

December 13, 2005

As many homeowners are aware, the Association has not been uniform in its decisions regarding owner versus Association responsibility for plumbing repairs. Under the Board's existing authority, it designated a Plumbing Sub-Committee to study the problems and make recommendations to the Board. The sub-committee reviewed the Declarations and Bylaws to define each unit in terms of in-flow and out-flow pipes and the responsibility of repairing leaks to said pipes.

On August 3, 2005 the Board adopted the following recommendations of the Plumbing Sub-Committee, as consistent with reasonable interpretation of the Bylaws and Declarations:

- (1) Leaks emanating from any inflow pipe outside the physical boundary of the unit (defined in the HOA Declarations) are the responsibility of the Association.
- (2) Leaks emanating from outflow pipes are the responsibility of the unit owner including outflow from:
 - (A) sinks;
 - (B) shower and bath tubs;
 - (C) laundry lines, and;
 - (D) toilets.
- (3) Overflows caused by blocked pipes and any subsequent damage to other units or common areas are the responsibility of the unit owner unless the blockage is in the main line.

Applicable Declarations and Bylaws:

Declaration Section 4.3 Boundaries of Units. Each unit shall be bound by the interior surfaces of its perimeter and bearing walls, floors, ceilings, windows and window frames, door and door frames, and shall include both the interior surfaces so described and the air space so encompassed. *In addition, each unit shall include the outlet of any utility service lines, including water, sewage, gas or electricity, and ventilating ducts, within the unit, but shall not include any part of such lines or ducts themselves.* [Emphasis added.]

Bylaws Article IX - 1. Maintenance and Repair. Units. All maintenance of said repairs to any unit shall be made by owner of such unit. *In addition, each unit owner shall be responsible for the maintenance, repair or replacement of windows and doors and any plumbing, heating or air conditioning fixtures, telephones, water heaters, fans, lighting or other appliances and accessories that may be in or connected with his/her unit.* [Emphasis added.]

The reasonable interpretation of the Declarations and Bylaws means that individual homeowners will be responsible for most leaks and repairs that the Association has paid for in the past. This includes leaks behind the existing walls and floors of bathrooms, kitchens, laundry rooms and damage for leaks that extend from one owner's unit to an adjacent unit.

The Board continues to recommend that individual owners contact Excelsior Property Management for coordination and service of all plumbing problems.