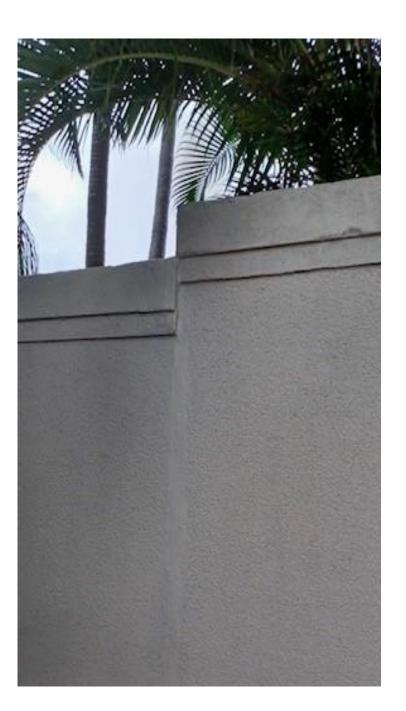


Walls at the Ridge Workshop #2: Moving Forward on Ridge Walls Issues

Chapter 1: Introduction Chapter 2: The Covenants Chapter 3: Rules for Repairs Chapter 4: Scope & Costs Chapter 5: Moving Forward



# Chapter 1: Introduction



#### Walls at the Ridge

#### Workshop #2: Moving Forward on Ridge Walls Issues

What's the end game?

• Solving the repair & maintenance responsibilities

Declaration of Covenants and Restriction for The Ridge at the Bluffs "Living" Version with Amendments 1,2,3,<u>4</u> NOT A CERTIFIED COPY

🗄 📮 🧹 🗋 Update Table...

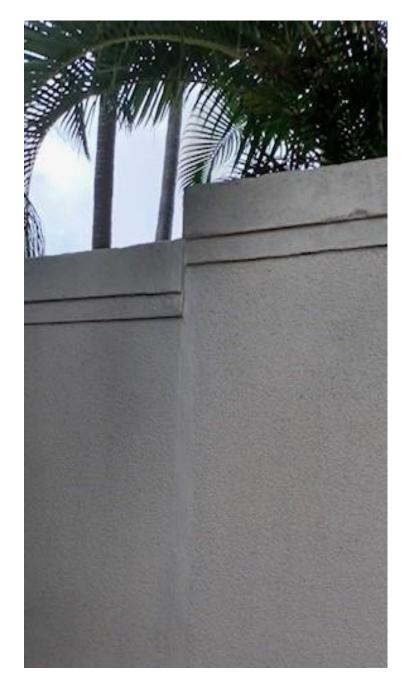
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#### Walls at the Ridge

#### Workshop #2: Moving Forward on Ridge Walls Issues

What's the end game?

- Solving the repair & maintenance responsibilities
- Updating the Declaration of Covenants and Restrictions



#### Walls at the Ridge

#### Workshop #2: Moving Forward on Ridge Walls Issues

What's the end game?

- Solving the repair & maintenance responsibilities
- Updating the Declaration of Covenants and Restrictions
- Fixing the walls that need fixing

It's going to take effort, compromise and support.

#### Some things we've learned along the way...

- There was an unofficial "founding" set of Covenants that were contrary to our official docs
- There may be more than one way to repair many of our walls
- There may be some good options as to who can do repairs
- There are some rules to follow and there needs to be.
- There's potentially a lot of \$\$\$ at stake



Perhaps our biggest problem: We can't agree on who maintains the walls!

- HOA: 170 Votes. 40%
- Homeowner only: 152 Votes. 36%
- 50/50: 107 votes. 25%





# Our Documents have been termed ambiguous...

"...who is responsible for the maintenance of the walls and fences is ambiguous...

Rosenbaum pllc

ROSENBAUM PLLC

THIS COMMUNICATION IS SUBJECT TO THE ATTORNEY/CLIENT AND WORK PRODUCT PRIVILEGE AND IS PROTECTED FROM DISCLOSURE PURSUANT TO SECTION 720.305(5)(c)1 FL STAT.

March 6, 2023

VIA EMAIL ONLY TO: JOHNMCPARTLANDHOA@GMAIL.COM

Board of Directors The Ridge at Bluffs Homeowners Association, Inc c/o John McPartland, President 215 Cape Pointe Circle Jupiter, FL 33477

Re: Whether the Association is obligated to maintain, repair and replace certain concrete walls and fences within the community.

Dear Board Members:

You have requested a legal opinion from our Firm, as corporate counsel for The Ridge at the Bluffs Homeowners Association, Inc. (the "Association") concerning whether the Association is responsible to maintain, repair and replace certain concrete walls and fences located within the Ridge at the Bluffs. This opinion updates and supersedes our opinion dated February 4, 2022.

In rendering this opinion, we have reviewed the Association's Declaration of Covenants and Restrictions for the Ridge at the Bluffs recorded June 11, 1985 at Official Record Book 4569, Page 1 (Declaration) as amended, Articles of Incorporation, Bylaws and the Plat for The Ridge at the Bluffs dated December 28, 1984, recorded at Plat Book 50, Pages 47-51 (the Declaration, Articles of Incorporation, Bylaws and Plat are referred to collectively hereafter as the "Governing Documents"). We also reviewed a survey of Lot 343, as sample and representative survey of the location of one of the concrete wall sections located at the rear of a number of the Homes within the Community (hereafter "Sample Survey") along with a Partial Site Plan obtained from the Town of Jupiter stampled as "code compliant" (the "Site Plan"). We also reviewed a Floor Plan provided by Robert Lifton. The Sample Surveys, Site Plan, Plat, and an additional lot survey for Lot 412 located 139 Seashore Drive (hereafter Lot 412 Survey) are attached to this letter as Exhibits "A", "B", "C" and "D" respectively. I also performed a very basic site review to look at the location of one of the representative wall sections in the Community currently in need of repair. As to matters of fact, in addition to the

250 South Attstralian Avenue, 5th Floor West Palm Beach, FL 33401 Sol 653 2900 | Fax: 561.820.2542 850 NW Federal Highway, Suite 111 Stuart, FL 3499-772 252 353

rosenbaumplic.com



So we could go with our Attorney's findings...

"... it is our professional opinion that the Walls and Fences are the responsibility of the Association to maintain and repair and replace"

Received 170 survey votes (40%)

... or perhaps we can relook at things and find another solution.

"Each owner shall maintain the exterior of his single family home, including the walls...

