

From: Kevin Sherratt ksherratt@nvisiondc.com
Subject: PALMA VISTA PRESIDENT'S LETTER DATED 23 SEPTEMBER 2021
Date: September 25, 2021 at 10:06 AM
To:



Dear Palma Vista President and Members of the BOD,

Good day. Reference the attached letter from the President (Mr Walter Maldonado) regarding the additional fee that the owners of penthouses are required to pay for the sealing of penthouse roof surfaces. This additional levy was agreed upon by a unanimous vote of owners that attended the Extraordinary Assembly held at the Condado Ocean Club on 24th April 2021. The current President attended this assembly.

The President's letter is altering a decision that was voted on unanimously by owners by asking Penthouse Villa Owners to choose from the following:

1. Yes, I am interested in the roof of my private terrace being sealed by Sports Painting; or
2. I am not interested in the roof of my private terrace being sealed by Sports Painting.

If a penthouse owner chooses not to have the roof sealed, they will not have to pay the additional levy.

The President and BOD do not have the authority to alter or reverse a decision voted on unanimously by owners at an Extraordinary Assembly. If such an action was permitted there would be no point in conducting a vote in the first instance. Therefore, I consider that President's letter to be unlawful.

The roof covering the stairs to the penthouse terraces is a General Common Element, However the roof covering the private terrace and its bathroom and adjacent area was deemed a private element and penthouse owners were levied an additional charge to seal the roof. **This is incorrect.** The roof covering the penthouses private roof terraces and their bathrooms is contiguous with the roof that covers the entrance stairs and hallways to villa entrances of each section A, B, C, D and E. All this roof area is a General Common Element as defined in the Master Deed and the Puerto Rico Condominium Act No 129-2020.

The Master Deed Section Seven (iii) and (iv) states that *"all roofing materials shall be deemed General Common Elements, but all exterior awnings or canopies covering private terraces, balconies and windows shall be deemed private elements. In the case of third level units, the boundaries include the stairs to the partially covered roof terrace, the partially covered roof terrace and its bathroom."*

Puerto Rico Condominium Act No 129-2020 Section 17 Paragraph 8 Sub-Paragraph (b) also designates roofs as General Common Elements.

If roofing surfaces are deemed to be General Common Elements, which includes the roof of the stairs and the roof of the private terrace and its bathroom etc., why are penthouse owners required to pay an extra levy, which from my perspective should be shared amongst all villa owners?

While the decision to charge an extra levy to penthouse owners was agreed upon by a majority of owners at an Extraordinary Assembly held at the Condado Ocean Club on 24th April 2021, this determination was due to a misunderstanding that the roof areas in question constituted private elements and are therefore the responsibility of penthouse owners. It is now quite clear that all roof areas are General Common Elements.

Furthermore, a decision unanimously agreed to by owners at an Extraordinary Assembly cannot be changed or altered by the President or the BOD without a further Extraordinary Assembly.

Therefore, I request that an Extraordinary Assembly be urgently convened to discuss the President's letter, but more importantly to determine the following:

- As stipulated in the Master Deed and the Condominium Act No 129-2020, all roofing surfaces are General Common Elements, therefore the cost of sealing the roofs of the stairs leading to the roof terraces and the roofs covering the private terraces, bathrooms and access stairs and hallways falls to the community.
- This means that penthouse owners should not have been levied an additional charge and that the cost of sealing all roofs should be shared amongst all villa owners as is the case with other General Common Elements at Palma Vista.

By permitting penthouse owners to make individual decisions not to have General Common Element roofs properly sealed will have adverse consequences regarding water infiltrations into the common access stairways and hallways and thus affect all owners.

Sincerely,

Kevin Sherratt

PV B302



PALMA VISTA HOMEOWNERS ASSOCIATION
PO Box 9484 Bayamón, PR 00960-9484

23 de septiembre de 2021

Saludos Titular,

Queremos conocer su interés en que se le dé tratamiento de sellado al techo al techo de las escaleras y terraza privativa de su apartamento, por la compañía Sport Painting. De no estar interesado procederemos a reembolsar la cantidad que haya pagado para este propósito. Por favor, contestar su interés en el espacio provisto a continuación.

- Si, intereso que el techo de mi terraza privativa sea sellada por Sport Painting
- No intereso que el techo de mi terraza privativa sea sellada por Sport Painting

Firma del Titular

Fecha

Respuestas deben ser recibidas a no más tardar del viernes 01 de octubre, del 2021.

Respuestas no recibidas, o recibidas posterior a esta fecha, serán consideradas como un "SI"

Atentamente,

Walter Maldonado Presidente
Junta de Directores
Condominio Palma Vista

