

RESOLUTION
SURF CLUB III CONDOMINIUM ASSOCIATION, INC.
Unit Owner Maintenance and Mold Reporting Resolution

**A RESOLUTION PROVIDING FOR THE MAINTENANCE RESPONSIBILITIES OF
UNIT OWNERS IN SURF CLUB III CONDOMINIUM AND THE PROCEDURE FOR
REPORTING MOLD**

WHEREAS, Surf Club III Condominium Association, Inc. (“Association”), a Florida not-for-profit corporation, under Chapters 617 and 718 Florida Statutes, was formed November 20, 2002; and

WHEREAS, the Board of Directors (“Board”) of the Association is empowered to oversee the administration and operation of the Condominium in accordance with the terms and provisions of its constituent documents (“Governing Documents”);

WHEREAS, the Unit Owners are entitled to exclusive possession of their respective Units pursuant to Section 718.106(3), Florida Statutes (2012) and also have the responsibility to properly maintain and repair their respective Units pursuant to Article XV, Paragraph A of the Association’s Declaration of Condominium (“Declaration”) originally recorded at Official Records Book 1072, Page 652, et seq. of the Public Records of Flagler County, Florida;

WHEREAS, the Board seeks to ensure that the Condominium, including the Units, are properly maintained so to prevent mold growth on the Condominium premises;

WHEREAS, it is essential that any moisture and water intrusion be promptly addressed to inhibit the growth of mold;

WHEREAS, it is critical that the Board be alerted immediately to the first signs of water intrusion within a Unit or the common areas of the Condominium to prevent and/or minimize the spread of water intrusion and moisture-related conditions to the Common Elements, the affected Unit and other Units in the Condominium;

WHEREAS, the Unit Owners, having the exclusive possession of their respective Units, are solely able to observe any evidence of water intrusion, excessive moisture and/or corresponding mold growth within said Units; and

WHEREAS, there is a need to establish both orderly and uniform procedures to address moisture and water intrusion in Units and common areas for the purpose of protecting the Units and Common Elements of the Condominium.

NOW, THEREFORE, BE IT RESOLVED, that the following rules, regulations and procedures shall be applicable:

1. Unit Owners shall be responsible to keep up and maintain their Units in a dry and clean manner and state, with a minimum air temperature within the Unit of not less than 55° degrees Fahrenheit and a maximum air temperature of not greater than 77° degrees Fahrenheit. Indoor relative humidity must be maintained between 35% and 55% at all times.

2. Unit Owners shall be responsible to:

- a. Clean and dust the surfaces within a Unit on a regular basis;
- b. Immediately remove visible moisture accumulation on windows, windowsills and any other surfaces within the Unit;
- c. Immediately clean, dry and disinfect all liquid spills or leaks within the Unit;
- d. Not block or cover any heating, ventilation or air-conditioning ducts and keep furniture and furnishings away from such ducts; and
- e. Engage a professional remediation company to mitigate any damage to the Unit resulting from leaks or spills.

3. Unit Owners shall be solely responsible to ensure that any vents or exhaust fans serving the Unit are vented properly to the exterior including, without limitation, bath exhaust vents, stove vents and laundry dryer vents. In the event they are not properly vented, the Unit Owner shall repair the same, obtaining the written consent of the Board prior to undertaking any work in the common areas. In addition, Unit Owners shall be solely responsible to inspect, clean and maintain (including changing filters), at least annually, all such vents and exhaust fans.

4. Unit Owners are required to report immediately, in writing, delivered to the Board:

- a. Any evidence of water leak or water infiltration or excessive moisture in the Unit or common areas;
- b. Any evidence of mold or fungi growth within the Unit that cannot be completely removed with a common household cleaner; and/or
- c. Any failure or malfunction of any heating, ventilating or air conditioning system serving the Unit.

5. Unit Owners are thereafter required to independently hire a properly qualified expert to determine the extent of the mold, to provide treatment as necessary, and to otherwise remediate the mold to prevent further growth. To the extent that the Unit Owner feels that the mold was a byproduct of the maintenance obligation of the Association, the Unit Owner shall notify the Association in writing and shall provide a copy of any supporting documentation with the notification. The Board shall thereafter be entitled to review the documentation and act as appropriate pursuant to the duties and responsibilities as set forth in the Association's Declaration.

6. Unit Owners shall be responsible and liable for any expenses incurred by the Board for the maintenance, repair, replacement, cleaning and remediation to repair the Unit and to remove mold from the Unit in the event the Unit Owner fails to properly and promptly undertake the same. Notwithstanding the foregoing, the Board shall have no obligation to take any action within a Unit, but may do so in its sole discretion. Unit Owners shall allow immediate access to their Unit for such purposes pursuant to Section 718.111(5), Florida Statutes (2012).

7. Unit Owners shall be responsible and liable for the expenses incurred by the Association for the maintenance, repair, replacement, cleaning and remediation of any damage to, and to remediate and remove mold from other Units and the common areas caused by the Unit Owner's failure to maintain his/her Unit, or resulting from the Unit Owner's failure to comply with the terms of this Resolution.

8. Unit Owners shall be personally responsible and liable for any fines for violations of this Resolution and any damages suffered by the Association or other Owners or occupants at the Condominium, including any injuries to persons, resulting from the failure of the Unit Owner to comply with the terms of this Resolution. This shall further include payment of any legal fees and costs incurred with the enforcement of the provisions of this Resolution and the Association's Governing Documents.

SO RESOLVED.

ADOPTED this ____ day of _____, 2013.

Bill Strawn, President

Nancy Roger, Secretary

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this _____ day of _____, 2013 by Bill Strawn, President of Surf Club III Condominium Association, Inc., a Florida not-for-profit corporation, who is personally known to me, on behalf of the corporation.

Notary Public, State of Florida At Large

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this _____ day of _____, 2013 by Nancy Roger, Secretary of Surf Club III Condominium Association, Inc., a Florida not-for-profit corporation, who is personally known to me, on behalf of the corporation.

Notary Public, State of Florida At Large