Received 152 survey votes (36%)

THIS DECLARATION OF CONTAMPS AND day of MAL 1997 Comparison of the same a new rate of the second s tion not for profit, hereinster called the "NSCINTION" by MERI & DURITE COMPRESSION. and by the a vicesda creptea-WERGING, Developer is the owner of the real property described in Complete  $*h^{-}$  to this Declaration; and the Declaration of the rest property of the tensor of the property of the tensor of there a place of comparity of single-family homes with provent open Spaces, and traffic and recreation scale for the benefit of the use WELKERS. Developer desires to provide for the preservation and embancement of the property values, mentiles and opportualities in Said community and for the maintenance of the properties and imposed ments thereon, and to this end desires to subject the real property described in Edubit A to the overants, restrictions, ensembles, charges and liens hereinafter set forth, each and all of which is and are for the benefit of said property and each owner thereof; and MERCAS, Developer has deemed it desirable, for the efficient preservation of the values and amenities in said community, to community an entity to which should be delegated and assigned the powers of oning, meintaining and administering the community properties and facilitics: administering and afforcing the covenants and restrictions. collecting and disburging the assessments and charges tereinalter created; and promoting the recreation, convenience, safety and welfare of the residents; and MIEREAS, Developer has incorporated under the laws of the State. of Florida THE RIDGE AT THE ELEPTS HAMINARES ASSOCIATION, DE. as a non-profit corporation for the purpose of exercising the functions NCN, THEREFORE, the Developer hereby declares that the real property described in Exhibit  $\lambda$  is and shall be held, transferred, sold, conveyed and occupied subject to the terms, conditions, coverests, provisions, restrictions, easements, servitides, and liers (sometime referred to as "covenants and restrictions") hereinafter set forth, which shall be binding on all persons, their beins, excessors and assigns having any right, title or interest in or to the real prop-erty, and shall inure to the benefit of each lot owner.

#### How Do We Move Forward?



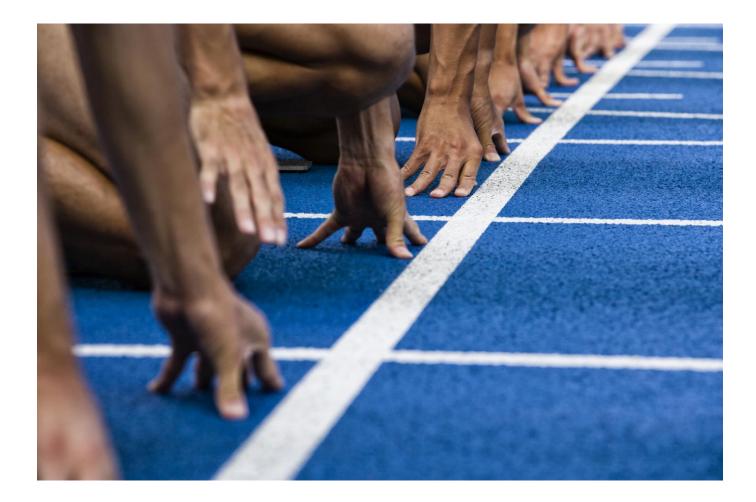
"Can't we all just get along?" Rodney King

#### Working through differences... How to bridge the gaps



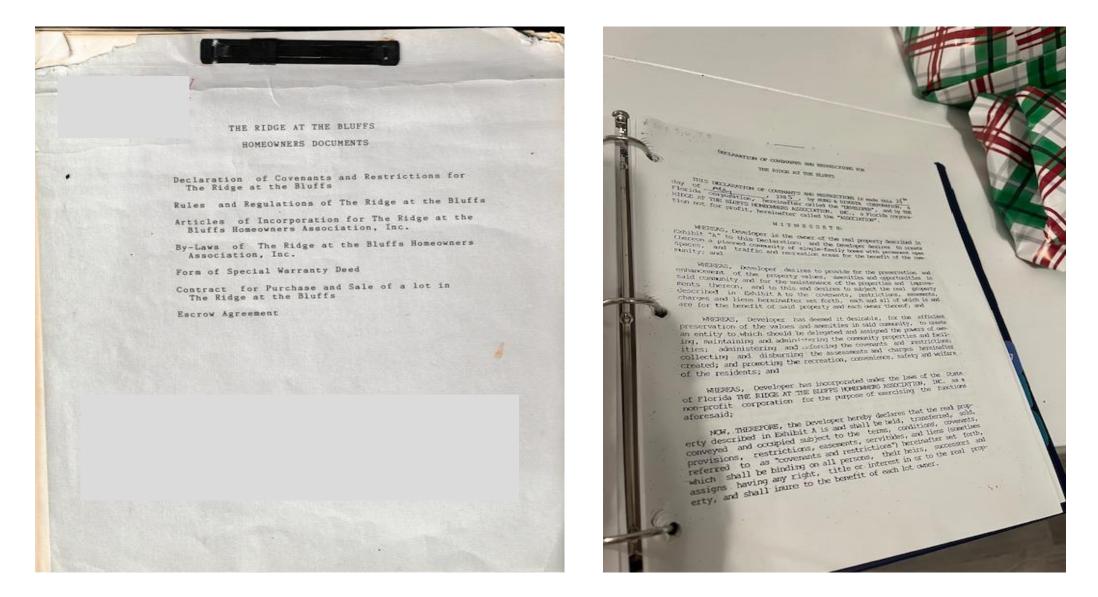
- Have an open mind
- Listen
- Consider outside thoughts
- Be patient
- Don't shut down
- Try to suspend our biases

# Let's get started!



Chapter 2: Our Governing Document – The Declaration of Covenants

#### Surprise! Covenants – There are 2 Sets of Covenants! 1984 (not official) or 1985 (very official)



#### Two Covenants. Who Knew???

1984 "Hand outs"

- Many original purchasers were given a 1984 package of Governing Documents
- Original Homeowner's were told they owned maintenance of all backyard walls (and fences)
- This 1984 version established a baseline

   a thought process that is with many
   homeowners still today.

1985 – Present Official Docs

- On record with Palm Beach County is a significantly different set of Documents.
- But the <u>official</u> 1985 Covenants get "ambiguous" and mess that up a bit.
- Many of us "newbie" only know this 1985 version – which established a second way of thinking.

It's 2024. Let's get things in order.

#### Two Covenants – Differences:

1984 Version

• Has homeowner maintain their lot perimeter wall

1985 – Current Version

• Has the neighbor maintain the lot perimeter wall



### Two Covenants – Differences so far:

#### 1984 Version

- Has homeowner maintain their lot perimeter wall
- Easement over neighbor's sideyard for owner access to Lot Perimeter Wall only
- Party Fence is for walls built <u>on</u> two adjoining lots
- Party Fence not listed for easement access
- This made the backwall shared between neighbors the <u>only</u> Party Fence (not the side extension wall)
- Misstated the property line: "Lot Perimeter Wall means the exterior wall of a single family home which is located <u>on the lot line</u>."
- "Each owner shall maintain the exterior of his single family home, including the walls, private fences and roof in good condition and repair."

