

LEGAL



Construction Work in Units and Getting Ready for End-of-Season

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Stop Performing Unapproved Construction in your Unit

Yet again, I read that another unit owner in Century Village has removed a load bearing wall and caused structural, legal, and financial issues, not only for themselves and the unit owner above, but for the Association. Please stop doing this!

What are the legal implications? There are many, including having to deal with the county if the work was performed without a permit.

It should be noted that this type of work violates the governing documents of most condominiums due to the unauthorized alterations to the common elements and performing structural work in the unit without Board approval. Further, it should be noted that under Section 718.111(1)(j)(1) and (2), Florida Statutes, when there is a negligent or intentional act or a violation of the declaration which causes damage, any amounts not paid by insurance can become the responsibility of the unit owner. This type of issue can result in many thousands of dollars in repairs.

Whenever you want to perform work in your unit that changes anything structurally, don't assume, don't just do it and hope for the best. Stop, read your Declaration of Condominium, speak to the Board and the county before doing anything. Always remember that you need approval from BOTH the Board and the county. Approval from one, without approval from the other is not sufficient.

Get Ready for End of Season

It is that time of year again when we are getting ready to greet the end of the season. It is important to take the steps necessary to prepare in case there is a hurricane. Think about your official records. Are they secure? What if there is a major wind, rain, or flooding event? Is the file cabinet in a secure location? Are records stored digitally and located in multiple locations? Are records stored in the cloud?

Does the president have the contact information for every owner in the off-season? If a unit is rented, do you have the owner's contact information? I come across a number of instances when a Board wants to send a demand letter, but has no idea where to write the owner of a particular

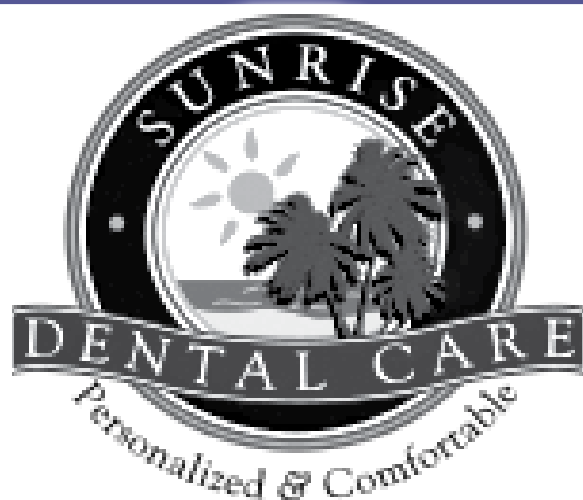
condominium. That is not good in the aftermath of a storm when you are trying to reach all the owners.

Do the Board members leaving for the season have in their "rolodex" the contact information for 1) their attorney; 2) insurance agent; 3) a water mitigation company? If not, collect that data before leaving.

Have you taken pictures of the exterior of your building and condominium grounds, prior to departing, so that if there is a natural disaster you will have proof that any damage is attributable to the storm and not the age or deterioration of the building? Also, document unit owner issues like cracked windows or broken doors and have the unit owners fix them so that they do not become part of a future insurance claim.

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