

WHITEFORD, TAYLOR & PRESTON LLP

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(302) 357-4144

August 1, 2025

Via Electronic Mail  
and Certified Mail

Jeff & Simone Reba  
37898 Eagle Lane, Unit 342  
Selbyville, DE 19975

Re: **The Mallard Lake Community Association, Inc.**  
**<https://mlsustainability.godaddysites.com>**  
**Cease & Desist**  
**WTP #: 087915.00109**

Dear Mr. and Mrs. Reba:

This firm represents The Mallard Lakes Community Association, Inc. (the "Association"). The Association has advised that you have taken to public forums, including a recent meeting of the Sussex County Council, and made misleading statements or given the false impression that you speak on behalf of the Association or the community as a whole. In doing so, you have used your above-referenced website, and particularly the names "ML," "MALLARD LAKES," and "MALLARD LAKES COMMUNITY" as a vehicle to present content that is not authorized or approved by the Association.

Your website uses the clearly distinctive names MALLARD LAKES and MALLARD LAKES COMMUNITY. Given such common branding, individuals visiting your website seeking Association news and/or information are likely to believe you are promoting or speaking for the Association, or at a minimum, providing information that is both authorized and approved by the Association. As you know, that is not the case. Promoting your agenda using your website may not only mislead such individuals, but likewise risk tarnishing the reputation of the Association.

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Attachment F: Rebuttal to Cease and Desist Letter Email

**From:** simone reba <simonereba@gmail.com>  
**Sent:** Sunday, August 10, 2025 10:10 AM  
**To:** Rogers, Tammy <TRogers@whitefordlaw.com>  
**Cc:** Toms, Chad J <CToms@whitefordlaw.com>; Lehman, Bradley P. <BLEhman@whitefordlaw.com>; jcreba35@gmail.com <jcreba35@gmail.com>  
**Subject:** Re: RESPONSE: Mallard Lake Simone Reba

Tammy, Please share this with Mr. Toms.

Mr. Toms,

Attached please find an analysis of Mallard Lakes bylaws and what an owner can or cannot do regarding "seeking funding" and who has that right. According to this analysis, there is no prohibition for a owner to "seek" funds, but the Board must agree to accept or commit to them.

Having said that, as I mentioned, I have merely been advocating for my property and conducting government flood mitigation program research that I had intended to share with the Board. I would like to provide the results of my research to the Board, but they continue to decline discussing it with me, with no reason given.

Again, welcome a conversation on this.

Simone Reba

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**From:** simone reba <simonereba@gmail.com>  
**Sent:** Tuesday, August 5, 2025 7:52 PM  
**To:** Rogers, Tammy <TRogers@whitefordlaw.com>  
**Cc:** Toms, Chad J <CToms@whitefordlaw.com>; Lehman, Bradley P. <BLEhman@whitefordlaw.com>; jcreba35@gmail.com <jcreba35@gmail.com>  
**Subject:** RESPONSE: Mallard Lake Simone Reba

Tammy, Thank you.

Mr. Toms,

Thank you for your letter. I'd like to clarify a few points and provide context for the work I've been doing on behalf of our community.

My website includes a clear and prominent disclaimer: *"This website is not affiliated with the Mallard Lakes Condominium Owners Association Board of Directors."* I will take your recommendations into consideration.

At no point have I represented myself as a member of the Board or that I was representing the Board's positions. I've made it clear that I am acting as a concerned homeowner

Attachment F: Rebuttal to Cease and Desist Letter Email

seeking government solutions to the flooding that directly affects my unit and others. My goal has been simple: identify federal, state, or county programs that could fund repairs or mitigation—**ideally at no cost to owners**—and present those options to the Board for consideration. Despite repeated efforts, the Board has refused to review or discuss my findings, without explanation.

I have thoroughly reviewed our governing documents and found no provision that restricts homeowners from researching or advocating for public funding. On the contrary, the by-laws actively encourage homeowner involvement through voting, committees, and collaborative problem-solving. Articles II and III of the Code of Regulations reinforce every owner's right to raise concerns **and contribute ideas**.

If there is specific language that prohibits owners from researching or contacting government entities about community issues, I respectfully request you share it. I'd also appreciate understanding why the Board refuses to discuss potential government programs that could provide funding sources that could help address longstanding flood risks. This appears to disregard my right as an association member to contribute ideas and solutions.

I am open to dialogue and would welcome a conversation.

Sincerely,

**Simone Reba**

**From:** Rogers, Tammy <TRogers@whitefordlaw.com>

**Sent:** Tuesday, August 5, 2025 5:01 PM

**To:** simonereba@gmail.com <simonereba@gmail.com>

**Cc:** Toms, Chad J <CToms@whitefordlaw.com>; Lehman, Bradley P. <BLEhman@whitefordlaw.com>

**Subject:** Mallard Lake Simone Reba

Good afternoon.

Please see the attached from Chad Toms, Esq.

Best,

*Tammy*

**WHITEFORD**

**Tammy Rogers** | *Legal Administrative Assistant to:*

*CHADD FITZGERALD, Community Association Paralegal II*

*CHRISTOPHER LANO, Paralegal*

*CHRISTINE McALLISTER, Community Associations Practice Manager*

*QUEEN C. NWANGWU, Associate*

**CHAD J. TOMS, Partner and Managing Attorney, Eastern Shore Offices**

*and at times, also:*

*DANIEL A. GRIFFITH, Office Managing Partner*

*QUINN T. GRIFFITH, Associate*

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*QUINN T. GRIFFITH, Associate*

## **Mallard Lakes – Authority to Seek Funding Summary**

After reviewing the Mallard Lakes Code of Regulations (“Bylaws”) and related governing documents, there is no language stating that only the Board (Council) may seek or apply for funding such as federal, state, or other grants. What the Bylaws do provide is that the Council (Board) has the authority to manage Association affairs, including collecting assessments, contracting for services, and approving commitments that bind the Association financially. This means that while the Board must ultimately approve acceptance or participation in a funding arrangement, individual owners are not prohibited from researching, contacting agencies, or initiating inquiries into funding opportunities. In summary: - Homeowners are not barred from researching or contacting agencies about funding. - The Board must vote to accept or commit the Association to any funding arrangement.

### **Relevant Bylaw Excerpts:**

ARTICLE III – COUNCIL Section 2 – Powers and Duties “The Council shall have the powers and duties necessary for the administration of the affairs of the Council and may do all such acts and things except as by law or by this Code of Regulations may not be delegated to the Council by the Unit Owners.”

ARTICLE VIII – FINANCES Section 2 – Operating Fund and Reserve Fund “The Council shall establish and maintain an adequate reserve fund for the maintenance, repair, replacement and improvement of the common elements and for such other purposes as the Council may deem appropriate.”

ARTICLE VIII – FINANCES Section 3 – Assessments “The Council shall fix, determine, levy and collect the assessments to be paid by each of the unit owners towards the expenses of the Council, and shall collect such assessments.”