

4pm Board Executive Session to discuss legal matters.

## Woods Manor Board Meeting

Schilling Residence  
4:30pm  
April 26, 2011

**Board of Director Present:** Jay Rust, Chuck Sebald, Len Vest (telcon), Karen Schilling, Larry Brutlag.

Four Seasons Management: Bob Springer and Steve Erlandson by telecom.

**Call to Order:** Jay Rust called the meeting to order 4:30pm.

**Approval of the Agenda:** Approved as presented.

**Unit Water Leaks** – Four Seasons reviewed the third floor building A unit water leak which caused second and first floor unit damages. Repairs are in progress. The damage required general common element repairs that also necessitated some disturbance of interior unit décor.

### **Attorney Review and Legal Findings:**

The Board requested Woods Manor attorney, Kent Willis, to review the WMA Declarations, By-Laws and Rules and Regulations regarding unit owner and association responsibilities and stipulate his findings to the Board in writing:

Pursuant to Article 4.2, a Condominium Unit is defined as the air space inside the boundary walls from *the interior unfinished surfaces* of the walls, floors and ceilings inward. This means that the drywall, studs, etc of the boundary walls are part of the General Common Elements. As such the Association is responsible for maintaining these elements. The interior surface finish such as paint, texture, wall paper, carpet, tile, hard wood flooring, etc. are the responsibility of the unit owner. In addition, interior walls, cabinets, appliances, furniture, fixtures, etc. are the responsibility of the unit owner.

Pursuant to Article 22.2.1, an owner is responsible for maintaining and repairing her unit from *the interior unfinished surface* inward. In addition, Rule 32 requires an owner to pay for all damages to the General Common Elements. In this case, a valve in the dishwasher in 302A failed. The dishwasher is the responsibility of the unit owner. Even if the valve failed as an “act of God,” regardless of whether the owner knew or should have known the valve would fail, the owner is still responsible for all damages caused by the dishwasher.

The Association is responsible to repair the General Common Elements and then seek reimbursement from the owner of Unit 302A.

Based upon Article 22.2.1 Rule 32 and common law, the Association has the right to recover the cost of these repairs from the owner of the unit that caused the damage [302A].

Reimbursement options:

Article 22.4 states that the Association has the right to put a lien on the unit for damages caused to the General Common Elements. The Association would then have the right to foreclose that lien. The lien would include the cost of the repairs, late charges, costs of collection and reasonable attorney fees. Rules and Regulations No. 32 and 33 also apply.

The other alternative is to sue the unit owner for the money owed.

### **Board Direction**

The Board, by consensus, agreed to:

- Fund the repairs as stipulated within WMA declarations, By-Laws, Rules and Regulations and Common Law;
- Direct Four Seasons Management to document repair costs and forward all invoices to Mr. Willis;
- Request Mr. Willis write a letter to the 302A unit owner for reimbursement of repair expenses, any possible late fees, costs of collection and reasonable attorney fees.

**Other:**

### **WMA Remodel Policy**

Each unit handbook has a copy of this policy. Len agreed to post the policy on the Woods Manor web site. Four Seasons agreed to communicate the policy to homeowners when applicable.

### **Next Meeting**

The May WMA Board of Directors meeting was changed to Saturday May 28, 2011 at 12:30 in the WM Club House.

### **Maintenance Update**

Bob and Steve reported the new carpet for the house and timeshares is nearing completion.

The Board thanked Four Seasons, especially Jay, for the excellent snow removal this year.

The roof heat tapes have been turned off as well as the garage heaters.

The doors from buildings will be adjusted so each closes properly.

The beige/tan clubhouse, garage and entrance doors into elevator rooms off garage will be painted the same color in semi-gloss

**Adjourned 6pm**