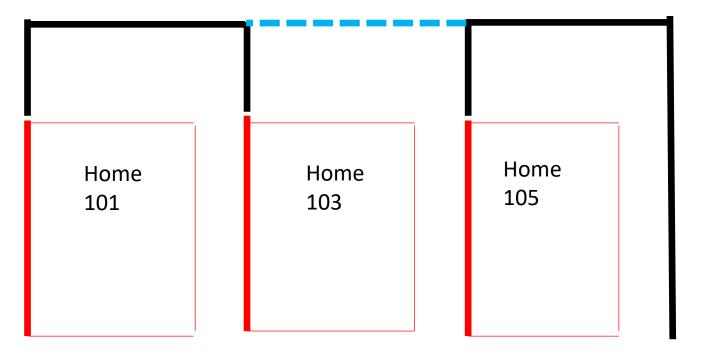
#### 1985 Version

- Has neighbor maintain the lot perimeter wall
- Easement over Owner's lot for the neighbor & the Association to access the Lot Perimeter Wall
- Party Fence is for walls built *between* two adjoining lots
- Added Party fence easement
- This made the "extension" a Party Fence
- Corrected the property line: "Lot Perimeter Wall means the exterior wall of a single family home which is located approximately two (2) feet from the lot line."
- "Each owner shall maintain the exterior of his single family home, including the walls (excluding lot perimeter wall as specified herein), and private fences and roof in good condition and repair."

Let's get a closer look at this...

# A Closer Look... at 1984 Thinking

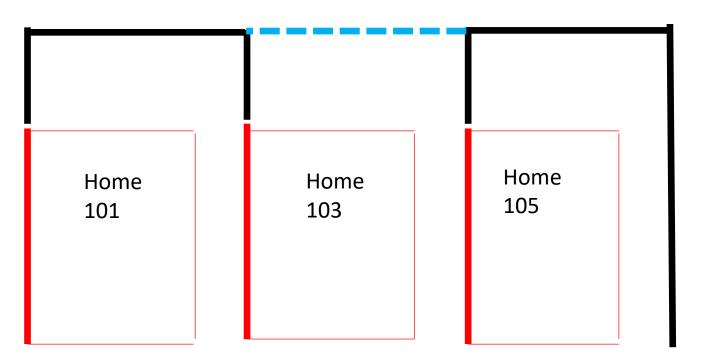
- "Each owner shall maintain the exterior of his single family home, including the walls, private fences and roof in good condition and repair."
- Might the developer have used the term "fences" interchangeably for walls?



ONE OF THE MOST COMMON MISTAKES PEOPLE MAKE IS USING THE TERMS 'FENCE' AND 'WALLS' INTERCHANGEABLY... ESPECIALLY IN LEGAL DOCUMENTS." - The Content Authority

# A Closer Look... at 1984 Thinking

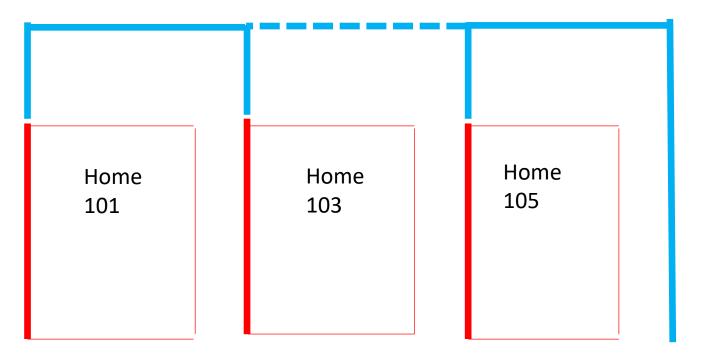
- "Each owner shall maintain the exterior of his single family home, including the walls, private fences and roof in good condition and repair."
- Might the developer have used the term "fences" interchangeably for walls?
  - Already did for "Party Fences"



"Those walls or fences which are constructed between two adjoining lots ...are hereby declared as "Party Fences."

# A Closer Look... at 1984 Thinking

- "Each owner shall maintain the exterior of his single family home, including the walls, private fences and roof in good condition and repair."
- Might the developer have used the term "fences" interchangeably for walls?
  - Already did for "Party Fences"
  - What if this meant "...including the walls, privacy walls & fences and roof..."



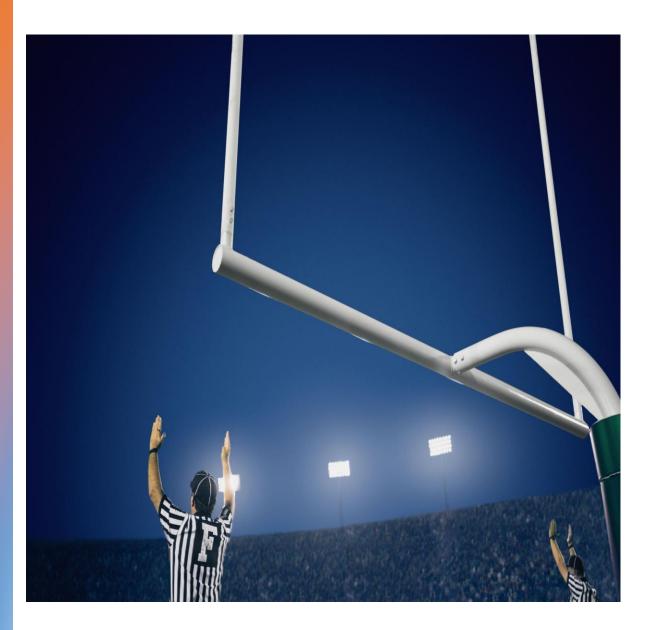
Wouldn't this wall ownership all be solved if this is what was written?

This idea is what the original buyers all were told. This is the mindset – and the 1984 documents can be interpreted this way.

# Coming up....

#### The "real" Governing Documents Created a mindset

- What are the rules for Wall repairs (think Town of Jupiter)?
- Who can repair the wall cracks?
- What is the scope of the repairs?
- What are the real costs?
- How do we move forward?



#### Remember our Goals....

#### ✓ Solving the repair & maintenance responsibilities

✓ Updating the Declaration of Covenants and Restrictions

 $\checkmark$  Fixing the walls that need fixing

Chapter 3: Rules for Walls Repairs; Who Can Repair Them?

### Where do we start?

**Professional Engineer?** 

Licensed Contractor?

Handyman?

Joint Knock Down & Rebuild Vs. Joint Patching

Permit?



