

REPLY TO CORAL GABLES OFFICE  
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June 27, 2024

**SIERRA RANCHES COMMUNITY ASSOCIATION, INC.**

**CHAPTER 558 NOTICE OF CLAIM DEMAND FOR DISCLOSURE OF  
INSURANCE INFORMATION REQUEST FOR PRODUCTION OF DOCUMENTS**

**VIA FEDERAL EXPRESS**

**Tracking No. 7770 9999 0888**

Lennar Homes, LLC  
5505 Waterford District Drive  
Miami, FL 33126

**VIA FEDERAL EXPRESS**

**Tracking No. 7771 0005 6370**

Craven Thompson and Associates  
3563 NW 53<sup>rd</sup> Street  
Fort Lauderdale, FL 33309

**VIA FEDERAL EXPRESS**

**Tracking No. 7771 0011 0382**

County-Wide Land Surveyors, Inc.  
15358 SW 140<sup>th</sup> Street  
Miami, FL 33196

**VIA FEDERAL EXPRESS**

**Tracking No. 7771 0016 6124**

RJ Behar and Associates  
6861 SW 196th Avenue, Suite 302  
Pembroke Pines, FL 33332

**RE: Sierra Ranches Community Association, Inc.**

To Whom It May Concern:

The purpose of this letter is to provide the abovereferenced parties with written notice of construction and design defects that have been discovered at Sierra Ranches (the  Property) and to make demand pursuant to Florida Statutes and Florida common law for the cure of these defects. This letter also constitutes notice in accordance with Florida Statutes, Section 558.001 *et seq.*

**NOTICE OF CLAIM**

The Sierra Ranches Community Association, Inc. s  Association  Board of Directors  BOD  has received complaints from certain owners regarding the construction and design of the preserve, located on the Property.

The BOD has been advised that the preserve was neither designed, nor constructed, per plan or code. Specifically, the BOD has been advised that the lake/flow channel around the residential lots does not meet the requisite depth, and width, which was a result of both design and construction flaws. Further, it has been suggested to the BOD that the design of the

preserve was deficient in that it lacked a hydric berm between the marsh area and the lake/flow channel and the surface of the channel was not designed to be erosion resistant. Finally, the BOD has been advised that the as-built surveys which were prepared were inaccurate.

The Association will evaluate these claims, and this notice may need to be amended or supplemented when new information becomes available, or new defects or omissions are discovered.

Should you desire to inspect the property, the Association will allow a reasonable inspection pursuant to the terms of Florida Statutes, Section 558.004(2). You must reasonably coordinate the timing and manner of any and all inspections with the undersigned, in order to minimize the number of inspections.

Please note that, pursuant to Florida Statutes, Section 558.004(3), within thirty (30) days, you may serve a copy of the Notice of Claim to each contractor, subcontractor, supplier, or design professional whom you reasonably believe is responsible for each defect specified in this Notice of Claim and shall note the specific defect for which it believes the particular contractor, subcontractor, supplier, or design professional is responsible. Each such contractor, subcontractor, supplier, and design professional may also inspect the Property as provided in Florida Statutes, Section 558.004(2).

Pursuant to Florida Statutes, Section 558.004, within seventy-five (75) days after receipt of this Notice of Claim, you must serve a written response upon the undersigned attorney, on behalf of the Association. The written response must provide:

- (a) A written offer to remedy the alleged construction defects at no cost to the Association, a detailed description of the proposed repairs necessary to remedy the defects, and a timetable for the completion of such repairs;
- (b) A written offer to compromise and settle the claim by monetary payment, that will not obligate your insurer, and a timetable for making payment;
- (c) A written offer to compromise and settle the claim by a combination of repairs and monetary payment, that will not obligate your insurer, including a detailed description of the proposed repairs and a timetable for the completion of such repairs and making payment;
- (d) A written statement that you dispute the claim and will not remedy the defect or compromise and settle the claim; **OR**
- (e) A written statement that a monetary payment, including insurance proceeds, if any, will be determined by your insurer within 30 days after you notify said insurer pursuant to F.S. 558.004(5)(e), which notification shall occur at the same time the Association is notified of

this settlement option, which the Association can accept or reject. A written statement under this paragraph may also include an offer under paragraph (c), but such offer shall be contingent upon the claimant also accepting the determination of the insurer whether to make any monetary payment in addition thereto. If your insurer makes no response within the 30 days following notification, then the Association shall be deemed to have met all conditions precedent to commencing an action.

### **DEMAND FOR DISCLOSURE OF INSURANCE INFORMATION**

Now that you are on notice of the Association's claim, pursuant to Florida Statutes, Section, 627.4137, we hereby request that you disclose the name and coverages, together with the limits of liability, for each insurer for which you may have coverage for any act or omission with respect to services you may have performed or goods you may have provided with respect to the above referenced claim. Please also provide a copy of the subject policies. Additionally, you are hereby requested to forward the instant demand for disclosure to your insurers, to provide a statement of any policy or coverage defense which such insurer reasonably believes is available to such insurer at the time of filing such statement.

For your ease of reference, Florida Statutes, Section 627.4137, states as follows:

#### **627.4137 Disclosure of certain information required. ☐**

- (1) Each insurer which does or may provide liability insurance coverage to pay all or a portion of any claim which might be made shall provide, within 30 days of the written request of the claimant, a statement, under oath, of a corporate officer or the insurer's claims manager or superintendent setting forth the following information with regard to each known policy of insurance, including excess or umbrella insurance:
  - (a) The name of the insurer.
  - (b) The name of each insured.
  - (c) The limits of the liability coverage.
  - (d) A statement of any policy or coverage defense which such insurer reasonably believes is available to such insurer at the time of filing such statement.
  - (e) A copy of the policy.

In addition, the insured, or her or his insurance agent, upon written request of the claimant or the claimant's attorney, shall disclose the name and coverage of each known insurer to the claimant and shall forward such request for information as required by this subsection to all affected

insurers. The insurer shall then supply the information required in this subsection to the claimant within 30 days of receipt of such request.

(2) The statement required by subsection (1) shall be amended immediately upon discovery of facts calling for an amendment to such statement.

### **REQUEST FOR PRODUCTION OF DOCUMENTS**

This letter shall also serve as a request for production pursuant to Florida Statutes, Section 558.004(15), for information relating to this Notice of Claim. Responsive documents should be sent to the undersigned attorney and should include, but are not limited to, copies of all of the following that is within your possession:

- (1) Design plans, specifications, and as-built plans;
- (2) Documents detailing the design drawings or specifications;
- (3) Photographs, videos, and expert reports that describe any defect upon which the claim is made;
- (4) Subcontracts; and
- (5) Purchase orders for the work that is claimed defective or any part of such materials.

Per Florida Statutes, Section 558.004(15), you have thirty (30) days to respond to this request. The Association shall pay reasonable reproduction costs; should this cost exceed \$500.00, please advise before producing any copies. Should you fail to provide the requested materials, then in the event of subsequent litigation, you shall be subject to such sanctions as the court may impose for a discovery violation.

Please note that we are generally available to view the foregoing documents as they are maintained in the ordinary course of business; please advise when the documents are available for our review. To the extent that any requested information is maintained electronically, we hereby request the electronic information in its native format, and with all available metadata.

We appreciate your immediate attention to this matter and look forward to your timely responses. Should you have any questions with respect to the foregoing, please do not hesitate to contact the undersigned.

Sincerely,

SIEGFRIED RIVERA

BY: /s/Michael Clark  
Michael Clark, For the Firm

cc: Sierra Ranches Community Association, Inc.