

Florida Club Condominium Association, Inc.

500 Florida Club Blvd

St. Augustine, FL 32084

(904)829-8115, FAX (904)829-8078

EMERGENCY NOTICE TO ALL FLORIDA CLUB UNIT OWNERS

Please read the entire content of this letter as your immediate attention is required regarding plumbing replacements of water shut off valves located at your unit, potential leaks stemming from your unit and changes to Florida Statute Insurance and Condominium Laws that have an effect on your ownership. If you cannot understand what the Association is requiring of you please consult the Florida Club Manager or a real estate attorney who can address your concerns.

Brief Summary:

Association requires the following: Plumbing corrections for leak prevention by the unit owner. (This is explained in depth: Specific Unit Owner responsibility, water shut off valve replacement, 60 day compliance, fines for incompliance, plumbing repairs by the Association, costs assessed to unit owner.)

Association requires the following: Emergency access to units for repairs to plumbing/water leaks affecting Association Property. (This is explained in depth: Water leaks affecting Association property, method of responding/repairing leaks, unit owner affording Association emergency access to units.)

Florida Statute requires the following from the unit owner: HO6 insurance policy (This is explained in depth: Statute requirements of insurance, Association named on policy within 30 days of this notice.)

Included in this correspondence:

- *An emergency notice from Jesse Ray Hicks, Association President
- *An affidavit: Compliance of Required Plumbing Replacement, signed by owner/plumber
- *Worksheet for insurance: To help you figure what insurance coverage amount is adequate
- *Proposals by a locally licensed plumber (Affordable plumbing) for water shut off valve replacement
- *New Year Newsletter
- *Annual Meeting Minutes & December Board Meeting Minutes

Florida Club Condominium Association, Inc.

500 Florida Club Blvd
St. Augustine, Florida 32084
(904)829-8115, FAX (904) 829-8078

Dear Florida Club Unit Owner,

January 22, 2009

The Board of Directors and Florida Club management team has been faced with the recovery of a devastating water leak located in building 540 on January 20, 2009. This leak (stemming from Unit 540-209) has destroyed drywall, insulation, carpets, cabinets, floor coverings and personal property, in most of the 7 units surrounding this particular unit. After finding the source of trouble which occurred from this unit, the Board has met and will now have to implement the following changes to plumbing/water shut off valves in your unit, and the method leaks are addressed to prevent this destructive occurrence from ever happening again! Therefore, the Board has recommended and will **require** for the following changes to be made to the water shut off valve, located at all water connections in your unit, for your best interest and the interest of your association.

REQUIRED PLUMBING REPLACEMENT BY THE ASSOCIATION:

***Each Unit Owner must contract with a licensed/insured plumber/contractor to replace all water shut off valves located in their unit, or appurtenant to their unit immediately; the unit owner must have the licensed/insured plumber/contractor sign the affidavit provided with this notice, and return within sixty days (60) of the date of this notice; Osvaldo Garcia (Florida Club Maintenance) can then inspect the water shut off valves located in your unit. (We understand that some unit owners have already made this important change to the water shut off valves. Please call Florida Club Management so that Osvaldo Garcia may inspect the water shut valves in your unit.)**

Due to the seriousness of this matter, which affects all unit owners and your association, it is absolutely necessary to require unit owners to replace the substandard water shut off valve immediately. **Failure to perform the required replacement of the water shut off valves located in your unit may result in a \$100/day fine, up to \$1000.** Because this issue greatly affects condominium property and unit owner property the Florida Club management team has been directed to contract with a licensed/insured plumber to perform the necessary changes to any units that have not cooperated by replacing the shut off valves and submitting the affidavit to the Association within 60 days of this notice.

WATER LEAKS/SPECIFIC UNIT OWNER RESPONSIBILITY/ASSOCIATION EMERGENCY REPAIRS TO PLUMBING:

Water leaks have always been a great concern as some units are left vacant and the owner does not have the unit regularly inspected, unit owners leave on vacation or to a second home and fail to shut the water off in their unit, the unit owner does not take responsibility by taking immediate action to high water/sewer usage notifications, the unit owner calls a "handyman", brother, uncle, distant cousin, ex-spouse, or a plumber who is not familiar with the Florida Club, to repair a leak, who ends up causing more harm than good (a liability for the unit owner), investment unit owners/or the property manager does not communicate with the renter and the renter is left to deal with the leak alone, the unit owner and/or property manager delays in having the repairs completed, a washer was not properly

connected or was somehow disconnected flooding the floor below, or sadly, in some cases, the owner/renter simply ignores the a leak even if the toilet is laying on its side! By the time a leak is FINALLY shared with management much time is spent trying to locate the unit owner, waiting for a return call, getting access to the unit(s) involved with the leak, (often times the owner/renter will not allow entry to the unit, or requires that the plumber wait unit he/she can be home), the unit owner/renter changes the lock and does not provide the association with a key, the unit owner argues about who is responsible for what and much time is spent explaining condominium law, specific unit owner responsibility and insurance law to the unit owner. Some unit owners want to use their own plumber, and then fail to perform the necessary repairs in a timely manner (which should be the same day).

