

FAIRWAYS AT PAR TWO
4140 27th Court
Naples, Florida 34116

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December 30, 2013

In December 2013 the Par Two Board had a conference call with a partner in the law firm that represents us. The following is our attorney's opinion of responsibility for pipe leaks. His opinion is the same held by our previous two law firms as it relates to the condominium law and our documents on pipe leaks.

Attorney DeBoest emailed the following summary on water pipes:

Attached is a memo on the insurance issues we discussed.

Individual water pipes, which owner is responsible for breaks and floods in their unit or the unit below or adjacent.

Who is responsible to repair the pipe?

The answer depends on what caused the pipe to break. If the pipe was simply old and the pipe developed pin hole leaks or leaks around a fitting due to age and normal use the individual owner is responsible for the repair.

If you turn off your water main and the leak stops then it is your leak, meaning the pipe only services your unit.

If the pipe broke due to a sudden casualty then the repair is covered by the Association's insurance and the Association is responsible.

A casualty by definition would be a pipe break caused by a hurricane, tornado, fire or vandalism!

An Owner or licensed & insured Contractor who is working in a unit and put a screw through a pipe or accidentally causes a pipe leak the repairs will be made by the owner or contractor for both the pipe repair and drywall damage.

Richard D. DeBoest, II, Esquire
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