

Jill B. Berkman
David W. Black
Edward B. Deutsch
Steven W. Deutsch
Steven C. Elkin
Neil G. Frank
E. J. Generotti
Jacqueline A. Grady
Leorah G. Greenman
Bruce Hurwitz
Michael A. Kammer
Michael Kassower
Gary W. Kovacs



Steven H. Lang
Andrew D. Levy
Hofit N. Lottenberg
Joel M. McTague
Constantina A. Mirabile
Harry P. Mirabile
Randy J. Nathan
Marc A. Silverman
Robert T. Slatoff
Maria P. Spiliopoulos
David Neal Stern
Leanne B. Wagner
Steven A. Weinberg

December 4, 2015

Sent Via E-Mail: lwest-vpres@lauderdalewest.org

Joanne Mazur Hill, President
Lauderdale West Community Association No. 1, Inc.
1141 NW 85th Avenue
Plantation, FL 33322

RE: Single Family Homes
Our File: 12933.000

Dear Joanne:

You have asked our firms opinion with respect to the Association's responsibility to maintain, repair and/or replace the soil substrate below the foundation of the single family homes. Please be advised that the Declaration of Restrictions Lauderdale West, 2nd Section, 3rd Section, and 4th Section provide the following in Section 6(c), Exterior Maintenance and Repair of Buildings:

(C) Exterior Maintenance and Repair of Buildings. The exterior of all residence buildings in the SUBDIVISIONS shall be maintained and repaired by the ASSOCIATION, the cost of which is hereby declared to be a COMMON EXPENSE and charged to the budget of the LOT/DETACHED HOME OWNERS of the ASSOCIATION, and there is hereby reserved in favor of the ASSOCIATION the right to enter upon all of the SUBDIVISIONS and residence buildings located thereon for the purpose of conducting a periodic program of exterior maintenance and repair, which maintenance and repair shall include, but shall not be limited to repainting and repair of exterior walls, shutters, trim, eaves, roofs, or any portion of the foregoing. This shall also include the replacement of roof size as constructed by Developer. The times when such maintenance, repair and replacement are to be performed [sic] and the extent thereof shall be determined by the BOARD in its sole discretion. The owner of each IMPROVED LOT in the SUBDIVISION is hereby made liable to the ASSOCIATION for a prorata share as hereinafter set forth, of such

COMMON EXPENSE. The ASSOCIATION shall not be responsible for repairing or replacing a building or structure which in the BOARD'S opinion, shall have been destroyed, nor shall the ASSOCIATION be responsible for repairs beyond the exterior surfaces of buildings, all such repairs being the responsibility of the LOT OWNER.

This last sentence of Section 6(c) states the Association is not responsible for repairing or replacing a building or structure and that the Association is not responsible for repairs beyond the exterior surfaces of the buildings. Such repairs to the structure and other areas beyond the exterior surfaces of the buildings are the responsibility of the Lot Owner.

Accordingly, any repair or maintenance performed to the soil substrate below the foundation of the building or structure of a single family home would be the responsibility of the Lot Owner because it is outside the scope of the Association's responsibility to only maintain the exterior surfaces of the home. Further, any repairs made to the building or structure of the home, including the foundation, would be the responsibility of the Lot Owner because the Declaration provides that repairs to the structure are the responsibility of the Lot Owner.

If you have any questions, please let us know.

Sincerely,

FRANK WEINBERG & BLACK, PL

A handwritten signature in blue ink, appearing to read "Steven A. Weinberg", with a long, sweeping horizontal line extending to the right.

Steven A. Weinberg, Esq.
For the Firm
SAW/HM