#### What are the Rules for Wall Repair?

#### Town of Jupiter Laws & Codes...

Licensed Contractors?

- Association must hire Licensed Contractor (LC)
- Homeowner can hire LC or can proceed as an <u>Owner-Builder</u> [Chapter 489.103(7) exemption]

How about Permits?

- Repair work <\$1000 does not need building permit [Town Code 105.2] - unless repair affects structural integrity.
- More significant repairs require a Town Permit



#### What is an Owner-Builder????



Like painting, plumbing, electrical projects etc, a homeowner can do their own wall repair work.



No Trade License required if owner does the work

=

...but a permit may be needed

Note: "Any person's working on my building who is not licensed must work under my direct supervision..." See Town Building Dept. Owner-Builder Affidavit

#### Rules in a nutshell...









HOA is a corporation. Hiring a licensed contractor is required Homeowner – can hire a licensed contractor or repair as an Owner-builder Significant repairs require a permit from the Town (over \$1000) Minor repairs can be done without town involvement (< \$1000)

# Coming up....

- The "real" Governing Documents
- What are the rules for Wall repairs (think Town of Jupiter)?
- Who can repair the wall cracks?
- What is the scope of the repairs?
- What are the real costs?
- How do we move forward?

Chapter 4: What is the Scope of the Repairs; What are the Costs?

### How much is my wall!?

#### The Ridge Back Wall Repair Cover Page - DRAFT ONLY

Contents	Page #		_	1011				
Wall & Fence Cover Page	1 2				0 Joint Re y Level - D	here		
Site Map	4	Very High	High	Medum	Lów	Very Low	Universit.	-
All the second		1	2	1	4	3	25	Count
Beach Summit Ct	5	0	6	20	5	1	0	32
Cape Pt Even Numbered (along The River)	6	0	0	3	1	1	0	5
Cape Pt Even Numbered (inner CPC)	7	0	0	0	3	1	0	4
Cape Pt Odd Numbered	8	0	0	8	)	0	0	11
Dunes Edge	9	0	0	0	0	0	. 1	3
Knoll Way	10	1	1	15	2	1	Ö.	20
Ocean Pines -	11	0	0	4	11	11	0	26
Ridge 100's	12	0	0	8	19	3	0	29
Ridge 200's	13	0	1	14	14	0	0	
Ridge 300%	14	0	0	2	.0	1	0	4
Sand Pine - Even Numbered	15	0	6	6	18	1	0	31
Sand Pine - Odd Numbered	16	2	12	7	12	5	0	38
Seashore - Even Numbered	17	0	3	25	6	4	0	38
Seashore - Odd Numbered	18	4	8	13	11	2	0	38
Sea Steppes	19	0	1	10	7	2	0	20
	Totats	7	38	135	116	33	3	328

Note: Wall Joint counts are higher than Homes with Backwalls abutting Assocation property

{328 vs 308) due to End Wall joints being included.

		e.		
	Back W	ANI Abutts		Total
	Assoc	Home	Fences	
Seach Summit CL	32	0	25	. 57
Cape Pt Even Numbered (along The River)	8	28	0	36
Cape Pt Even Numbered (Inner CPC)	4	20	0	24
Cape Pt Odd Numbered	8	31	0	39
Duries Kidge	3	13	13	29
Cnoll Way	18	2	0	20
Ocean Pines	21	15	34	70
Ridge 100's*	28	13	317	78
Ridge 200's	29	1	31	61
Ridge 300%	1	15	21	- 37
Sand Pine - Even Numbered	29	0	0	29
Sand Pine - Odd Numbered	37	0	0	37
Seashore - Even Numbered	36	0	0	36
Seashore - Odd Numbered	37	0	0	37
Sea Steppes	17	0	11	28
	308	338	172	618

\* 1 home has both wall & fence. Counted as Wall



### Start with the Back Wall Repair Draft.

#### The Ridge Back Wall Repair Cover Page - DRAFT ONLY

	Page #							
				Wa	8 Joint Re	pair		
Arall & Fence Cover Page	1			1000		1. Contraction (1. Contraction)		
Repair Clarifications	2			Priprip	r Level - B	A POSSEL		
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Beach Summit Ct	5	0	6	20	5	1	0	32
Cape Pt Even Numbered (along The River)	6	0	0	3	1	1	0	5
Cape Pt Even Numbered (inner CPC)	7	0	0	0	1	1	0	4
Cape Pt Odd Numbered	8	0	0		1	0	0	11
Dunes Edge	9	0	0	0	0	0	1	3
Kool Way	10	1 1	1	15	2	1	ò	20
Ocean Pines -	11	0	0	4	11	11	0	26
Ridge 100's	12	0	0	1	19	1	0	29
Ridge 200's	13	0	1	14	14	0	0	29
Ridge 300%	14	0	0	2	0	2	0	4
Sand Pine - Even Numbered	15	0	6	6	18	1	0	31
Sand Pine - Odd Numbered	16	2	12	7	12	5	0	18
Seashore - Even Numbered	17	0	3	25	6	4	0	38
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Beach Summit CL Cape Pt Even Numbered (along The River) Cape Pt Even Numbered (inner CPC) Cape Pt Odd Numbered Dunet Edge Knoll Way	Totals Note: Wall Jc (328 v	7 We counts are to 1000 due to f Beck Walt Alsoc 132 8 4 8 3 18 23 28 23 28 29 1	38 Ngher tha nd Wall ( Sock Wall) Abutts Home 0 28 20 31 33 20 31 33 13 13 13 13 15 13 13	135 n Homes with sints being inv Vence Count Vence Count Vence Count Vence Count Vence Count 13 0 0 13 0 13 0 34 37 21	116 Backeel cluded. Total 57 36 24 39 29 20 70 70 78 61 37	33	3	328
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We have a 20 page report of all 328 wall joints

- It's not sanctioned yet
- It's not official
   ...but it is helpful!
- We know all 328 wall joints fall into one of 5 Priority Levels
- Let's take a look...

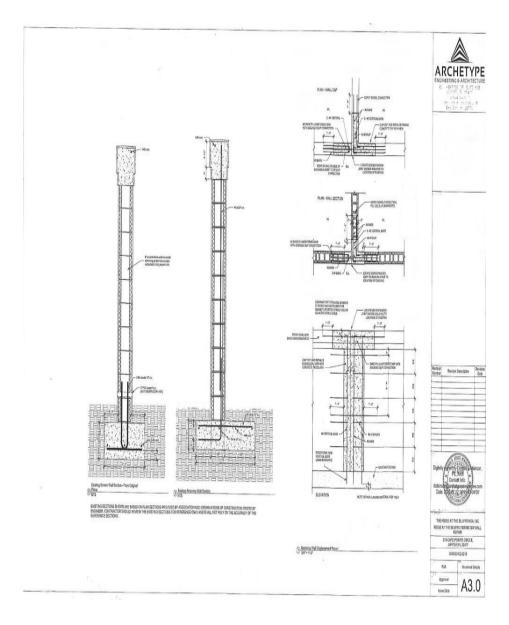
\* 3 home has both wall & fence. Counted as Wall





This wall is

- cracked open vertically,
- open at the top,
- broken-up Cap,
- and leaning 2".



