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May 11, 2022

**Board of Directors,
Sunflower Condominium
Association, Inc.**

**VIA ELECTRONIC MAIL TO
lwhite@ccmfla.com**

RE: Advisory Legal Opinion - Items Left at Front Entrance

Dear Board of Directors:

You have requested an opinion as to whether Unit Owners are permitted to leave personal property, such as patio furniture, outside at the front entrance of the Unit.

Sunflower Condominium Association, Inc. ("Association"), or the Unit Owners are responsible for the maintenance and repairs of the windows and doors to the units.

In short, the exterior windows and sliding glass doors are limited common elements which are the explicit responsibility of the Unit owners, pursuant to the Declaration of Condominium ("Declaration"). The unit owners are further responsible for other exterior doors, as they are within the boundaries of the unit.

Section 5.3.2.1 of the Declaration defines the perimetrical boundaries of the unit, providing that "[t]he exterior boundaries are the vertical planes of the undecorated finished interior walls bounding the Unit, extended to intersections with each other and with the upper and lower boundaries." Therefore, the walkway space at the front entrance of each Unit is NOT part of the Unit, rather, it is considered part of the common elements of the Association.

Section 63 of the Bylaws provides that the Board of Directors may from time to time adopt rules and regulations for the operation of the Condominium, and all Unit Owners shall abide thereby; provided, however, that said rules and regulations shall be equally applicable to all Unit Owners similarly situated and uniform in their application and effect.

Rule 2(a) of the General Rules for Common Areas provides in pertinent part, that "[s]idewalks and entrances must not be obstructed, encumbered or used for any purpose other than entering and exiting a unit."

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This rule was passed by the Board of Directors and have been consistently and uniformly enforced to minimize fire/trip hazards and potential hurricane projectile debris to promote the health, safety and welfare of the community at large. Therefore, all Unit Owners must comply with this rule.

Further, as many are aware, Florida is in the midst of an ongoing crisis in the insurance industry. Both individual owners and condominium associations have experienced astronomical premium increases and substantially increased scrutiny and requirements from insurance carriers in order to retain coverage. It is in the best interests of both the Association and unit owners to minimize potential risks and hazards which may compromise the Association's insurance coverage, including personal items being left on the common element walkways at the entrance to the units.

In conclusion, the space at the entrance of the Units is considered part of the common elements and is not owned by the Unit Owner. Pursuant to the Rules and Regulations adopted by the Board of Directors, within its vested authority, Unit Owners are not permitted to obstruct any walkway, including with furniture or other personal property, which may also create a potential hazard to others in the event of an emergency or severe weather event.

Please let us know if the Board has any additional questions or would like further analysis of any specific issue addressed herein.

Very Truly Yours,

/s/ Lee Ballard

Lee H. Ballard, B.C.S.
For the Firm.