

May 10, 2005

TO: Island Pointe Association Multi-Family Owners
FROM: Island Pointe Board of Directors
RE: Common Element, Limited Common Element and Private Property

Dear Fellow Owners,

As you've heard in recent issues of *Island Points* and our owner's meetings, the Board has taken up the challenge of establishing exactly what is Common Element (CE) and Limited Common Element (LCE) on the Multi-Family units. Those determinations are now complete.

The basis can be found in the Island Pointe Condominium Documents, Article VI – Repairs and Maintenance – Section 3. Owner Maintenance and Limited Common Elements. It reads as follows:

Each unit owner, at his sole expense, shall be responsible for repair, maintenance and appearance of the porch, patio, balcony or any other Limited Common Element appurtenant to his Unit, including (without limitation) responsibility for breakage, damage, malfunction, and ordinary wear and tear.

So the documents clearly state that any porch, patio and/or balcony is Limited Common Area and therefore the Owner's responsibility for care and upkeep. What is NOT clear is where this area ends and Common Element begins – an argument could be made that the railing, the landings, even the steps leading to the deck are all appurtenant (connected) to the unit!

In past years, this gray area has contributed to delays with maintenance – was it Owner or Association responsibility? Complicating matters further is that not all Multi-Family units have the same design – they vary in size, floor plan and configuration.

After inspecting each unit, reviewing Association documents and consulting our Association attorney, The Board has decided to follow the literal letter of the law, determining that the Limited Common Element will end after the surface area of the porch, patio and balcony adjacent to your unit. Those surface areas will be Owner's responsibility and expense to maintain. Areas beyond this – all railings, steps and landings – will be deemed Common Element and therefore, the Association's responsibility.

EXAMPLES OF WHAT THIS MEANS:

- * If you have carpeting on your deck that should be replaced, it is your responsibility.
- * If you have a wooden deck and want to stain it, it's your responsibility.
- * If you have a loose railing, it is the Association's responsibility.
- * If you have a broken step, it is the Association's responsibility.

Enclosed here are the official determinations for your specific unit. These determinations will be kept on file to refer to in cases of maintenance and repair. Areas of your unit are defined as PR, LCE or CE:

PR (PRIVATE RESIDENCE): This is the property inside your unit. It is solely yours and you are responsible for the upkeep, maintenance and costs thereof.

LCE (LIMITED COMMON ELEMENT): This is property attached to your unit in some manner – a screened or unscreened porch, a balcony and a patio are examples. It will very likely be used only by the owner, and the owner is responsible for its appearance and upkeep and the costs thereof. However, the owner must follow Association guidelines for appearance, care and maintenance as set by the documents and governed by the Board of Directors.

CE (COMMON ELEMENT): This is property that is property of the entire Association and no one owner. Therefore any repair or maintenance of CE is the responsibility of the Association as a whole.

REGARDING DECK CARPET AND DECK STAINING:

If you are an Owner who wishes to replace carpeting or stain the surface of your deck in Limited Common Area, please note the Association is charged with the responsibility of oversight and approval. We must ensure:

1. The installation of carpet and underlay is done professionally so no leaks occur in the unit below you.
2. The carpet conforms to Association appearance standards (we can't have ten different colors of carpet on our decks).
3. You keep all professional warranties and receipts in case any problem arises.
4. In the same way, if you wish to stain the surface of your deck, you must use the official Association-approved stain color.

For approval of carpet color and type, for stain information, and for names of local vendors who specialize in this type of work, please contact Joanne Zmuda or Dick Jaeger of the Buildings & Grounds committee.

This was a complex task, and frankly it took longer than we hoped – but we wanted to make sure our determinations were both fair and in accordance with our documents. Thank you for your patience and attention, and please retain this letter for your records.

Sincerely,

Island Pointe Board of Directors

See specifics regarding your unit on the following pages: Click your Unit 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57.

Responsibility for maintenance
Island Pointe Association Multi-Family Owners
May 1, 2005

Unit #: 24

Type: Multi-family unit, single story

Building: Two units, #24 and #26

Description: One wooden deck, no exterior carpet, short flight of steps.

ELEMENT OF UNIT	TYPE	RESPONSIBLE FOR MAINTENANCE
Interior of unit	PR	Owner
Deck surface	LCE	Owner
Roof	CE	Association
Steps	CE	Association
Railings	CE	Association
Exterior siding	CE	Association

* All maintenance performed by the Association will be completed per a schedule established by the Board of Directors.

* If the owner wishes to do any staining, the owner must use the Association-approved stain color.

* The stain color is available from either the property manager or the architectural committee.

Responsibility for maintenance
Island Pointe Association Multi-Family Owners
May 1, 2005

Unit #: 26

Type: Multi-family unit, single story

Building: Two units, #24 and #26

Description: One wooden deck, no carpet, short flight of steps.

