

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
ARBORS AT MOUNTAIN SHADOWS CONDOMINIUM OWNERS  
ASSOCIATION, INC. ADOPTING INTERIOR MAINTENANCE AND  
ALLOCATION OF RESPONSIBILITY POLICY**

At a regular meeting of the Board of Directors held on May 19, 2010, by motion and vote, the Board of Directors adopted the following resolution adopting the Interior Maintenance and Allocation of Responsibility Policy:

WHEREAS, Article IX of the Declaration for Arbors at Mountain Shadows – A Condominium Community (“Declaration”) authorizes the Arbors at Mountain Shadows Condominium Owners Association, Inc. (“Association”) to govern the affairs of the Association and to adopt rules and regulations; and

WHEREAS, Article XII, Section 12.1 (A), of the Declaration imposes sole responsibility upon Owners “for the maintenance, repair, replacement, alteration and remodeling of ... (1) any loss, damage or injury to the Project, The Common Elements, or any other Condominium Unit caused, in the sole discretionary determination of the Board, by the negligent or willful act or omission of the Owner, his family, Guests, tenants, contractors, other persons or parties acting with the consent of any of the foregoing;” and

WHEREAS, Article XII, Section 12.1 (A), further imposes on the Owners the sole responsibility “for the maintenance, repair, replacement, alteration and remodeling of ... (iv) all cabinets, kitchen and bathroom fixtures and equipment, and appliances; (v) all light, plumbing, furnace, air conditioning, hot-water heater and heating improvements which are for the exclusive use of his Unit...;” and

WHEREAS, the care required by Owners in multi-unit buildings, such as those at the Arbors, to avoid damage to other residents is greater than that which would be required in other types of housing because of the proximity of one condominium unit to other units; and

WHEREAS, negligent conduct by one Owner has a great negative impact on other owners damaged by that conduct as well as a negative impact on the Association as a whole since the Association has a \$5,000 insurance deductible; and

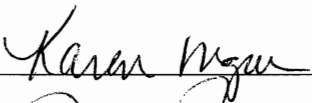
WHEREAS, the Association Board of Directors believes it necessary to establish a policy setting forth the standard of care required for the interior maintenance of condominium units such that Owners will have advance notice of what conduct the Board will consider negligent.


THEREFORE, it is hereby resolved:

The policy for the interior maintenance of condominium units and allocation of responsibility is attached hereto and is enacted as the policy of the Association on the effective date set forth below.

BY THE BOARD OF DIRECTORS OF  
ARBORS AT MOUNTAIN SHADOWS  
CONDOMINIUM OWNERS ASSOCIATION, INC.

 \_\_\_\_\_, as Director

 \_\_\_\_\_, as Director

 \_\_\_\_\_, as Director

\_\_\_\_\_, as Director

Effective Date: May 19, 2010

## **POLICY ON AN OWNER'S OBLIGATION TO MAINTAIN THE INTERIOR OF THEIR CONDOMINIUM UNIT AND ALLOCATION OF RESPONSIBILITY**

The Declaration for Arbors at Mountain Shadows – A Condominium Community (“Declaration”) requires Owners to maintain the interiors of their Units, to include all plumbing, plumbing fixtures, electrical lights and equipment, air-conditioning and heating, hot water heaters and other appliances. The Declaration further holds Owners responsible if damage is caused by their negligent failure to maintain these types of improvements.

Because the condominium units at the Arbors at Mountain Shadows are stacked and adjacent to each other, a problem in one condominium unit often spreads and causes problems in others. Therefore, extra care is required from Owners to avoid damage to other units. The Board establishes the following presumptions and standards of care that Owners must abide by. If these standards are not followed, the Board of Directors will consider the Owner to have been negligent and responsible for any damage caused to their unit or other units.

### **Appliances or fixtures that contain or transmit water:**

This is not an exclusive list, but this equipment includes, for example, dish washers, clothes washers, toilets, water lines to toilets and faucets, shower and tub fixtures, water lines or hoses to dish washers and clothes washers, pressure regulators, relief valves, hot water heaters, water lines to hot water heaters, air-conditioners, including condensation lines, refrigerator water lines, fish tanks and potted plants.

It is the Owner's obligation to assure that no devices that contain or transmit water, leak in a quantity that will enter the flooring or walls and cause damage to the common elements or other units. This responsibility falls on the Owner regardless of who is residing in the condominium unit. This means Owners need to periodically check all such devices for leaks and immediately repair any leaks observed, as well as to advise tenants regarding same. Valves, connections, toilet gaskets, drains, hoses and faucets have useful lives and eventually will leak. If any device leaks in sufficient quantity to cause damage to the common elements or another condominium unit, it will be presumed that the Owner was negligent in failing to detect the leak and repair the condition in a timely manner. The cost for repairs will then be assessed to the Owner.

Some devices that contain or transmit water can rupture suddenly and without warning, including, for example, pressure regulators, relief valves, hot water heaters, condensation valves and clothes washer hoses. It is the Owner's obligation to periodically inspect any such devices and appliances, and, if necessary, have a professional inspect the device to assure it is in good condition. Any devices that have reached the end of their useful life must be replaced. When a resident is absent from the condominium unit for more than eighteen (18) hours, the water supplies to such devices must be shut off. In the event that there is a sudden rupture of any such device, it will be presumed that the Owner did not properly inspect the device and replace it or shut off the water supply when the Owner was absent. The cost for repairs will then be assessed to the Owner unless the Owner can prove to the Board of Directors that the Owner did all he/she could to avoid the rupture and that it occurred anyway.

**Appliances or fixtures that transmit or utilize electricity:**

This is not an exclusive list, but this equipment includes, for example, light fixtures, outlets, switches, smoke detectors, carbon monoxide detectors and all appliances, whether hard wired or plug in.

Appliances or fixtures that transmit or utilize electricity also have useful lives. It is the responsibility of the Owner to replace such devices or have them repaired in a timely manner whenever a problem is detected. Plug in appliances must be unplugged when the Owner will be absent from the condominium unit for more than eighteen (18) hours. In the event an appliance or fixture that transmits or utilizes electricity causes damage to the common elements or other condominium units, it will be presumed that the Owner was negligent in failing to detect the problem and have it repaired in a timely manner. The cost for repairs will then be assessed to the Owner unless the Owner can prove to the Board of Directors that the Owner did all he/she could to avoid the problem and that it occurred anyway.