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This topic has 3 replies, 1 voice, and was last updated 5 months, 3 weeks ago by  [Paul Prescott](#).

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	June 24, 2020 at 2:13 pm <span style="float: right;">#1373</span>
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Paul

Prescott

*Moderator*

(216.158.234.4)

The BIB HOA Board has previously raised the issue of removing the solar panels from the roof of the Garden Share shed in the upper milpa. These panels provide the solar power to the Tree Tops house on Lot #40 and are owned by Looey Tremblay. When we asked Looey what arrangements were made regarding the placement of his private solar panels on community grounds, he provided us with the contract attached below. It is worth noting that at the time this contract was signed, Looey was both the developer and the HOA.

The Board then sent this contract to our attorneys for their opinion on its validity. Our attorney's response, also attached below, is unequivocal in that the agreement is merely a permission to allow the solar panels to reside on the Garden Share shed, and that the Board can vote to have this permission revoked at any time.

At the next meeting, the Board will likely vote on whether to revoke this permission. The reasons for wanting these solar panels removed are as follows:

- 1) Safety. The wiring running from the solar panels to Tree Tops is exposed, and the lines are not buried deep enough and are also exposed in places. Therefore, extra care must be taken when grading the roads. Looey has offered to repair these issues, however, given that he has not properly maintained his system in the past we are leary that he would be able to maintain his system in the future.

2) Future Solar Power. We would eventually like to install our own solar power system at the Garden Share shed. Among the benefits would be to provide power for:

- A) Lighting for the room where the first aid kit is kept.
- B) An electrical water pump for rapid transfer of water from the Rotoplas for fire fighting.
- C) Security cameras at the tool storage bodega and along the roads.
- D) The community's air compressor, which is currently stored at the Bean Bale house which doesn't have a strong enough solar power system to power the compressor.

3) To facilitate water collection at the Garden Share shed for use in the garden and for fire fighting. The existing solar panels extend past the edge of the roof, precluding the use of gutters for water collection. Looey has offered to pay for adding gutters, however, the current positioning of the solar panels would make that difficult. Also, given the current amount of outstanding debts owed by Looey to the HOA, it is questionable whether the Board would ever see that money.

June 24, 2020 at 2:14 pm

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*Contact provided by Looey Tremblay*

Paul  
Prescott  
Moderator

(216.158.234.4)

**Contract**

**Between**

BETTER IN BELIZE HOME OWNERS' ASSOCIATION

And


Better In Belize Ltd.

October 27, 2014

We are granting permission for the owners of lot 40, currently being Better In Belize Ltd. to run a solar line across the road at their own expense and to mount their solar panels on the existing HOA building in the Milpa to provide solar for lot 40 and lot 41. Comments were received from the membership. After discussion of the Matter the Meeting unanimously agreed and it was RESOLVED that the owners of lot 40 and lot 41 would be allowed to run a solar line across the road at their own expense and to mount their solar panels on the existing HOA building in the Milpa to provide solar to both properties.

  
\_\_\_\_\_  
Authorized Signing Officer per:  
Better In Belize Ltd.

October 27, 2014  
Dated

  
\_\_\_\_\_  
Authorized Signing Officer per:  
BETTER IN BELIZE HOME OWNERS' ASSOCIATION

October 27, 2014  
Dated

\_\_\_\_\_  
Witness

June 24, 2020 at 2:15 pm

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*Opinion by BIB HOA attorney*



Paul  
Prescott

Moderator

(216.158.234.4)

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**BIB Property Owners Association, Inc. re Lot Owner Solar Panels on  
Community Garden Shed**

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**Yolanda Centeno** <yolanda@lawbelize.bz>

Mon, Jun 22, 8:58 AM

To: Ryan Wrobel, Attorney-at-Law <ryan@lawbelize.bz>

Cc: BIB POA Board <bibhoaboard@gmail.com>, Real Property

<realproperty@lawbelize.bz>, Law Belize Accounting <accounting@lawbelize.bz>

Good Morning Kathie,

We have reviewed both the contract and relevant laws regarding the subject matter of the contract you forwarded for review.

The document operates more as a letter of permission or license, and minutes of an HOA meeting than it does as a contract since there is no consideration provided by Better in Belize Ltd. for the granting of the right to place the solar panels on the HOA building and solar lines across the two mentioned lots. It is our opinion that the same steps set out in the letter for voting to have the solar panels placed should be used in having them removed along with a notification in writing of a reasonable time frame for removal of panels (this is especially so where there is no other immediate source of power to Better in Belize Ltd). If your Articles do not require a unanimous vote of the members then you are free to vote in accordance with the requirements of your Articles and to require the removal of the panels.

Easement: The granting of permission to run the solar lines across the land and solar panels in our opinion did not create title in Better in Belize Ltd. of an easement right or privilege over land unless it was recorded at the appropriate lands registry on title to the property or it was continuous and undisturbed for 30 years(12years for registered land).

Please do let us know if you have further questions.

Kind Regards,

**Yolanda A. Centeno, J.D., C.L.E., J.P.**

Attorney-at-Law

Wrobel & Co., Attorneys-at-Law

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July 5, 2020 at 4:35 pm

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*In accordance with the unanimous vote by the BIB POA  
Board at the July 5, 2020 Board Meeting, the following email*



Paul

Prescott

*Moderator*

*was sent to Looey Tremblay.*

Removal of Solar Panels from Garden Share Shed

Sun, Jul 5, 4:27 PM

From: BIB POA Board <bibhoaboard@gmail.com>

(104.218.54.51) To: Looey Tremblay <looey@looey.com>

Dear Looey

After consultation with our attorney regarding the above, they have advised that the document you provided operates more as a letter of permission or license, than it does as a contract since there is no consideration provided by Better in Belize Ltd. for the granting of the right to place the solar panels on the HOA building. The board hereby provides you notice that this permission has been revoked and that your solar panels on the Garden Share shed must be removed by Monday, July 20, 2020.

Should these panels not be removed by July 20, 2020, the solar panels will be removed by the BIB Property Owners Association, Inc. (BIB POA) and neither the BIB POA, nor anyone else involved in the removal of the solar panels will be held responsible for any damage(s) incurred. You will then be billed for this cost of removal.

In addition, should the brackets be removed with the solar panels, the metal roofing where the brackets are/were located must be replaced with “NEW” metal panels as caulking the holes is unacceptable. All conduit pertaining to the panels must also be removed.

Your cooperation is appreciated and please acknowledge receipt of this email.

HOA POA Board  
on behalf of the  
BIB Property Owners Association, Inc.

Author	Posts
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Reply To: Update Regarding The Solar Panels On The Garden Share Shed

Visual Te



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Notify me of follow-up replies via email

Subr



Email

bibhoaboard@gmail.com



Address



# 10.5 Hydro Road, Benque Viejo del Carmen, Cayo Belize CA

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