

FAIRLINGTON GREEN CONDOMINIUM COUNCIL OF CO-OWNERS

POLICY RESOLUTION NO. 1

(Water Penetration Liability)

WHEREAS, by virtue of Article IV, Section 2 of the Bylaws, the Board of Directors is vested with the power and duties necessary for the administration of the affairs of the Council of Co-Owners ("Council") and to do all such acts and things as are not by law or the Bylaws directed to be exercised and done by the co-owners; and

WHEREAS, the governing documents of the Fairlington Green Condominium require that the Council of Co-Owners maintain and repair the common elements and require that each co-owner maintain his own condominium family unit in good repair; and

WHEREAS, the governing documents of the Fairlington Green Condominium do not specifically address the liability of the Council and of the co-owners for water penetration damage; and

WHEREAS, the Board of Directors of the Council of Co-Owners has determined that it is in the best interests of the Council to clarify the liability of the Council and of the co-owners for water penetration damage and repair.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

The liability for water penetration damage at the Fairlington Green Condominium shall be determined by the situs of the cause of the water penetration. If the water penetration is caused, in whole or in part, by a condition in the common elements, such as grading, erosion or common element drain backup, the Council shall be responsible for the repair of the condition and for the repair of any direct damage to a unit caused thereby. The Council shall also be responsible for the cost of the repair.

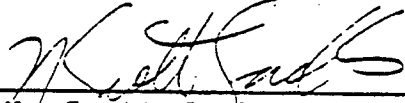
In no event shall the Council be responsible for consequential or secondary damage caused by the water penetration. Direct damage includes all such injurious consequences that proceed immediately from the cause such as damage to the unit or common elements. Consequential or secondary damage is damage, loss or injury, that does not flow directly and immediately from the cause, but only from the consequences or results of the cause, such as damage to the resident's personal property and furnishings within a unit.

If the water penetration is caused, in whole or in part by a condition in a unit, as the same is delineated by the unit boundaries described in the Master Deed, then the co-owner shall be responsible for the repair of the cause of the water penetration and for the repair of any damage caused to the common elements, to the co-owner's unit, or to other units. The co-owner shall also be responsible for the cost of the repair.

In those cases where water penetration is determined to be caused by a condition in the unit and by a condition in the common elements, the responsibility and expense of repair of the condition and of direct damage to any unit or to the common elements caused by such water penetration, shall be pro-rated between the co-owner of the unit or units where the condition exists and the Council.

Water penetration through either the floor slab of the unit, the foundation walls of the unit or the roof, is presumed to be the responsibility of the co-owner, unless and until the co-owner demonstrates to the satisfaction of the managing agent that the water penetration is caused solely or partially by a condition in the common elements.

FAIRLINGTON GREEN CONDOMINIUM
COUNCIL OF CO-OWNERS

By: 
N. Scott Sacks, President

I hereby certify that the foregoing Resolution was duly adopted at a regular meeting of the Board of Directors of the Fairlington Green Council of Co-Owners on this 21st day of June, 1990. I further attest that the foregoing Resolution was mailed or hand-delivered to the unit owners on the 5th day of July, 1990.


Secretary

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