It is thereby necessary to implement the following changes in order to gain control over potential losses for unit owners and the association:

Emergency access to units: (Declaration page 12) 11. Operation of the Condominium by the Association: Powers and Duties. 11.1 (a) The irrevocable right to have access to each Unit and Limited Common Elements appurtenant thereto from time to time during reasonable hours as may be necessary for pest control, or other purposes and for the maintenance, repair or replacement of any Common Elements or any portion of a Unit, if any, to be maintained by the Association, *or at any time and by force, if necessary, to prevent damage to the Common Elements, the Association Property or to a Unit or Units,*

The moment it is discovered that water has penetrated Association property or another unit, or a high water/sewer usage is provided to the Association by Alliance Data, or for whatever reason management discovers a leak that is penetrating, or has the potential to penetrate Association Property or other units, Florida Club management will respond by contacting the unit owner of all units that may be associated with the leak and informing them that a licensed/insured plumber will be entering their unit to inspect their unit for leaks. If the leak has penetrated common property, or has the potential to, the association manager will authorize the licensed/insured plumber to perform any necessary repairs to prevent any further damage to Association property or another unit(s), whether or not management was able to have contact with the unit owner(s). Any costs incurred by the Association associated with the leak will be assessed to the unit where the leak was stemming from, and collected in the same manner of assessments.

The owner/renter may be present during the inspection/repair; we will inform you of their estimated time arrival, however, plumbing repairs will not be put on hold for the owner/renter to be present or for any reason. If the owner/renter is not home to afford access to the unit Florida Club maintenance (Osvaldo Garcia) will simply use the emergency key that is held at the Association to provide access to the plumber. If the key that has been supplied to the management office does not work, the unit owner has not submitted a key to the association or for any reason the association cannot gain entry, Village Key, or another locksmith will be contracted to open the unit door to afford such access at the unit owner's expense. Any costs incurred by the Association associated with the leak will be assessed to the unit where the leak was stemming from, and collected in the same manner of assessments; this includes the charges from the locksmith to open the unit!

(Please refer to specific unit owner responsibility)

(Florida Club Condominiums Declaration 7. Maintenance and Repairs.) **7.1 Units and Limited Common Elements.** All maintenance, repairs and replacements of, in or to any Unit and Limited Common Elements appurtenant thereto, whether structural or nonstructural, ordinary or extraordinary, foreseen or unforeseen including, without limitation, maintenance, repair and replacement of windows, window coverings, interior nonstructural walls, the interior side of any entrance door and all other doors within or affording access to a Unit, and the electrical (including wiring), plumbing (including fixtures and connections), heating and air-conditioning equipment, fixtures and outlets, appliances, carpets and other floor coverings, all interior surface and the entire interior of the Unit lying within the boundaries of the Unit or the Limited Common Elements or other property belonging to the Unit Owner, shall be performed by the Owner of such Unit at the Unit Owner's sole cost and expense, except as otherwise expressly provided to the contrary herein.

7.2 Common Elements and Association Property. Except to the extent (a) expressly provided to the contrary herein, or (b) proceeds of insurance are made available therefore, all maintenance, repairs and replacements in or to the Common Elements (other than those Limited Common Elements or portions thereof to be maintained by the Unit Owners as provided above) and Association Property shall be performed by the Association and the cost and expense thereof shall be charged to all Unit Owners as a Common Expense, except to the extent arising from or necessitated by the negligence, misuse or neglect of specific Unit Owners, in which case such cost and expense shall be paid solely by such Unit Owners.

7.3 Specific Unit Owner Responsibility. The obligation to maintain and repair any air conditioning equipment, plumbing or electrical fixtures, screens (whether on windows or doors), screened enclosures and screen doors serving the Unit, or other items of property which service a particular Unit or Units shall be the responsibility of the applicable Unit Owners, individually, and not the Association, without regard to whether such items are included within the boundaries of the Units.

Florida Statute regarding insurance (Effective January 1, 2009):

The Florida Club Condominium Association, Inc. must receive a certificate of insurance with the name of the association as an additional insured, no later than 30 days from the date of this notice, or by February 26, 2009. Certificates of insurance should be mailed to:

**Florida Club Condominium Association, Inc.,
500 Florida Club Blvd
St. Augustine, Fl 32084**

FS718.111(11)(g)

*2. The association **shall require** each owner to provide evidence of a currently effective policy of hazard and liability insurance upon request, but not more than once per year. Upon the failure of an owner to provide a certificate of insurance issued by an insurer approved to write such insurance in this state within 30 days after the date on which a written request is delivered, the **association may purchase** a policy of insurance on behalf of an owner. The cost of such a policy, together with reconstruction costs undertaken by the association but which are the responsibility of the unit owner, may be collected in the manner provided for the collection of assessments in s. 718.116.*

**Prevent fires, prevent water intrusion/damage and
PREVENT YOURSELF FROM SUFFERING THE CONSEQUENCES OF
BECOMING LEGALLY RESPONSIBLE BY NEGLIGENCE.**

