

Construction Defects

Condo Owner Sues HOA for Roof Leak

The Problem

The project was a 3-level, 4-unit, 15 year old condominium building, near the beach. The building had a low slope roof plus roof-top deck areas. Our client was the owner of a top-floor unit. The Homeowners Association (HOA) coordinated for roof replacement work, and roof-top deck repairs, to be performed by an unlicensed roofer, in the winter. There was dramatic leakage into our client's unit, and some into the neighboring unit, as well as leakage down into the garage, during a 100-year storm, due to the removal of the old roof and lack of protection during the rains. The unlicensed contractor was uninsured and the HOA refused to assume responsibility for the damages so our client sued the HOA for the damages caused by the leaks. Prior to our having been hired, the Client had procured interior damage repair estimates for approximately \$100,000.

The Solution

We attended opposing party's expert's water testing at the roof and conducted a thorough visual inspection of the interior of the unit, the first floor, the exterior of the building, and a brief inspection of the neighboring unit, all on the same day. This included 349 inspection photographs and 18 pages of interview, inspection & testing notes, and diagrams. We then composed an "Issues List" (sometimes called a Defect List) with corresponding Discussion-Responses; this is an abbreviated report format that we call an "Issues-Discussion Matrix." We then prepared an "Estimate Summary" of the estimates we received from the Owner that were composed by others. We composed our own "Scope of Work" and "Repair Estimate" to replace the roofing and roof top decks that included the design and coordination of this complicated work, which totaled \$163,000. We summarized all of the work and documented our expert opinions in an "Opinion Letter with Recommendations." Near the end of this contentious matter we delivered sworn testimony in an expert deposition. Soon thereafter, the case settled favorably for our client and they paid our \$16,500 bills in full.

