

SXM Weekly News *In Brief*,
Monday, March 12, 2018

Even during very rare weeks when full editions of *SXM Weekly News* are replaced by *SXM Weekly News In Brief*, we still get you the week's most important news -- while letting Jeff get a few hours to recover from his normal seven-day-a-week work schedule.

So here are this week's top stories in *SXM Weekly News In Brief*:

1. Airport Reconstruction Stymied by Insurance Company Obstruction

2. Ocean Club to Be Demolished; No Reassurance That It Will Be Rebuilt

3. Another Look at "Force Majeure" Clauses

4. Belair Beach Not Only Reopening -- It's Sold Out Through April

5. Divi Little Bay Sets May Reopening

6. Bacchus Makes Its Move in Simpson Bay: Why It's a Big Deal

7. Try Surendra Das' "Sublime" Restaurant In Simpson Bay

8. KonTiki & Bikini Being Rebuilt

9. SXM Discount Program Sale Extended One Final Week; Must End Sunday 3/18

10. No Matter Where You Go, SkyMed Can Be Your Free Ticket Home

1. Airport Reconstruction Stymied by Insurance Company Obstruction

As if the severe damage to its roof from Irma -- and the horrendous damage inside from the rains of Maria -- weren't bad enough, now SXM Airport is apparently being stymied in its efforts to repair and reopen its main terminal by an insurance company that seems *uninterested* in paying claims from some major policyholders....

At least that's how it looks now as the Airport may be taking SXM's NAGICO Insurance to court to compel it to pay what the Airport says it is owed under its insurance with NAGICO.

Here's [the full report](#) from *The Daily Herald*.

2. Ocean Club to Be Demolished; No Reassurance That It Will Ever Be Rebuilt

In what must be regarded as one of the most peculiar pieces of customer communications we have ever seen, Eric Loor, developer of the Ocean Club resort on Cupecoy beach, emailed his timeshare owners last week, saying that he is going to have the resort demolished.

Here is the text of the entire message that Mr. Loor sent out; it was sent to us by several timeshare owners:

Dear Member,

As was previously mentioned, the Ocean Club has been closed since the passing of hurricanes Irma and Maria. The resort has experienced the full wrath of the storms, and we have been ordered by the authorities to demolish the remnants (Emphasis added - Ed.)

Management has spent the past months on crisis management, assessing the factual and legal situation, and exploring solutions for our members.

As ownership of the (real) properties on the premises of the resort is fragmented, we have engaged outside counsel to establish the rights and obligations of the various stakeholders.

At the same time, we are exploring solutions for the future of the resort and / or our members. We are confident to be able to present viable solutions before this summer.

In the following weeks, we will send all members detailed information on the sustained damages of the resort as well as demolishing cost.

I apologise for not being able to provide more information at the moment, however, these extraordinary circumstances require an in-depth approach, which costs time.

Kind regards,

Eric Loor

SXM Weekly News sent a query on Sunday afternoon to an official of the recently elected new Dutch side government to see whether this claim of "ordered by the authorities" is correct. By press time we had received the following preliminary response: "Usually government does not urge you to demolish. The place really has to constitute a danger." As far as we know, the property was sealed off and does not "present" such a danger.

Clearly, Mr. Loor's message leaves more questions unanswered than timeshare owners would have expected. Indeed, timeshare owners are expressing bewilderment that, six months after Irma struck, all that Eric Loor is saying is they are going to demolish the buildings — nothing truly substantive about the resort's future.

To be sure, he did say the issue is complex — but he also knew that six months ago. The disparate ownership of parts of the resort also is nothing new.

We have serious questions here, and we're sure timeshare owners have many more:

- Is the intent to rebuild still there, Mr. Loor?
- Do you plan to require timeshare owners to share the cost of the "demolition"?
- Is Ocean Club planning to claim *force majeure* concerning its resort, the contractual stipulation that would void all timeshare owner contracts and let you (Mr. Loor) start from scratch, owing virtually nothing to your timeshare owners?

