

THE WESTERLIES CONDOMINIUM COUNCIL OF CO-OWNERS

Policy Resolution No. 10-4

(Establishing Policy regarding Chimneys and Skylights)

WHEREAS, Article IV Section 2 of The Westerlies Condominium Council of Co-Owners (“Council”) Bylaws states that the Board of Directors (“Board”) shall have the powers and duties necessary for the administration of the affairs of the Council and may do all such acts and things that are not by law, the Master Deed or the Bylaws directed to be exercised and done by the Co-Owners;

WHEREAS, Article XV, Section H of the Master Deed states that no Co-Owner or resident shall install any structure or device on the exterior of any building in the Council or in such fashion that it protrudes through the roof, except as authorized by the Board; and

WHEREAS, Article VI, Section 2 (c) of the Bylaws provides that any Co-Owner shall reimburse the Council for any expenditures incurred repairing or replacing any common element damaged through his fault; and

WHEREAS, the Board has authorized work to commence to repair and replace certain common element roofs within the Council and during this process has found that one particular unit included a chimney and skylight installation on the general common element roof, which was not previously approved by the Council; and

WHEREAS, the Board desires to adopt a policy that requires any future installation or re-installation of only existing chimney or skylight be approved in advance by the Board and that details that any use of the sole existing skylight and chimney must conform to the specifications detailed by the Board to avoid the possibility of voiding any warranties for the general common element roofs in the Council; and

NOW, THEREFORE, the Board of Directors adopts the following policy:

I. Definitions

For purposes of this policy resolution, the following defined terms have the definitions set forth below:

A. “General Common Elements” shall have the meaning assigned in the Condominium Instruments and the Virginia Condominium Act.

II. Existing Chimneys

A. The owner of the unit that currently is served by a chimney installed on the general common element roof of the Condominium will not be required to remove their chimney at this time; however, in the event that experts retained by the Board or the Council's roofing contractor indicate that this chimney must be removed to preserve the appearance and structural integrity or warranties that apply to the general common element roof, the owner of the affected unit shall promptly remove the chimney at the unit owner's sole risk and expense as directed in writing by the Board.

B. Those unit owners who do not currently have a chimney as of the date of adoption of this resolution will not be authorized to install one. No unit owner may re-install or undertake any repairs to any chimney on the common element roof without the prior written approval of the Board as doing so will void the warranties for the general common element roof and will subject the responsible unit owner to enforcement and other action as detailed in this resolution.

II. Existing Skylights

A. The owners of the sole unit that is served by a skylight installed on the general common element roof of the Condominium will not be required to remove their skylight at this time; however, in the event that experts retained by the Board or the Council's roofing contractor indicate that this skylight must be removed to preserve the appearance and structural integrity or warranties that apply to the general common element roof, the owner of the affected unit shall promptly remove the skylight at the unit owner's sole risk and expense as directed in writing by the Board.

B. Those unit owners who do not currently have a skylight as of the date of adoption of this resolution will not be authorized to install one. No unit owner may reinstall or repair any skylight on the common element roof without the prior written approval of the Board as doing so will void the warranties for the general common element roof and will subject the responsible unit owner to enforcement and other action as detailed in this resolution.

III. General Rules

A. Re-installation or repair of any chimney or skylight is prohibited without the prior written approval of the Board of Directors. This does not mean that the Board will prohibit such actions automatically; instead, it means that unit owners must submit a written request for approval to the Board of Directors, care of the management company that details the work to be performed by a duly licensed professional contractor at the responsible unit owner's sole risk and expense.

B. The Association reserves the right to investigate the re-installation of all chimneys and skylights located on the General Common Elements. If the re-installation is not in compliance with the requirements set forth in the approved written request, the Association reserves the right to correct the installation or remove the chimney or skylight. The Board of Directors shall have the authority to specially assess all related costs against the unit including any costs associated with the unit owner's interference with any warranties that apply to the General Common Elements. Any such assessment shall be collected in the same manner as any regular assessment delinquency.

V. Maintenance Requirements

A. Once installed, including the sole existing chimney and skylight, any chimney or skylight is the full responsibility of the unit owner. The Association will not maintain or insure it. The Association reserves the right to require the unit owner to correct any problem with the chimney or skylight or to remove or relocate it if it interferes with any work that the Association must perform. If the unit owner does not remove the requested item within the required time frame detailed in writing as directed by the Board, then the Association may do so, at the unit owner's expense, without any liability for any damage.

B. The unit owner is required to repair any damage to any property caused by the unit owner's failure to properly install, maintain or use the chimney or skylight. The unit owner shall be held liable for all expenses incurred by persons injured by such failure, which shall be assessed against the unit owner's account as a common expense and which may include any administrative expenses, insurance deductibles or other losses, costs or claims of any kind incurred by the Council due to the existence of the skylight or chimney, which shall include any unit owner's interference with any warranties that apply to the General Common Elements.

VI. Enforcement

A. The Board of Directors reserves the power to enforce this policy with all of the remedies available to it, including the power to initiate self-help as well as the powers to levy special assessments as detailed above or impose monetary charges in accordance with 55-79.80:2. Any such assessment shall be collected in the same manner as the Association's Common Expenses.

B. This policy shall apply to tenants; however, the Association shall hold unit owners responsible for any damages caused by their tenants.

C. The unit owner is deemed to have indemnified and agreed to hold the Association free and harmless from any loss, claim or liability of any kind or character whatsoever arising by reason of keeping or maintaining such chimney or skylight within the Condominium, which shall include, but which shall not be limited to any costs or

liabilities incurred by the Condominium due to any interference with any warranties that apply to the General Common Elements.

D. The Board of Directors and its agents shall have the right to demand and effectuate the removal of any chimney or skylight at any time as deemed necessary for the maintenance, repair or replacement of any general common element, limited common element or unit component. All costs associated with such work shall be billed to the responsible unit owner and shall be collected in the same manner as any general assessment.

The effective date of this Resolution shall be December 14, 2010. I hereby attest that the foregoing Resolution No. 10-4, was duly adopted by the Board of Directors.

WESTERLIES CONDOMINIUM
COUNCIL OF CO-OWNERS



Allison Glennon, President

FOR ASSOCIATION RECORDS

I hereby attest that this Resolution was approved and adopted by the Board on 12-14-2010.



Hassan Khan, Portfolio Manager