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To the Homeowners of Kendall Breeze Homeowners' Association, Inc. who reside in 22 Foot Townhouse and 30 Foot Townhouses.

As the attorney for Kendall Breeze Homeowners' Association, Inc. ("Association") I have been asked to explain the Association's responsibility regarding the repairs of your roofs. If you are not aware, the Association is responsible for the "maintenance and periodic replacement" of the roofs of these Lots. The replacement of the roofs is defined as the replacement at the expiration of the roof's useful life. Two questions have arisen.

The first question is what is the Association's responsibility regarding damage to the roof caused by the hurricanes. The responsibility for insuring your home is required by your lender and by the Association's governing documents. The documents state that it is the owners responsibility to maintain insurance on their homes which includes coverage for your roof. The Association is only allowed to carry insurance as is permitted in the Association's governing documents. The governing documents do not permit the Association to carry insurance on the individual homes. It is, therefore, the homeowners responsibility to repair their roofs after a hurricane and make a claim against their insurance, if needed. In addition, the homeowner needs to take such further action that is necessary after a hurricane to prevent further damage to their home.

The second question is what is the Association responsibility if my roof was not properly installed by the Builder. Since your homes are part of a homeowners association and not a condominium association each homeowner owns their own roof. It is therefore each homeowner's responsibility to deal directly with the Builder if they have any issues regarding the initial quality or installation of their roofs. Since the Association does not own the roofs it does not have the legal right to represent the homeowners against the Builder.

The homeowners should understand that even though the Association shall replace their roofs after the useful life or shall perform routine maintenance on these roofs, the Association collects the money for the repairs and maintenance only from those owners who receive this benefit and not from all the owners of the Association.

Sincerely,



DALE C. GLASSFORD, ESQ.