

KING FARM CONDOMINIUM

POLICY RESOLUTION NO. 14-01

AMENDMENT TO RULES AND REGULATIONS

WATER HEATER/WALL HEATER PREVENTATIVE MAINTENANCE

Recitals

WHEREAS, Article II, Section 2.4.10(b)(i) of the Bylaws of the Council of Unit Owners of King Farm Condominium, Inc. (“Association”) provides that the Board of Directors (the “Board”) shall have the right and power to protect the Common Elements and all Council Property; and

WHEREAS, Article II, Section 2.4.10(b)(xiii) of the Bylaws provides the Board with the authority to promulgate and enforce rules and regulations governing the Condominium; and

WHEREAS, Article 6, Section 6.4 of the Condominium Declaration (“Declaration”) provides, in part, that each Unit Owner shall maintain, repair and replace all portions of his unit including the heating and air conditioning system, hot water heater and all other apparatus forming a part of the owner’s unit; and

WHEREAS, Article 6, Section 6.6 of the Declaration provides that the Association maintains the authority to enter units whenever such entry is reasonably necessary in order to maintain, repair or replace any portion of the common elements or units if such action is necessary to prevent injury or damage to any unit or the common elements;

WHEREAS, the Board of Directors has determined that the failure of some of the unit owners to properly maintain their water heaters and wall heaters creates a potential flood/water damage hazard and a threat to the safety and well-being of all residents; and

WHEREAS, the Board of Directors has determined that it is in the best interest of the Association to adopt a rule specifying that it is each unit owner’s responsibility to properly maintain the owner’s water heater and wall heater, including, but not limited to, the requirement to hire a professional company to inspect the water heater and wall heater every two years and to provide proof of such inspection to the managing agent and/or the Board of Directors.

NOW, THEREFORE, in accordance with Section 11-111 of the Maryland Condominium Act, **BE IT RESOLVED THAT** the Board of Directors hereby adopts the following policy:

1. **BIENNIAL CLEANING.** Unit Owners must have their water heaters and wall heaters inspected by a professional contractor once every two (2) years.
2. **REMINDER NOTICE.** In advance of each deadline every two (2) years, the Board, through its managing agent, shall send a reminder notice to the Unit Owners of their obligations

and shall identify the professional companies that the Board of Directors has pre-selected to perform the inspections at a bulk rate to the Association. If a unit owner chooses to use a company not selected by the Board, the unit owner must provide the Association with documentation which substantiates the company's credentials to perform inspection and cleaning services. All contractors shall be licensed bonded and insured.

In no event shall the Association be liable or responsible for any damage or injury to persons or property caused by any professional companies approved by the Board of Directors and the Association disclaims any and all such liability therefrom.

Failure of the Council to issue a reminder notice as set forth herein shall not relieve the unit owner of his/her obligation to comply with the provisions of paragraph 1 above.

3. PROOF OF COMPLIANCE. Unit owners must demonstrate compliance with this policy by submitting a copy of an inspection receipt from one of the professional companies pre-selected, or otherwise approved, by the Board of Directors. The receipt must clearly demonstrate that the contractor has comprehensively inspected the water heater and wall heater. The current age of the water heater must be included in the inspection receipt. The inspection receipt must be received by the Association deadline set forth in the notice issued by the Association. The deadline for the first inspection is **May 1, 2014**.

4. REPLACEMENT/REPAIR OF WATER HEATER AND/OR WALL HEATER. If the inspection results in a recommendation that the water heater and/or wall heater be repaired or replaced, the unit owner must complete any repair/replacement work within one (1) month of the date of the inspection. Written proof (paid receipts) that the work has been completed must be submitted to the Association's Board of Directors.

5. ENFORCEMENT. If a unit owner fails to meet the foregoing obligations, the Association may, as authorized by the Association's Bylaws and Section 11-125 of the Maryland Condominium Act, hire a contractor to enter a unit to perform the necessary work to the water heater and/or wall heater as described above. The owner(s) of said unit shall pay the Association for the cost of the maintenance/repair/replacement work not later than 30 days after written notice from the Association.

6. REMEDIES. In accordance with Article 6, Section 6.6.1 of Declaration, an owner(s) failure to pay the costs associated with any maintenance work to the water heater/wall heater shall result in the costs being assessed to the condominium unit. Furthermore, any assessed costs shall become due and payable and a continuing obligation of said unit owner in all respects as set forth in the Bylaws. In addition, the Association reserves all other rights and remedies available to it under the Declaration, the Bylaws and Maryland law.

RESOLUTION ACTION RECORDED

Resolution Type:
Resolution No.: 14-01

Duly adopted at a meeting of the Board of Directors held on May 29, 2014

Motion By: RODGER PITCAIRN Seconded By: JACK DORRIS

	Vote: Yes	No	Abstain
Absent			
<u>RODGER PITCAIRN</u> Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>JACK DORRIS</u> Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>GALE JOHNSON</u> Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>STACEY VILLI</u> Director	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>DONALD McKEE</u> Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST: Stacey Villi
Secretary

Date: 06/01/2014

File:
Book of Minutes: _____, 2014

Resolution Effective: 6/2/14