Over the last six months, we have attempted to contact Mr. Loor through several different communications channels and have received no response. His timeshare owners deserve something other than obfuscation. For their sake, and for the sake of the entire SXM tourism industry, one would hope he would have definitive answers for everyone before much more time has elapsed.

3. Another Look at "Force Majeure" Clauses

Force majeure clauses, as we reported multiple times in the last several months, appear in virtually all timeshare contracts, not only in SXM but also in most other jurisdictions.

Simplified, they effectively enable the resorts to cancel timeshare contracts without further obligation if conditions beyond their control make the timeshare property unusable for its intended purpose. Incredibly severe hurricanes like Irma, believed to be the second most powerful tropical cyclone in the recorded history of the planet, wrecked multiple resorts and thousands of other structures across the island, making recovery in many cases totally impossible.

Based upon what has happened elsewhere and upon the fact that Ocean Club was destroyed beyond repair by Irma, a *force majeure* situation could be declared at Ocean Club, should Mr. Loor and his associates decide

to do that. We take him at his word that no decision has as yet been reached — but we also urge timeshare owners to be prepared: force majeure can be declared on any timeshare contract, anywhere, due to a variety of circumstances including many that cannot be foreseen.

We hope Mr. Loor and his associates choose to rebuild — but don't bet the farm on it.

4. Belair Beach Not Only Reopening -- It's Sold Out Through April

As we reported here in *SXM Weekly News* in recent weeks, Belair Beach Resort reopens this Saturday, St. Patrick's Day, March 17. Although not quite all rooms are available upon reopening, they will be soon, and all facilities are about ready to spring into action.

Belair timeshare owners and many others have a highly positive view of this resort, easily one of the best managed on the island. The staff has been with them for years and is highly experienced and very responsive to the needs of timeshare owners; in fact, the great competence of the staff is one of the reasons Belair is so widely recommended by long-time users.

Patricia "Energy" Evans was general manager at Summit Resort in Cupecoy until it was destroyed by hurricane Irma. She received great kudos there for her work, and was quickly tapped to be the director/top executive at Belair in the wake of Irma. She has been in charge of the rebuilding effort and is one of the major reasons the resort has been able to open so quickly after taking such a significant pummeling during the storm.

When you visit, say hello to her; she knows her stuff, and so do members of her staff.

5. Divi Little Bay Sets May Reopening

The timeshare owner publication of Divi Little Bay Beach Resort, Little Bay Buoy, has confirmed that the venerable beachside timeshare resort will be reopening in May. We'll have complete information closer to that date — but it's great to hear that yet another resort will be re-opening its doors soon.

6. Bacchus Makes Its Move in Simpson Bay: Why It's a Big Deal

Bacchus -- the very well known French Side restaurant which for a time also had a Cupecoy location -- is making its move into Simpson Bay, which has become the center of culinary activity on the Dutch Side. They're in the same building where Avantika is located, across the street from Toppers.

Over the years, there has been a slow but steady migration of French Side restaurants to the Dutch Side. Now, more than ever, it seems that the trickle is focused on getting into Simpson Bay, which has the greatest variety and number of restaurants of any area on the island, coupled with the highest number of hotel / timeshare units.

Simpson Bay/Kim Sha beach seems to be a focus for a fair amount of new restaurant activity too. We'll tell you more in a future regular issue, but one or two long-time Dutch side restaurateurs are readying new projects for the Kim Sha area right now.

There is, of course, at least one serious issue here. It's that Winter business is down significantly, for obvious reasons. In this temporary situation, increasing numbers of restaurants dividing a small pie of tourists means nobody really makes any money, resulting in difficult financial times continuing until likely late Fall, 2018.

If you're thinking about where to go for your next Summer vacation, SXM should be given close consideration. July is usually the best month weatherwise on the island, plus temperatures are

lower than the stifling US and so is humidity. It's also uncrowded and relatively inexpensive — so definitely look into it.

