

June 11, 1996

STONEWOOD TOWERS PROCEDURE NO. 16

Subject: Owner's Right to Collect Damages

Background-

Stonewood Towers Declaration of Condominium, Article XXV, REMEDIES FOR VIOLATIONS, provide the authority for owners, or the Association, to collect damages in the Florida courts for failure to comply with terms of the Declaration. The prevailing party shall be entitled to recover the costs of the proceedings and such reasonable attorney fees as may be awarded by the court.

Purpose-

The purpose of this procedure is to inform and facilitate owners regarding their rights to recover the cost of damages which resulted from the actions of others in violation of the Declaration, Florida Statutes, or reasonable house rules. The Association assumes no position and takes no sides in cases concerning one unit owner against another unit owner.

Procedure-

1. The Association does not encourage or discourage the following action. The case of a broken plumbing line is being used for illustration purposes only.
2. If an owner's unit is damaged by water caused by faulty plumbing in an overhead apartment, the owner may sue for recovery the \$500 deductible to his Home Owner's policy. If more than one unit is damaged, a class action suit may be filed.
3. If action is taken in Small Claims Court, the claim must be under \$2,500 and should be filed at the County Court House in Viera. Some information may be obtained from the Stonewood office, but much more is available at the Court House. An attorney may be retained, and the prevailing party could be awarded attorney fees and court costs. If four or five owners are plaintiffs in the same suit, the individual charges should be minimal.
4. In this example the effect of using Article XXV would be twofold, (1) the injured party would be reimbursed for the damages he suffered, and (2) the defendant and others would become more aware of their responsibilities to be most considerate of others in the condominium.
5. All charges incurred by the Association in order to investigate said damages will be the responsibility of the unit owner where the problem originated. Interest on unpaid balance will be treated as any late payment.

FOR THE BOARD OF ADMINISTRATION
Gary Boebel, Secretary