

**PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION / ATTORNEY WORK PRODUCT**

DATE: [Insert Date]

TO: [Client Name/Board of Directors]

FROM: [Attorney Name]

RE: Legal Strategy for Modification of Land Use Covenant - [Property Address/Project Name]

1. EXECUTIVE SUMMARY

[Provide a brief overview of the client's goal regarding the modification of the existing restrictive covenant and the primary legal recommendation.]

2. CURRENT RESTRICTIONS AND LIMITATIONS

The subject property is currently burdened by the Land Use Covenant (LUC) recorded on [Date] in [County/Book/Page]. The specific restrictions preventing development/use include:

- [Restriction A: e.g., Prohibition on residential use]
- [Restriction B: e.g., Building height limitations]
- [Restriction C: e.g., Setback requirements]

3. PROPOSED MODIFICATION OBJECTIVES

The strategy aims to amend the LUC to allow for:

- [Objective 1: e.g., Reclassification for mixed-use development]
- [Objective 2: e.g., Removal of specific environmental remediation requirements]

4. LEGAL GROUNDS FOR MODIFICATION

We will argue for modification based on the following legal theories:

- **Changed Conditions:** The character of the surrounding neighborhood has changed significantly since the covenant was executed.
- **Relative Hardship:** The benefit to the dominant estate is minimal compared to the disproportionate burden on the client.
- **Public Policy:** The current restriction hinders [housing goals/economic development/environmental progress] as defined by current statutes.
- **Expiration/Laches:** [If applicable, legal arguments regarding the age or lack of enforcement of the covenant].

5. PROCEDURAL STRATEGY

1. **Negotiated Release:** Initial outreach to the beneficiary/holder of the covenant to seek a voluntary modification or "Quiet Enjoyment" agreement.
2. **Administrative Petition:** Filing for a modification through the [Zoning Board/Environmental Agency/Planning Commission].
3. **Declaratory Judgment:** Filing a lawsuit to have the covenant declared unenforceable or modified by judicial decree.

6. REQUIRED DOCUMENTATION & EVIDENCE

- Updated Title Report and Survey
- Economic Impact Study / Appraisal
- Affidavits from Urban Planning Experts
- Correspondence with Stakeholders

7. RISK ASSESSMENT AND TIMELINE

Potential Challenges: [List opposition from neighbors, governmental pushback, or high costs of litigation].

Estimated Timeline: [e.g., 6-12 months for completion].

8. NEXT STEPS

Upon your approval, we will proceed with: [Action Item 1].

Sincerely,

[Signature]

[Attorney Name]

[Law Firm Name]