

PLUMWOOD TERRACE CONDOMINIUMS

Balcony Water Damage Policy

The Problem:

The Board of Directors has received complaints from Owners that have enclosed balconies or patios who have sustained water damage to their balcony ceiling and personal property. The Board of Directors had the attorney for the Association review the Declarations and By-Laws to establish a legal opinion with regard to the responsibility of any damage caused as a result of water leaking from the balcony above.

The Opinion:

The Association Attorney provided the following opinion:

If a unit owner encloses a balcony he or she is responsible for the roof of that enclosure as well as the side panels, floor, etc. IF a unit owner is experiencing a leak, obviously their roof is leaking. The deck above their unit is NOT the roof and was not intended to be a (waterproof) roof.

Article IV of the Declarations, recorded at Book 5063 at Page 830, is amended by adding a new paragraph to Section B as follows:

"1. If Owner desires to enclose balcony area, it shall be enclosed according to the approved plan on file with the association. No other designs will be permitted. Enclosed area shall not be considered Limited Common Area. If the balcony is enclosed the owner shall be responsible for the maintenance and repair of the enclosure and enclosed area which includes, but not limited to, enclosed area, panels, railing and recessed area created by panels. Owner shall insure the enclosure and enclosed area. Each owner must furnish the Association a licensed structural engineer or architect's opinion as to the structure acceptance of such addition prior to beginning installation. The Board will select the balcony plan."

If you have additional questions, Please contact Property Management of Iowa LLC at 963-1717.