NOTICE: FLORIDA STATUTE 718: A UNIT OWNER IS RESPONSIBLE FOR THE COSTS OF REPAIR OR REPLACEMENT OF ANY PORTION OF THE CONDOMINIUM PROPERTY NOT PAID BY INSURANCE PROCEEDS, IF SUCH DAMAGE IS CAUSED BY INTENTIONAL CONDUCT, NEGLIGENCE, OR FAILURE TO COMPLY WITH THE TERMS OF THE DECLARATION (SECTION 7, 7.1 7.3) OR THE RULES OF THE ASSOCIATION BY A UNIT OWNER, THE MEMBERS OF HIS OR HER FAMILY, UNIT OCCUPANTS, TENANTS, GUESTS, OR INVITEES.

UNIT OWNERS ARE RESPONSIBLE FOR THE COST OF RECONSTRUCTION OF ANY PORTIONS OF THE CONDOMINIUM PROPERTY FOR WHICH THE UNIT OWNER IS REQUIRED TO CARRY CASUALTY INSURANCE, AND ANY SUCH RECONSTRUCTION WORK UNDERTAKEN BY THE ASSOCIATION SHALL BE CHARGEABLE TO THE UNIT OWNER AND ENFORCEABLE AS AN ASSESSMENT.

(FLORIDA STATUTE INSURANCE REQUIREMENTS AND FLORIDA CONDOMINIUM LAW STATUTES HAVE NO MERCY THE UNINSURED AND/OR NEGLIGENT UNIT OWNER! THERE ARE MANY WAYS WE CAN BE CONSIDERED NEGLIGENT: BY ALLOWING THE HO6 INSURANCE POLICY TO LAPSE, BY FAILING TO MAINTAIN THE PERIODIC **CLEANING OF YOUR DRYER VENT**, BY FAILING TO **REPLACE SMOKE DETECTOR BATTERIES**, BY FAILING TO **RESPOND TO A HIGH WATER/SEWER USAGE** FROM THE ASSOCIATION, BY FAILING TO RESPOND TO A PLUMBING LEAK, THE LIST GOES ON IN HOW ONE CAN BE NEGLIGENT.

PLEASE PROTECT YOURSELF BY ONE) PROPER INSURANCE COVERAGE, TWO) PROVIDING ANNUAL MAINTENANCE AND INSPECTIONS OF YOUR SPECIFIC UNIT OWNER RESPONSIBILITIES LISTED IN THE DECLARATION, AND THREE) RESPOND TO ALL REQUESTS BY THE ASSOCIATION THAT ARE DICTATED BY FLORIDA STATUTE AND YOUR GOVERNING DOCUMENTS.

Although the contents of this correspondence are quite lengthy I hope that you have taken the time to read the very important information and requirement that have been sent to you. Please do not hesitate to call our manager to help you if you have questions, or if you need the assistance of your association in any way. Just as your association must do, we encourage you stay informed of insurance law updates provided by your educated insurance provider on a regular basis. These required changes and statutes have been implemented to protect your home, your investment, your association and your personal liability for damages to condominium property and other units. We have included a proposal from a local plumbing company for your convenience; you may however use any licensed/insured plumber/contractor you desire. The Florida Club Condominium Association, Inc. insurance provider (Thompsonbaker Agency, a local insurance company) also offers the HO6 Condominium Insurance Policy; however, you may use the insurance provider of your choosing. We are available for you if you need our assistance in opening your unit to contractors, inspecting work on your behalf, or scheduling an appointment for you; as this is an emergency situation and needs to be dealt with accordingly.

Yours truly,

Jesse Ray Hicks

Jesse Ray Hicks, Association President

Florida Club Condominium Association, Inc.
500 Florida Club Blvd
St. Augustine, FL 32084
(904) 829-8115 FAX (904)829-8078

Affidavit of Required Plumbing Modification

****Each Unit Owner must contract with a licensed/insured plumber/contractor to replace all water shut off valves located in their unit, or appurtenant to their unit immediately (this work must come with a warranty); the unit owner must have the licensed/insured plumber sign the affidavit provided with this notice, and return within sixty days (60) of the date of this notice; Osvaldo Garcia (Florida Club Maintenance) can then inspect the water shut off valves located in your unit.***

(For Unit Owner to sign, date and print name)

Affidavit:

I have contracted with the licensed/insured plumber below to replace the low-grade water shut off valves in or appurtenant to my unit as required by the Florida Club Condominium Association Inc. Board of Directors.

Signature of Owner: _____ Date: _____

Printed name: _____

(For contractor to fill in and sign)

Building: _____ Unit: _____ located at the Florida Club Condominiums has complied with the requirements of the association to replace all low-grade interior water shut off valve(s) located within or appurtenant to this unit.

Plumber/Contractor Information (must be licensed and insured)

Company name: _____

Contractor name: _____

Contractor signature: _____ Date: _____

License # _____

Date work performed: _____

***If you have already changed the water shut off valves in your unit, please provide the association with a copy of the invoice showing the work performed, or have your contractor sign the affidavit.**