

MOSBY'S LANDING UNIT OWNERS' ASSOCIATION
POLICY RESOLUTION NO. ____
(Establishing Unit Maintenance Standards for Water Intrusion, Water Leaks and Moisture
Related Conditions)

_____, 2005

RECITALS:

WHEREAS, Article III, Section 2 of the *By-laws of Mosby's Landing, A Condominium* ("Bylaws") provides that the Board of Directors shall have all of the powers and duties necessary for the administration of the affairs of the Association, and the power to adopt reasonable rules and regulations governing the use of the units and the Common Elements; and

WHEREAS, Article V, Section 7 of the Bylaws states in part as follows:

Except for maintenance requirements herein imposed upon the Unit Owners Association, if any, the owner of any condominium unit shall, at his own expense, maintain the interior of his condominium unit and any all equipment, appliances, fixtures, windows or doors therein situate, and its other appurtenances including, without limitation, any balcony, terrace, patio or garden appurtenant to such condominium unit and designated on the Record Plat as a limited common element reserved for exclusive use by the owner of a particular condominium unit, in good order, condition and repair free and clear of ice and snow, and in a clean and sanitary condition. In addition to the foregoing, the owner of any condominium unit shall at its own expense, maintain, repair or replace secondary electrical fixtures and lines, and heating and air-conditioning equipment, whether within or without the unit so long as it serves one unit, light fixtures, refrigerators, freezers, dishwashers, disposals, ranges and/or other equipment that may be in or appurtenant to such condominium unit.

There is reserved for the Unit Owners Association, or its delegate, the right of entry to any unit and an easement for access therein, when and as necessary, in connection with any repairs, maintenance, landscaping or construction for which the Unit Owners Association is responsible, or for which any unit owner is responsible hereunder. Any damage caused by such entry shall be repaired at the expense of the Unit Owners Association. Provided, however, that if any such entry is made to perform any obligations for which a unit owner is responsible, such entry and all work done shall be at the risk and expense of such unit owners.

The Board of Directors may charge each unit owner for the expense of all maintenance, repair or replacement to the common elements rendered necessary by his act, neglect or carelessness, or his act, neglect or carelessness of any member of his family or employees, agents, licensees or lessees. The payment and collection of any charge made pursuant to the foregoing provisions shall be in accordance with the terms providing for the payment and collection of assessments in these By-Laws and the Condominium Act, including without limitation, the right reserved to the Board to accelerate payment of assessments and the right to recovery of attorney's fees and costs.

WHEREAS, the Board of Directors seek to ensure that the Condominium, including the Units, are properly maintained to prevent water leaks and mold growth on the Condominium property;

WHEREAS, it is essential that any moisture and water leaks be promptly addressed to inhibit the growth of mold and prevent other damage to the Condominium property;

WHEREAS, it is critical that the Association be alerted immediately to the first signs of water intrusion, water leaks or other moisture-related conditions (including mold growth) within a Unit or the common element property of the Condominium to prevent and/or minimize the spread of water intrusion and moisture-related conditions to the Common Elements, the affected Unit and other Units in the Condominium;

WHEREAS, the Unit Owners, having the exclusive possession of their respective Units, are solely able to observe any evidence of water intrusion, leaks, excessive moisture and/or corresponding mold growth within said Units; and

WHEREAS, there is a need to establish both orderly and uniform procedures to address moisture and water intrusion in Units and common areas for the purpose of protecting the Units and Common Elements of the Condominium.

NOW, THEREFORE, BE IT RESOLVED, that the following rules, regulations and procedures shall be applicable:

1. Unit Owners shall be responsible to keep up and maintain their Units in a dry, clean and sanitary condition.
2. Unit Owners shall be responsible to:
 - (i) clean and dust the surfaces within a Unit on a regular basis;
 - (ii) immediately remove visible moisture accumulation on windows, window sills, baseboards, walls and any other surfaces within the Unit;
 - (iii) immediately clean, dry and disinfect all liquid spills or leaks within the

- Unit;
- (iv) not block or cover any heating, ventilation or air-conditioning ducts and keep furniture and furnishings away from such ducts;
 - (v) engage a professional remediation company to mitigate any damage to the Unit resulting from leaks or spills within the Unit;
 - (vi) use braided metal hoses or high pressure equivalent on washing machines and dishwashers, if any;
 - (viii) utilize licensed plumbers and electricians for any structural plumbing or structural electrical repairs or replacements (which involves or connects to the common elements) within the Unit; and
 - (ix) properly maintain, caulk, repair and replace all windows serving the unit to ensure they remain free of leaks or condensation;

3. Unit Owners are also required to inspect all appliances and HVAC equipment (e.g. heat pumps), including all related hoses and connections, on a regular basis in order to ensure that these are all in proper working order, and in order to prevent any leaks or other incidents which could cause damage to the condominium property. The Association may also inspect appliances and related equipment at such times as the Board of Directors determines appropriate, and the Association is authorized to enter Units for this purpose, following reasonable notice, and may require owners to undertake maintenance deemed to be appropriate as a preventative measure.