The island can use your presence, as you know. And there will be plenty of places to stay this Summer.

7. Try Surendra Das' "Sublime" Restaurant In Simpson Bay

For about nine years, Surendra Lal Das was a chef at Dino Jagtiani's legendary Temptation restaurant at Cupecoy. Tragically, that restaurant was destroyed by hurricane Irma, though Dino has now moved on to Emilio's Restaurant at the Emilio Wilson Estate at the base of the new chairlifts.

Meanwhile Surendra's former restaurant at Summit Resort had barely gotten started when Irma came and destroyed that, too. Surendra has now opened his "Sublime" Restaurant in the vicinity of the White Swan Restaurant / Harry's (currently closed) also in Simpson Bay. Those that have tried it say the new Sublime Restaurant is, well, sublime — so give it a shot.

More stories follow.

For much more information on these and many other SXM topics, and lots of current SXM pictures, see our [Everything SXM Facebook Site](#).

8. KonTiki & Bikini Being Rebuilt

Long story very short, both the Kontiki and Bikini Beach restaurants on Orient beach have now reportedly been given

building permits for more hurricane resistant new structures on Orient beach by the French side government.

Supposedly, the new structures will have the capability to be partially disassembled and moved away should a serious hurricane threaten the island. We do not have any information on when construction will begin, but we'd expect it to start soon to take advantage of what hopefully will be a busy Summer season.

9. Our SXM Discount Program "JMB Website Supporters" Sale Extended One Final Week; Must End Sunday 3/18

Thanks to a storm power-outage-caused server error, several thousand recipients of *SXM Weekly News* last week received the publication several days late. So, we're extending our JMB Website Supporters Island Discount Program Membership Sale by another week, to give everyone a shot at our low sale membership rates. *But it must end on March 18, 2018.*

Here are the rates and the links to get more information and join online or by phone.

New JMB memberships: One year \$39; Two, \$59; Our Best Offer: Four Years just \$99
http://everythingxsm.com/sxm/about_sxm/paypal.shtml

Renewal JMB memberships: One year, \$35; Our Best Offer: Five Years just \$99
www.everythingsxm.com/secret Go to the Membership Renewal Center

JMB Membership Reinstatements: One year, \$35; Our Best Offer: Five Years just \$99
<http://everythingxsm.com/sxm/reinstate/index.shtml>

10. No Matter Where You Go, SkyMed Can Be Your Free Ticket Home

SkyMed *Takes You Home*® when you become critically ill or injured while traveling, saving you the enormous cost of setting up and paying for your own medical evacuation during a critical family crisis.

Without SkyMed, any medical evacuation you set up must be paid for in cash in advance, and they can easily cost upwards of \$35,000 - \$45,000 or more -- sometimes far more.

SkyMed plans can be custom tailored to meet your personal travel needs. Both short-term and annual SkyMed memberships cover you in the USA, Canada, Mexico, Bermuda, the Bahamas, and in all the nations of the Caribbean including Cuba.

Annual plans have an available international travel rider which costs only about \$100; Ultimate multiyear memberships include global coverage at no extra cost. It covers you worldwide except for places on the State Department watchlist.

Annual and multiyear Ultimate memberships are both guaranteed renewable for life regardless of changes to your health or your attained age, as long as you pay your membership fees on time. And those membership fees are the same for all members: SkyMed fees do *not* increase because of advancing age or declining health.

Do not risk either a sudden bill for an unexpected but essential medical evacuation trip home or the need to be treated in an unfamiliar hospital by doctors you do not know far from home *when your SkyMed membership takes you home to doctors and hospitals you know and trust (and where your health insurance works) whenever you become critically ill or injured while traveling.*

Call Jeff directly for answers to questions at 508-747-8281, or email him at jeff.berger@skymed.com . He can also take your SkyMed application by phone, usually in less than 10 minutes. Don't put it off....

JMB Website Supporters
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Membership Services: 508-830-3456
SkyMed Questions / Signups: 508-747-8281

