018 and it has had the unintended consequence of severely impacting customary beach use in Walton County in particular, where BSV is located. This legislation basically pits the rights of private owners of beachfront property against the customary use and access of all other people wishing to enjoy Walton County's beaches, as has customarily been done for decades.

To keep this as brief and simple as possible, in the new legislation the Florida state legislature said that Walton County cannot make a determination of "customary use" on its own. The new legislation requires that only a judge could make such a determination. Accordingly, Walton County's long existing "Customary Use" regulations were voided once this new state wide legislation became effective on July 1. Now, instead of the traditional customary use of virtually the entire beach area by anyone, private owners can currently exclude everyone from using the beachfront property they claim to own, down to the mean high water or "wet sand" line. Beach goers are still entitled to walk the beaches for as far as desired but only in the space of the wet sand area. The new law states, as it applies to BSV, that your personal umbrellas, chairs, tents, canopies and etc. cannot be set up anywhere on what is now considered private property if an owner objects. Only the 66 foot wide public access area may be used.

Finally, the good news is that the new law is written so that once Customary Use has again been legally re-established, by a judge, through a legal hearing, the use of virtually the entire beachfront area (but not the dunes) by anyone becomes permissible and legal again, just as has been the case in the past. THIS is where the help of ALL BSV owners, guest's and anyone else you might know who has used the beaches in our area long term is badly and promptly needed. The enclosed affidavit is simply your personal testimony that you have customarily used and witnessed the use of the dry sand areas of the beaches in our area on a long term basis for recreational use (sunbathing, sand castle building, playing games and etc.). To establish the necessary long term customary use, the most effective affidavits submitted will be from those who have used the beaches in our area who include statements in the affidavit of long term use (preferably 10 or more years).

The BSV HOA urges you to please immediately complete the enclosed affidavit, HAVE IT NOTORIZED, and promptly mail the completed affidavit to: **Walton County Attorney Sidney Noyes, 161 Sloss Avenue, DeFuniak Springs, Florida 32433**. Thousands of affidavits are needed to insure that our beach access is not so badly limited. Please help protect the value of our BSV development and your individual condos by promptly mailing your affidavit, to be received by no later than September 8, 2018.

Please see the enclosed documentation for additional information.

Thank you in advance for your participation in this critical matter.

The Directors of the BSV HOA