4. Unit Owners are required to ensure that any vents or exhaust fans serving the Unit are vented properly to the exterior including, without limitation, bath exhaust vents, and laundry dryer vents. In the event that the vents and exhaust fans are not functioning properly, the Unit Owner shall repair the same and obtain the written consent of the On-Site Maintenance Manager prior to undertaking any work on or in the common elements. In addition, Unit Owners shall be solely responsible to inspect, clean and maintain (including changing filters) all such vents and exhaust fans, at least annually (or more regularly if recommended by the equipment manufacturer).

5. Unit Owners are required to regularly inspect the limited common element attic space above their units, if any, and to report any repairs and moisture-related conditions to the On-Site Maintenance Manager.

6. Unit Owners are required to report immediately, by electronic mail or in writing, delivered to the On-Site Maintenance Manager:

- (i) any evidence of water leak, water intrusion or excessive moisture in the Unit or the common elements;
- (ii) any evidence of mold or fungi growth within the Unit that cannot be completely removed with a common household cleaner; and/or
- (iii) any failure or malfunction of any heat pumps, ventilating systems or air conditioning systems and related equipment serving the Unit.

In the event of an emergency situation, which is a situation that requires immediate action by the Association (e.g. burst pipe), Unit Owners should also call the On-Site Maintenance Manager.

7. Unit Owners shall be responsible and liable for any expenses incurred by the Association for the maintenance, repair, replacement, cleaning and remediation to repair the Unit, remove water, and to remove mold from the Unit in the event the Unit Owner fails to properly and promptly undertake positive actions. Notwithstanding the foregoing, the Board and the Association shall have no obligation to take any action within a Unit, but may do so in its sole discretion.

8. Unit Owners shall be responsible and liable for the expenses incurred by the Association for the maintenance, repair, replacement, cleaning and remediation of any damage to, and to remediate and remove mold from the Unit, other Units and the common element caused by the Unit Owner's failure to maintain his/her Unit, or arising out of, relating to or resulting from the Unit Owner's failure to comply with the terms of this Resolution, the Declaration, Bylaws or Rules and Regulations, any other reason caused by the Unit Owner's actions or omissions. Such costs shall also include all costs incurred by the Association, including, but not limited to, expenses for industrial hygienists, water extraction and remediation firms, and attorneys' fees.

9. Unit Owners shall be personally responsible and liable for any monetary charges, costs and attorneys' fees for violations of this Resolution and any damages suffered by the Condominium or other Owners or occupants at the Condominium, including any injuries to persons, arising out of, relating to or resulting from the failure of the Unit Owner to comply with the terms of this Resolution.

This Resolution was adopted this _____ day of _____, 200__, by the Board of Directors and supersedes and revokes all previous resolutions that address unit maintenance standards for water intrusion, water leaks, and moisture related conditions.

MOSBY'S LANDING UNIT OWNERS'
ASSOCIATION

By: _____
Paula Bennett, President

CERTIFICATION OF PUBLICATION OF PROPOSED RESOLUTION

I, Lynn House, Senior Community Manager, Legum & Norman, Inc., certify that a summary of the foregoing proposed Policy Resolution was published and mailed to all of the Unit Owners in accordance with Article II of Policy Resolution No. 2 this ___ day of _____, 2005.

Lynn W. House, Senior Community Manager
Legum & Norman, Inc.
Managing Agent for the
Mosby's Landing Unit Owners' Association

MOSBY'S LANDING UNIT OWNERS' ASSOCIATION

RESOLUTION ACTION RECORD

POLICY RESOLUTION NO. __

Duly adopted at a meeting of the Board of Directors held _____.

Motion by: _____ Seconded by: _____

VOTE:
YES NO ABSTAIN ABSENT

Director

Director

Director

Director

Director

Attest:

Secretary

Date

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