

Sea Pines Museum and Forest Preserve Foundation Beach Trust Property Policy

The preservation of the dunes and the beachfront areas located within the Beach/Dunes system existing in Sea Pines Plantation is crucial to the continued preservation of real property values and to maintain Sea Pines as a premier residential resort community. This property is known as the Beach Trust Property and is owned by Sea Pines Museum and Forest Preserve Foundation (the "Foundation"). The Trustees of the Foundation (the "Trustees") have determined that the creation and enforcement of a policy to govern the use and access to the Beach Trust Property (the "Policy") is necessary for protection and preservation of the Beach Trust Property.

As defined in the applicable covenants and restrictions governing Sea Pines Plantation (the "Covenants"), Beach Trust Property is the land located between the seaward property line of any oceanfront residential lot in Sea Pines Plantation and the mean high water mark of the Atlantic Ocean or Calibogue Sound. As required by the Covenants, the Beach Trust Property shall remain in an undeveloped, natural condition free from homes, structures, other trespasses and encroachments. Notwithstanding the existence of the Covenants, damage and destruction to the Beach Trust Property has occurred.

The Covenants provide that no activity may occur within the Beach Trust Property without the consent of Sea Pines Company. That responsibility for the Beach Trust Property was assigned to Community Services Associates, Inc. ("CSA") as part of the finalization of the bankruptcy of the Hilton Head Holdings Company. Settlement of the Property Research Holdings v. CSA lawsuit in 1999 resulted in the transfer of ownership of the Beach Trust Property to the Foundation.

The Office of Ocean and Coastal Resource Management ("OCRM") part of the South Carolina Department of Health and Environmental Control, also has jurisdiction over activities and development within the Beach Trust Property and the Trustees have relied upon the guidance of OCRM in adopting this policy.

The Trustees have adopted and hereby establish the following policy relative to the Beach Trust Property:

Entry upon the Beach Trust Property

1. Damage to the beach or dune vegetation within the Beach Trust Property is prohibited unless approved in advance in writing by the Foundation or its authorized agent.
2. Cutting, trimming, pruning or removal of vegetation within the Beach Trust Property is prohibited unless approved in advance in writing by the Foundation or its authorized agent.
3. No structure is permitted in the Beach Trust Property except approved dune crossings, permitted in advance by OCRM, the Foundation or its authorized agent and the Sea Pines Architectural Board (the "ARB"). Referenced made to the ARB Dune Crossing Guidelines, a copy of which is attached hereto as Exhibit "A" are incorporated herein and made a part of this policy.
4. Structures currently existing and not otherwise approved as provided herein within the Beach Trust Property cannot be enlarged or rebuilt but may be maintained and repaired as necessary upon receipt of prior written approval of the ARB. In the event the existing structure is destroyed or allowed to deteriorate to such an extent as to be deemed a safety hazard by the Foundation, OCRM, the Town of Hilton Head, or the ARB, the structure shall be removed and may not be rebuilt without the advance written approval of the Foundation or its authorized agent. The Foundation reserves the right to remove any construction within the Beach Trust Property and any and all structures deemed to be a safety hazard located therein or repair any damage to the Beach Trust Property. The cost for such removal, repair or damage shall be at the owner's expense.

Water Craft and the Beach Trust Property

1. Sea Pines property owners may store boats or other water craft ("Boats") on Beach Trust Property provided the Boat is duly registered and licensed pursuant to State and Town regulation as applicable. Boats on the beach must be stored between mean high water level and the seaward toe or base of the primary dune. No Boat is to be stored in any area containing sea oats or dune grasses nor on or landward (behind) the primary dune under any circumstances.

2. Any Boat or other property stored in violation of this policy or about which complaints have been received shall be investigated by Sea Pines Security, the Foundation or CSA.
3. Any and all Boats left on the Beach Trust Property overnight must have a Town of Hilton Head Island boat permit as also required by the Town of Hilton Head Code Ordinance.
4. Owners of Boats operating in violation of this Policy shall receive notification by tagging on the Boat or other recreation vehicle. Written notification may also be sent via certified mail, return receipt requested to the last known address of the property owner.
5. Owners shall respond to such notification within five (5) business days of the date the Boat or other recreational vehicle is tagged to correct the notice of the violation. In the event the violation is not corrected within such five (5) day notification period, the Boat or other recreational vehicle stored or operating in the Beach Trust Property in violation of this policy shall be removed from the Beach Trust Property. Thereafter, the unattended Boat or recreational vehicle shall be referred to the Town of Hilton Head for appropriate action.
6. Jet Skis or other similar types of motorized crafts or conveyance are not permitted in the Beach Trust Property or on the beaches within Sea Pines Plantation under any circumstances.

The Foundation reserves the right to further adopt, amend or change any policies, regulations or rules at and upon its sole discretion.

This policy has been ratified and adopted by the Trustees of the Sea Pines Museum and Forest Preserve Foundation on the 24th day of July, 2002.