ELEMENT OF UNIT	TYPE	RESPONSIBLE FOR MAINTENANCE
Interior of unit	PR	Owner
Deck surface	LCE	Owner
Roof	CE	Association
Steps	CE	Association
Railings	CE	Association
Exterior siding	CE	Association

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Responsibility for maintenance
 Island Pointe Association Multi-Family Owners
 May 1, 2005

Unit #: 27
 Type: Multi-family unit
 Building: Two units, #27 and #28
 Description: One wooden deck, steps, some exterior carpet

ELEMENT OF UNIT	TYPE	RESPONSIBLE FOR MAINTENANCE
Interior of unit	PR	Owner
Exterior carpet	LCE	Owner
Deck surface	LCE	Owner
Roof	CE	Association
Steps	CE	Association
Railing	CE	Association
Exterior siding	CE	Association

SCHEDULE

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STAINING

* If the owner wishes to do any staining, the owner must use the Association-approved stain color.

* The stain color is available from either the property manager or the architectural committee.

CARPET

To prevent improperly-installed exterior carpeting from allowing water to leak down onto (or into!) the deck and unit below it, the following rules will apply:

* It is mandatory that second-floor units install rubber matting under the carpet. This is NOT a requirement for first-floor units.

* If you intend to re-use the matting already there, it must be inspected by a professional installer to ensure that there are no holes, cuts or tears in the surface. Please keep a written confirmation of this inspection.

* The carpet color and style should match as closely as possible the carpet previously installed. You must get approval from the Buildings and Grounds Committee (currently Joanne Zmuda or Dick Jaeger) before installation.

* The owner MUST keep a record of the professional installer's warranty and receipt, as if leakage does occur the Board will approach the owner and the installer to fix the problem.

Responsibility for maintenance
 Island Pointe Association Multi-Family Owners
 May 1, 2005

Unit #: 28
 Type: Multi-family unit
 Building: Two units, #27 and #28
 Description: One wooden deck, steps, some exterior carpet

ELEMENT OF UNIT	TYPE	RESPONSIBLE FOR MAINTENANCE
Interior of unit	PR	Owner
Exterior carpet	LCE	Owner
Deck surface	LCE	Owner
Roof	CE	Association
Steps	CE	Association
Railing	CE	Association
Exterior siding	CE	Association

SCHEDULE

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STAINING

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CARPET

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- * The carpet color and style should match as closely as possible the carpet previously installed. You must get approval from the Buildings and Grounds Committee (currently Joanne Zmuda or Dick Jaeger) before installation.
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Responsibility for maintenance
Island Pointe Association Multi-Family Owners
May 1, 2005

Unit #: 32

Type: Multi-family unit

Building: Six units, #30, 31, 32, 33, 34, 35

Description: Front carpeted deck, one step, back screened deck

ELEMENT OF UNIT	TYPE	RESPONSIBLE FOR MAINTENANCE
Interior of screened deck (including screens)	LCE	Owner
Interior of unit	PR	Owner
Exterior carpeted deck	LCE	Owner
Roof	CE	Association
Steps	CE	Association
Railing	CE	Association
Exterior siding	CE	Association

SCHEDULE

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STAINING

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Responsibility for maintenance
 Island Pointe Association Multi-Family Owners
 May 1, 2005

Unit #: 33

Type: Multi-family unit

Building: Six units, #30, 31, 32, 33, 34, 35

Description: Front carpeted deck, one step, back screened deck

ELEMENT OF UNIT	TYPE	RESPONSIBLE FOR MAINTENANCE
Interior of screened deck (including screens)	LCE	Owner
Interior of unit	PR	Owner
Carpeted exterior deck	LCE	Owner
Roof	CE	Association
Steps	CE	Association
Railing	CE	Association
Exterior siding	CE	Association

SCHEDULE

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STAINING

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Responsibility for maintenance
Island Pointe Association Multi-Family Owners
May 1, 2005

Unit #: 30
Type: Multi-family unit
Building: Six units, #30, 31, 32, 33, 34, 35
Description: Screened entrance

ELEMENT OF UNIT	TYPE	RESPONSIBLE FOR MAINTENANCE
Interior screened entry (including screens)	LCE	Owner
Interior of unit	PR	Owner
Roof	CE	Association
Sidewalk	CE	Association
Exterior siding	CE	Association

SCHEDULE

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STAINING

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CARPET

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Responsibility for maintenance
Island Pointe Association Multi-Family Owners
May 1, 2005

Unit #: 31
Type: Multi-family unit
Building: Six units, #30, 31, 32, 33, 34, 35
Description: Screened entrance

ELEMENT OF UNIT	TYPE	RESPONSIBLE FOR MAINTENANCE
Interior screened entry (including screens)	LCE	Owner
Interior of unit	PR	Owner
Roof	CE	Association
Sidewalk	CE	Association
Exterior siding	CE	Association

SCHEDULE

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STAINING

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CARPET

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Responsibility for maintenance
 Island Pointe Association Multi-Family Owners
 May 1, 2005