This wall is

- cracked open vertically,
- open at the top,
- broken-up Cap,
- and leaning 2".

We have maybe 6 of these Level 1 wall joints. These may well be "<u>Knock-down Joints</u>." That's how our engineer designed them.



<u>*Knock-down Joints*</u> – How do we fix them?

May need:

- Removal of the top cap
- Removal of 2 or more rows of block
- Excavation of soil down to footing
- Rebuilding wall section including anchored rebar, new expansion joint, new CMU block, tie-in to adjacent walls, stucco finish, proper shoring...

Rebuild requires Town Permit. Also - Professional License and oversight or the Owner-builder does the work.

Estimated cost: >\$10k - \$15k to knockdown & rebuild.

• Maybe there are other options.

# Level 2 High Priority Wall Repair



This wall has a vertical joint breach, open at the top, broken-up stucco – not leaning. We have 39+/- Level 2 wall joints.

Cost Estimate (3 bids in 2022): \$10,200 ; \$10,700, \$17,300 for "Knock-down Joint" scope

Does it need full repair like Level 1 – or can this be repaired in lieu of being rebuilt?

Let's take a look at what Ridge Homeowner & very handy Scott Cantrell did to this wall...

# Sample Wall Repair

- Project included
  - Scoring & prep cracks
  - Gap fill/closure w/repair mortar
  - Next day waterproofed which flexes, but non-shrink
  - Paint/Stucco



Waterproof

Paint

# Sample Wall Repair

- Project included
  - Scoring & prep cracks
  - Gap fill/closure w/repair mortar
  - Next day waterproofed which flexes, but non-shrink
  - Paint/Stucco
- Note this is a patched wall not a rebuilt wall.
- Is this good enough? Can it be used widely? What's it cost?



# Sample Wall Patch Cost



- All in repair price: <\$500.
  - Roughly 8 hours total and \$50 material
  - Even if we double that cost, that's <\$1000.
  - Can we repair Level 2 wall rather the Knockdown plan?

#### Remember – this doesn't rebuilt the joint, but rather repairs it

- Notes:
  - Association's engineer could evaluate and design the repair
  - Our licensed contractor could bid this design
  - An owner can take on the repair on their own
  - An owner can take it on and get help from a local talent like Scott Cantrell or a Sal Altieri – as long as they're instep with the rules
  - May not need a permit

# Level 3 Medium Priority Wall Repair



This wall has a vertical joint breach, open at the top – not leaning. We have 135+/- Level 3 wall joints.

Appears to need "patch work"

- Scoring & opening cracks
- Gap fill/closure w/repair mortar
- Waterproofing
- Paint

Estimated Cost: <\$600 if work by Homeowner; ?? if by Association's contractor. Maybe \$1200.

Permit required: Not likely for homeowner.

# Level 4 Low Priority Wall Repair



This wall has an aging seam and a line crack at the top – not leaning. We have 112+/- Level 4 wall cracks.

Appears to need minor "patch work"

- Scoring & opening cracks
- Gap fill/closure w/repair mortar
- Waterproofed
- Paint

Estimated Cost: <\$400 if work by Homeowner; ?? if by Association's contractor. Maybe \$800.

Permit required: No

### Level 5 Low Priority Wall Repair



This wall has a patched seam and has been cared for. We have 33+/- Level 5 wall joints.

Appears to need no work at this point

Estimated Cost: \$0

# Coming up....

- The "real" Governing Documents
- What are the rules for Wall repairs (think Town of Jupiter, Homeowner)?
- Who can repair the wall cracks?
- What are the real costs? (Order of Magnitude Costs)
- How do we move forward?

# Chapter 5: How Do We Move Forward?

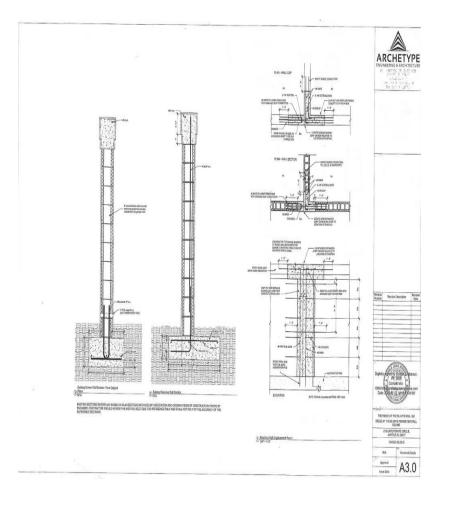
#### Let's Not Lose Sight – Our Community Upkeep Matters!





# Moving Forward: Here are 2 Ideas...

Plan 1: Association Maintains Plan 2: Homeowner Maintains Plan 3 – to be determined





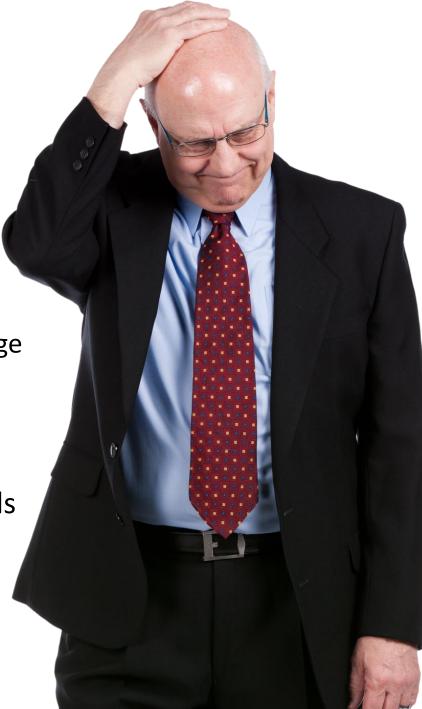


# Covenant Side bar...

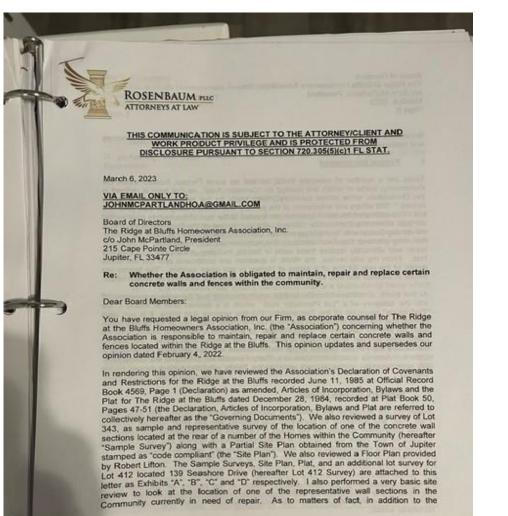
The need for 310 votes is the ultimate compromise maker! No matter what plan we move forward with, if the covenant changes get voted down, we're right back where we started...

