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VIA EMAIL: ggoodwin@community-mgmt.com

Board of Directors
Preston Square Homeowners Association, Inc.
c/o Gyneen Goodwin, LCAM
Community Management Professionals
4700 Millenia Boulevard, Suite 515
Orlando, Florida 32839

RE: Preston Square Homeowners Association, Inc.
Opinion: Townhome roof repair and maintenance obligation
Matter: 20042-009

Dear Members of the Board:

This letter is in response to Preston Square Homeowners Association, Inc. ("Association") Board of Directors' ("Board") request for an opinion. The focus of this opinion concerns the maintenance, repair, and replacement obligation for the townhome roofs.

This opinion is based upon a review of Chapter 720, *Florida Statutes*, the Association's Declaration ("Declaration"), the Association's Bylaws ("Bylaws"), and the Association's Articles of Incorporation ("Articles").

With regard to the maintenance, repair and replacement of the party roofs that cover the townhomes, Section 11.2.1 of the Declaration provides as follows:

Generally. Owners shall maintain the Party Roofs and the cost of reasonable repair and maintenance of Party Roofs shall be shared equally by the Owners of the Townhomes sharing such improvements without prejudice, subject however, to the right of any Owner to call for a larger contribution from the other under any rule of law regarding liability for negligent or willful acts or omissions.

Further, Section 11.2.2, in pertinent part, provides that "[n]otwithstanding the foregoing, Association shall have the right, but not the obligation, to advance monies for the repair, replacement and/or maintenance of Party Roof(s) and charge the responsible Owner(s) an Individual Assessment for such Owner's pro rata share of the costs."

Therefore, the maintenance, repair, and replacement of a townhome roof is the responsibility of the owners who share that roof. In the event either owner fails to repair or replace a townhome roof where needed, the Association may step in, make the repairs, and charge back the responsible owners through an Individual Assessment against that owner's lot.

Thank you for the opportunity to provide these services to Preston Square Homeowners Association, Inc. Please advise if we can provide any further assistance on this matter. Should the Board have any further questions, please let us know.

Very truly yours,

Erik Whynot

Erik Whynot, Esq.
For the Firm