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Eagles Reserve Homeowners Association, Inc.

RE: Exterior Dwelling Unit Maintenance

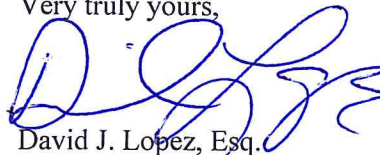
Dear Sir or Madam:

Please be advised that this law firm represents Eagles Reserve Homeowners Association, Inc. (“the Association”). The Association’s Board of Directors has requested that I write to you on a matter of significant importance.

Recently, several reports of damaged stucco on dwelling units have been made to the Association. This is a friendly reminder that repairs and maintenance of stucco is the responsibility of the individual homeowner. Under Section 8.2 of the Association’s Declaration of Covenants, The Association shall have the right and obligation to maintain the exterior of the Dwelling Units, including the landscaping on the Lot, in good order and repair, including, but not limited to the following: painting exterior building surfaces...” Several years ago, the Florida Second District Court of Appeal issued an opinion regarding the duty of the Association to repair the exterior elements of the residences. In its opinion, the Court said “the plain meaning of the phrase “the exterior of the Dwelling Units” is the outer surface of the dwelling units.”¹ This means that the Association is not responsible for any repairs below the outermost surface. Because the Association is responsible for “painting exterior building surfaces,” the Association’s responsibility is limited to filling such minor cracks on the outermost surface as is necessary to prepare that surface for the application of paint. Any repairs below that outermost surface are the homeowner’s responsibility to repair.

Please take steps to make repairs to any damaged stucco on your dwelling unit. Upon completion of these repairs, please contact the manager, David Fedash, to inform him of the completion and at that time, the Association will carry out any necessary repainting.

Very truly yours,



David J. Lopez, Esq.

¹ *Klak v. Eagles Reserve Homeowners Association, Inc.*, 862 So. 2d 947 (Fla. 2nd DCA 2004).