- Stuck with ambiguous documents
- Attorney's opinion
- The Board will have to manage the hand they get dealt

We need a plan that the majority of homeowners finds acceptable!



# Here's Plan 1... The "Association" Plan



250 South Attatralian Avenue, 5th Floor West Palm Beach, FL 33401 61 653 2900 | Fax: 561.820.2542 850 NW Federal Highway, Suite 111 Stuart, FL 34994 772 252 3536

rosenbaumplic.com

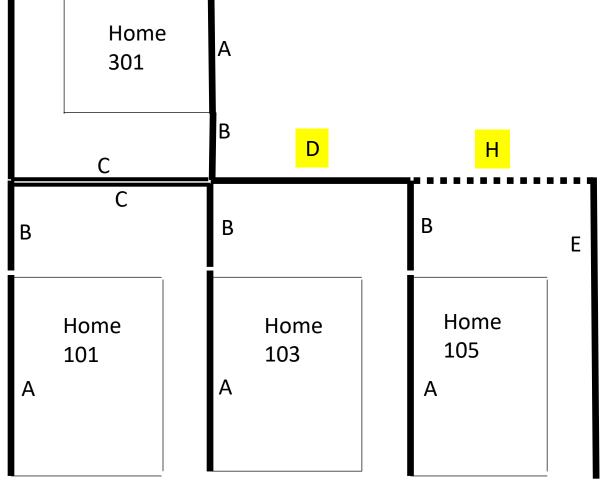
Theme: The Association repairs the back wall joints

From our Attorney:

"Based on our review of the Governing Documents... it is our professional opinion that the walls and fences are the responsibility of the Association to maintain, repair..."

Received 170 survey votes (40%)

#### We define the Responsibilities...



Ε

#### Wall

A. Lot Perim. Wall.B. Lot Perim. Extension WallC. Back Party Wall

- D. Back Common Wall
- E. End Wall
- F. Gated Wall (not shown)
- G. Mid-Wall (not shown)
- H. Fence

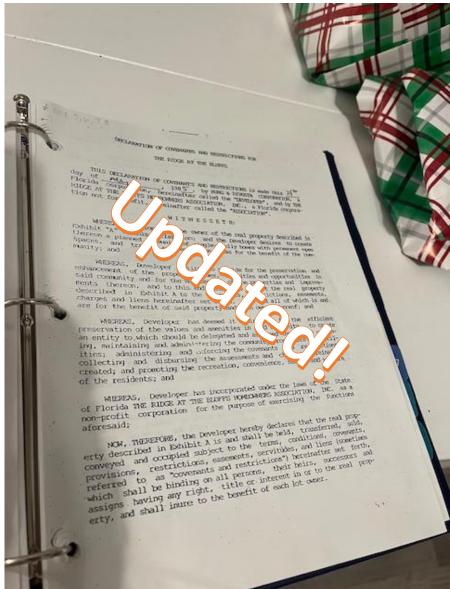
**Responsible Party** 

Homeowner Homeowner Shared Homeowners Association<sup>1</sup> Homeowner<sup>2</sup> Homeowner Homeowner Association

Footnote 1: Back Common Wall – painting and paint prep including superficial cracks to inner facing wall surfaces are by the homeowner,

Footnote 2: End Wall still needs HOA Paint color Approval

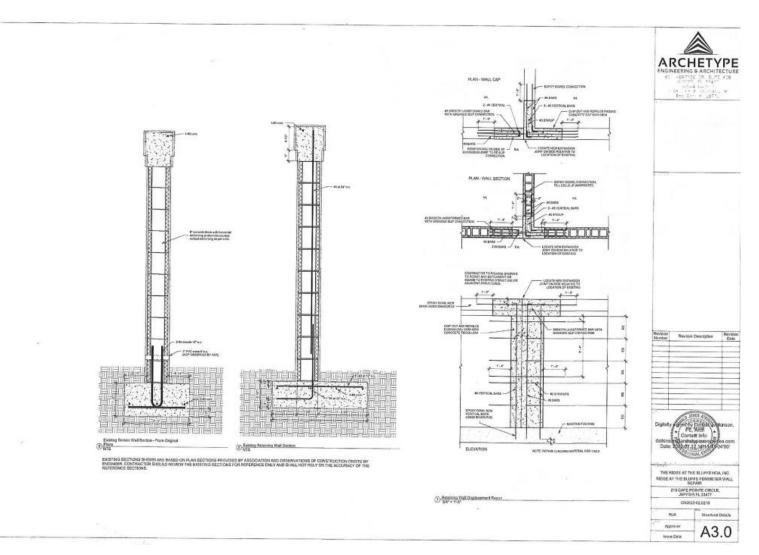
### ...we NEED this step:



- Develop a Draft with our changes
- Attorney Review and Prep
- Homeowner Approval
- Filing with Palm Beach County

# We finally get to fixing the walls...

- Create a Walls Committee
- We confirm the Priority Level for the 328 joints
- Update the design drawings
- Develop a timeline for the project
- Clarify repair standards
- Develop new cost estimates
- Seek Board approval for budgeted work
- Bid and award the work
- Hire engineer for oversite
- Track the work



# Order of Magnitude Co\$t\$ – Association Responsible for Back Wall Repairs

<u>Priority</u>	Count	Estimated \$ Notes:	
Level 1 – High. Structural	6	\$15k ea	\$90k
Level 2 – High	39	\$8k ea	\$312k total
Level 3 – Medium	138	\$1200 ea	\$166k total
Level 4 – Low	112	\$800 ea	\$92k total
<u>Level 5 – None</u>	33	\$ 0	\$0
	328		\$660k
			\$2010/wall

