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June 28, 2021

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

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

RE: Advisory Legal Opinion - Responsibility for Windows & Doors

Dear Board of Directors:

You have requested an opinion as to whether 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.

Sections 5.3.2.3 and 7.1.3 of the Declaration both provide that exterior windows and frames, exterior glass sliding doors and frames and casings are "Limited Common Elements" - portions of the common elements designated for the exclusive use of a particular unit. Section 7.3 of the Declaration provides in pertinent part, that:

"The obligation for maintenance and repair relating to the interior surfaces of balconies and patios and the interior and exterior windows and glass sliding doors shall be that of the Owner of a Unit to which the same are appurtenant and in the event of such Unit Owner's failure to properly maintain, the expense therefor shall be borne by and assessed against such individual Unit Owner for whom the said Limited Common Elements are reserved..."

Therefore, the Declaration explicitly provides that the Unit Owner has the responsibility to maintain and repair (this includes replacement, as needed) the windows (including the window connecting to the front exterior door) and frames, and exterior sliding glass doors, frames, and casings which serve the Owner's Unit.

In addition to the explicit allocations of responsibility for maintenance and repair, the obligations and portions of the property to be maintained by the Association vs. the Unit Owner are further established by the boundaries of the Unit as described in the Declaration.

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Section 5.3.2.1 of the Declaration provides that the exterior perimetrical boundaries are the vertical planes of the "undecorated finished interior walls bounding the Unit." This means the boundary of the unit includes the completed, unpainted walls surrounding the unit, inside the exterior stucco. This boundary includes any aperture, such as an exterior door, appearing within the boundary wall. Therefore, the exterior doors are the responsibility of the Unit Owner, as they appear parallel with the undecorated, finished interior walls.

The design of the front exterior doors, which places the front door within the same frame as it partnered window, which are explicitly referenced as the Unit Owner's obligation, further confirms that the front exterior door is the responsibility of the Unit Owner.

Although the Association maintains insurance on all portions of the buildings as originally installed by the Developer, and such policies may require certain levels of hurricane protection (such as hurricane-rated doors and windows), coverage generally excludes those items within the boundaries of the unit or limited common elements.

In conclusion, all interior and exterior windows, sliding glass doors, and all exterior doors, including all frames and casings, are considered items for which the Unit Owner has the exclusive responsibility to maintain, repair, and replace.

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.