

DARBY ESTATES CONDOMINIUM ASSOCIATION
BOARD OF DIRECTORS OF
RESOLUTION 2017-01

WHEREAS: The Association has determined that Darby Estate Condo hot water heaters are two years beyond the ten year life expectancy: and

WHEREAS: Normal use expectancy of hot water heaters is no more than ten (10) years: and

WHEREAS: Section 10.4.1 (a) states that the Board of Directors have the authority to adopt and amend Bylaws, rules and regulations: and

WHEREAS: Section 11.4.2 states each Unit Owner shall, at his sole expense, have the right and duty to keep the interior of his Unit and its equipment, appliances, and appurtenances in good order, condition and repair. Each Owner shall be responsible for the construction, alteration, maintenance, repair or replacement of any plumbing fixtures, water heaters, fan, heating or other equipment, electrical fixtures or appliances which are used solely in connection with his Unit.

WHEREAS: The Board, for the benefit of the Condominium shall enforce the provisions of the Condominium instruments and shall have all powers and authority granted to the Board or the Association under the Condominium Act and this Declaration which are not expressly subject to the approval of the Unit Owners.

WHEREAS: An Owner's failure to replace a hot water heater more than 10 years old shall be deemed to represent misconduct on the owner's part, damages caused by which shall be assessed against the Owner under Section 10.4.1 (q) Exercising any other powers necessary and proper for the governance and operation of the Association.

BE IT RESOLVED:

- A. Unit Owners must provide proof of hot water heater replacement within the last ten(10) years to the Property Managing Agent;
- B. If the hot water heater is older than (10) years, a new hot water heater with accumulator tank and drip pan must be installed in the Unit and proof of a complete installation must be provided to the Property Managing Agent;
- C. If an Owner fails to replace a hot water heater in his/her Unit they are in violation of this Policy, and such Owner shall be charged by the Association for all damages incurred to all adjacent units and other appropriate fines.

BE IT FURTHER RESOLVED:

These changes will be adopted and go into effect 30 days from the date of adoption. Dated this the _____ day of _____, 2017.

Darby Estates Condominium Association

President _____

Secretary _____