### Good Plan or Bad Plan? Pro's & Con's

#### Plan 1: The Association Plan

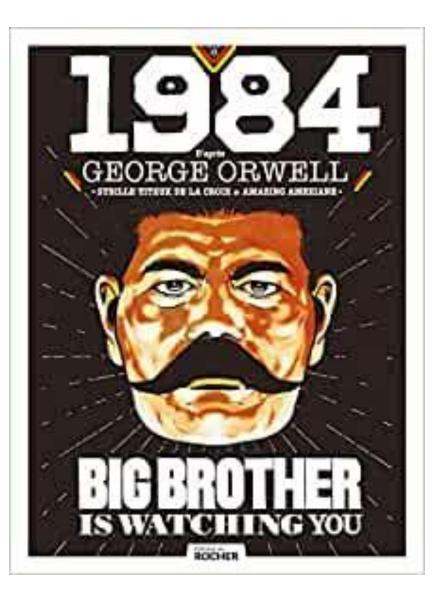
#### Pro's

- \* Now it targets <u>all</u> walls
- Total rebuild of High Priority Structural walls joints
- May allow for wall patching in lieu of Knock-downs for some walls
- \* Professional Engineering
- Licensed & Insured construction
- Professionally controlled project
- + Continuity
- + Quality construction

#### Cons

- Complex responsibility re-write
- Doesn't address the cause to the cracks (e.g. tree roots, soil issues)
- Rebidding required
- More scope than original
- <sup>-</sup> Adds engineering costs
- Unknow construction issues (e.g. painting, site repair, site access)
- <sup>-</sup> Overall costs are higher
- Oversite labor (committee?)
- Concept need 310 Homeowner votes

# Here's Plan 2... The "1984" Plan



Theme: Homeowners are largely responsible for the Yard Wall maintenance

"Each owner shall maintain the exterior of his single family home, including the home walls, yard walls as defined herein, fences and gates in good condition and repair."

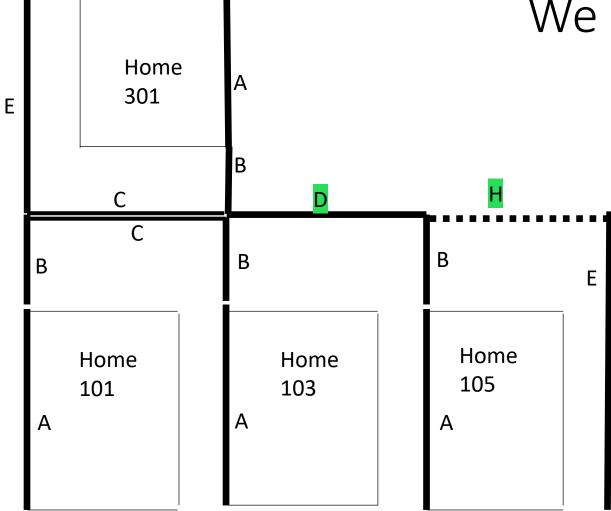
Received 152 survey votes (36%)

# We start here – Clarify Definitions in Covenants

- 13. Exterior Wall Definitions. All references to a particular side (Right, Left) are as seen from the street in front of the lot.
  - a. "House Walls" shall mean the exterior walls that make up the perimeter of all four sides of a single-family home. These walls are all inbound of the outline of the house roof.
    - i. "House Perimeter Wall." Means the left-side House Wall that is constructed approximately 2 feet inbound from the owner's lot line. Maintenance responsibility: Wall owner
  - b. Yard Walls shall include:
    - i. **\*Back Common Wall**" shall mean the backyard wall that abuts up to common area or preserves. Maintenance responsibility: Homeowner is responsible for the entire back wall regardless of property lines. including but not limited to the 2' segment that extends into the adjacent lot. Exception: Backside of wall superficial repairs and painting by the Association.
    - ii. "Back Party Wall" means any backyard backwall that abuts to a property owner or owners. Maintenance responsibility: Shared among owners. See Section VI. Maintenance
    - iii."End Lot Wall" means any right side yard wall that abuts to common area or preserves whether or not the wall is located on any part of the common area or preserves. Maintenance responsibility: Homeowner
    - iv. "Gated Wall" means each gated wall between a single family home and an adjacent House Perimeter Wall or End Lot Wall. Maintenance responsibility: Gate owner responsible for all wall segments and gate regardless of property lines.
    - v. "House Perimeter Extension Wall" means the backyard wall attached to an owner's home that extends from the House Perimeter Wall through the backyard. Maintenance responsibility: Wall owner
    - vi. "Mid-wall" means any back yard back wall entirely on an owner's lot with the property behind said wall being of that owner. House Perimeter Extension Walls are not Mid-walls.

# Then add – Responsibility for Maintenance

- 13. Exterior Wall Definitions. All references to a particular side (Right, Left) are as seen from the street in front of the lot.
  - a. "House Walls" shall mean the exterior walls that make up the perimeter of all four sides of a single-family home. These walls are all inbound of the outline of the house roof.
    - i. "House Perimeter Wall." Means the left-side House Wall that is constructed approximately 2 feet inbound from the owner's lot line. Maintenance responsibility: Wall owner
  - b. Yard Walls shall include:
    - i. "Back Common Wall" shall mean the backyard wall that abuts up to common area or preserves. Maintenance responsibility: Homeowner is responsible for the entire back wall regardless of property lines. including but not limited to the 2' segment that extends into the adjacent lot. Exception: Backside of wall superficial repairs and painting by the Association.
    - ii. "Back Party Wall" means any backyard backwall that abuts to a property owner or owners. Maintenance responsibility: Shared among owners. See Section VI. Maintenance
    - iii."End Lot Wall" means any right side yard wall that abuts to common area or preserves whether or not the wall is located on any part of the common area or preserves. Maintenance responsibility: Homeowner
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    - vi. "Mid-wall" means any back yard back wall entirely on an owner's lot with the property behind said wall being of that owner. House Perimeter Extension Walls are not Mid-walls.



# We get specific...

Wall

A. Lot Perim. Wall.B. Lot Perim. Extension WallC. Back Party Wall

- D. Back Common Wall
- E. End Wall
- F. Gated Wall (not shown)
- G. Mid-Wall (not shown)
- H. Fence

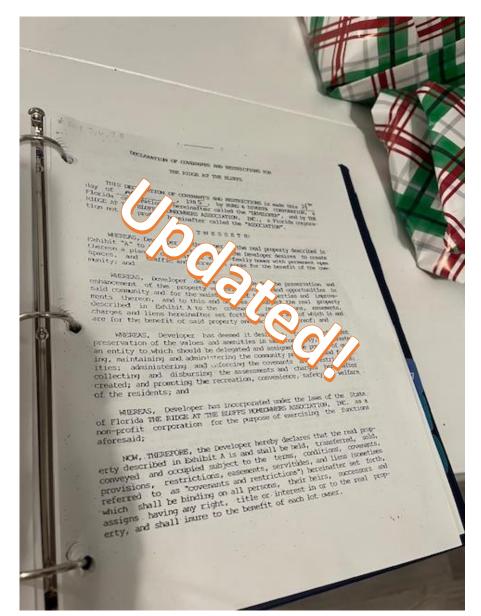
**Responsible Party** 

Homeowner Homeowner Shared Homeowners <mark>Homeowner<sup>1</sup></mark> Homeowner Homeowner Homeowner Homeowner

Footnote 1: Back Common Wall – painting and paint prep to backside wall surfaces are by the Association

Footnote 2: End Wall still needs HOA Paint color Approval

### ... and we work through Document changes:



- Develop a Draft with our changes
- Attorney Review and Prep

#### Gain Homeowner Approval

• Filing with Palm Beach County

# Finally, we get to fixing the walls...

- Create a Walls Committee
- We confirm the Priority Level for the 328 joints
- Set a timeframe: 2-3 years
- Clarify standards
- Set the homeowner expectations on how the walls can be repaired
- Track the work
- The Association paints the back side of walls as needed at project completion
- ...but we largely stay out of the way





### We Do Play By the Rules...

- Repairs <\$1000 need only Committee approval
- Repair >\$1000 need Town permit and inspection
- Failure to gain repair acceptance will be fineable and could lead to lien issues



# <u>Order of Magnitude Co\$t\$</u> – "Owner-Builder" Responsible for Back Wall Repairs– by "Owner-Builder"

<u>Priority</u>	Count	Estimated \$	Notes:
Level 1 – High. Structural	6	Unknown	Could be 12k-90k*
Level 2 – High	39	\$999 ea	\$39k total
Level 3 – Medium	138	\$600 ea	\$83k total
Level 4 – Low	112	\$400 ea	\$45k total
<u>Level 5 – None</u>	33	\$ 0	\$0
	328		\$180k - \$270K*
* Case Study; Create a Protection Fund			\$550-\$830/wall

# rPiorityCountEstimated \$Notes:Level 1 – High. Structural6UnknownCould be 12k-90k\*

Why show \$12k-\$90K?

Proceeding on a Case Study

- Owner1 Concrete Construction guy (NY)
- Called very concerned about the crack
- Chatted with Scott C and Steve T about 2 options.
  - 1. The Knock-down option (\$15k-ish)
  - 2. Scott's "Anchor & Infill" option (<\$2k)



Priority

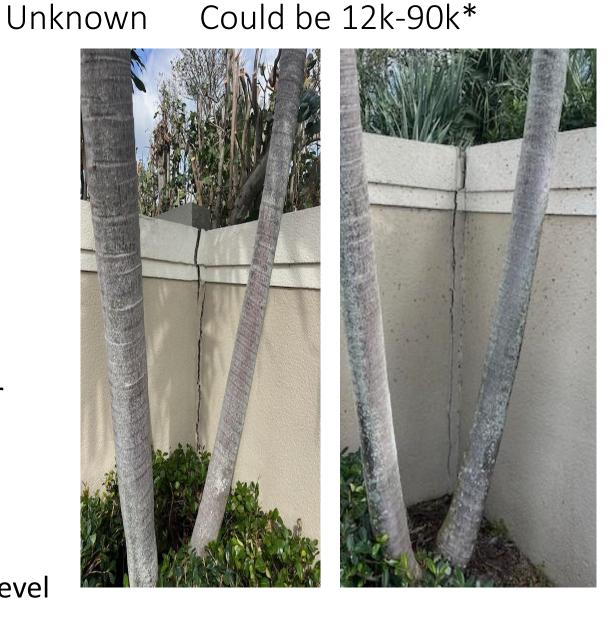
Level 1 – High. Structural 6

Why show \$12k-\$90K?

Proceeding on a Case Study

- Owner1 Concrete Construction guy (NY)
- Called very concerned about the crack
- Chatted with Scott C and Steve T about 2 options.
  - 1. The Knock-down option (\$15k-ish)
  - 2. Scott's "Anchor & Infill" option (<\$2k)
- Both Owner1 & Owner2 will handle the repairs as a Case Study – using Infill & Anchor option.
- We'll likely learn a great deal good or bad news

This will give us 3 High Priority Wall "repairs" to review and help us determine repair options for Level 1 & 2 walls.



Count Estimated \$ Notes:

# What's a Protection Fund?

#### This is a compromise effort.

In this plan,

- Most of us will spend <\$1000</p>
- A few <u>may</u> need to spend >\$10,000
- We enter into a compromise
  - If your wall costs >\$2000 to repair, and
  - The wall damage was not likely caused by owner action
  - The Association would share up to 50% of the repair
  - Max share amount: \$5000
  - Association's share would come from \$250k Wall set-aside money
  - Sunsets with wall project

Why: This Plan 2 does put the wall burden on the homeowners. It's an official change.

- This attempts to flatten out the expense peak.
- It'll likely help us avoid a lawsuits

# What are the compromises with Plan 2:

**Association Voters** 

Homeowner Voters

- ✓ Giving maintenance & repair to individual homeowners vs the Association
- ✓ Opening door to repairing the joints rather than Knock-down & rebuild
- ✓ Continuity & level of repairs

- Potentially spending for Protection Fund
- Backside Painting by Association

### Good Plan or Bad Plan? Pro's & Con's

#### Plan 2: The "1984" Plan

Pro's

- + Targets <u>all</u> walls
- <sup>+</sup> Has an end date
- \* Sets repair boundaries
- <sup>+</sup> Seemingly saves \$\$\$ for repairs
- A plan to soften the blow to expensive repairs
- \* Rules developed to help
- Sets a clear path to get the work accomplished
- Relatively simple responsibility rewrite

Cons

- Motivating some HO's to do repairs
- Fallout when repairs aren't done (e.g. fines, liens)
- Doesn't address the cause to the cracks (e.g. tree roots)
- Oversite labor (committee?)
- Continuity Concerns
- Quality concerns
- Burden future ACC
- Concept need 310 Homeowner votes

# Other Plan Ideas





#### Moving Forward

- ✓ Solving the repair & maintenance responsibilities
- ✓ Updating the Declaration of Covenants and Restrictions

 ✓ We need Homeowner approval of the Document Changes – of the plan we choose. That's 310 votes!

#### $\checkmark$ Fixing the walls that need fixing

# Coming up....

- The "real" Governing Documents
- What are the rules for Wall repairs (think Town of Jupiter, Homeowner)?
- Who can repair the wall cracks?
- What are the real costs?
- How do we move forward?

### ...and in Conclusion...

### It's your turn. What have YOU got to say on the topic?





Walls at the Ridge

Workshop #2: Moving Forward on Ridge Walls Issues

# Thank You!