Unit #: 34

Type: Multi-family unit

Building: Six units, #30, 31, 32, 33, 34, 35

Description: Steps to second floor, entrance deck, screened porch, balcony with walk-thru deck to #35

ELEMENT OF UNIT	TYPE	RESPONSIBLE FOR MAINTENANCE
Interior of unit	PR	Owner
Interior screened deck (including screens)	LCE	Owner
Exterior carpeted deck	LCE	Owner – including ½ of the shared balcony
Roof	CE	Association
Steps	CE	Association
Railing	CE	Association
Exterior siding	CE	Association

SCHEDULE

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STAINING

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Responsibility for maintenance
 Island Pointe Association Multi-Family Owners
 May 1, 2005

Unit #: 35

Type: Multi-family unit

Building: Six units, #30, 31, 32, 33, 34, 35

Description: Steps to second floor, entrance deck, screened porch, balcony with walk-thru deck to #34

ELEMENT OF UNIT	TYPE	RESPONSIBLE FOR MAINTENANCE
Interior of unit	PR	Owner
Interior screened porch (including screens)	LCE	Owner
Exterior carpeted deck	LCE	Owner – including ½ of the shared balcony
Roof	CE	Association
Steps	CE	Association
Railing	CE	Association
Exterior siding	CE	Association

SCHEDULE

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STAINING

* If the owner wishes to do any staining, the owner must use the Association-approved stain color.

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CARPET

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Responsibility for maintenance
 Island Pointe Association Multi-Family Owners
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Unit #: 38

Type: Multi-family unit

Building: Four units, #36, 37, 38, 39

Description: Steps to second floor, back screened porch, entrance deck with a walk-thru deck to #39

ELEMENT OF UNIT	TYPE	RESPONSIBLE FOR MAINTENANCE
Interior of screened porch (including screens)	LCE	Owner
Interior of unit	PR	Owner
Exterior carpeted deck	LCE	Owner – including ½ of the shared balcony
Roof	CE	Association
Steps	CE	Association
Railing	CE	Association
Exterior siding	CE	Association

SCHEDULE

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STAINING

* If the owner wishes to do any staining, the owner must use the Association-approved stain color.

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CARPET

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* The owner MUST keep a record of the professional installer's warranty and receipt, as if leakage does occur the Board will approach the owner and the installer to fix the problem.

Responsibility for maintenance
Island Pointe Association Multi-Family Owners
May 1, 2005

Unit #: 39

Type: Multi-family unit

Building: Four units, #36, 37, 38, 39

Description: Steps to second floor, screened porch, entrance deck with a walk-thru deck to #38

ELEMENT OF UNIT	TYPE	RESPONSIBLE FOR MAINTENANCE
Interior of screened deck (including screens)	LCE	Owner
Interior of unit	PR	Owner
Exterior carpeted deck	LCE	Owner – including ½ of the shared balcony
Roof	CE	Association
Steps	CE	Association
Railing	CE	Association
Exterior siding	CE	Association

SCHEDULE

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STAINING

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* The carpet color and style should match as closely as possible the carpet previously installed. You must get approval from the Buildings and Grounds Committee (currently Joanne Zmuda or Dick Jaeger) before installation.

* The owner MUST keep a record of the professional installer's warranty and receipt, as if leakage does occur the Board will approach the owner and the installer to fix the problem.

Responsibility for maintenance
 Island Pointe Association Multi-Family Owners
 May 1, 2005

Unit #: 36
 Type: Multi-family unit
 Building: Four units, #36, 37, 38, 39
 Description: Carpeted entrance deck, screened porch

ELEMENT OF UNIT	TYPE	RESPONSIBLE FOR MAINTENANCE
Interior of screened deck (including screens)	LCE	Owner
Interior of unit	PR	Owner
Exterior carpeted deck	LCE	Owner
Roof	CE	Association
Steps	CE	Association
Railing	CE	Association
Exterior siding	CE	Association

SCHEDULE

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STAINING

- * If the owner wishes to do any staining, the owner must use the Association-approved stain color.
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- * The carpet color and style should match as closely as possible the carpet previously installed. You must get approval from the Buildings and Grounds Committee (currently Joanne Zmuda or Dick Jaeger) before installation.
- * The owner MUST keep a record of the professional installer's warranty and receipt, as if leakage does occur the Board will approach the owner and the installer to fix the problem.

Responsibility for maintenance
 Island Pointe Association Multi-Family Owners
 May 1, 2005

Unit #: 37
 Type: Multi-family unit
 Building: Four units, #36, 37, 38, 39
 Description: Carpeted entrance deck, screened porch

ELEMENT OF UNIT	TYPE	RESPONSIBLE FOR MAINTENANCE
Interior of screened deck (including screens)	LCE	Owner
Interior of unit	PR	Owner
Exterior carpeted deck	LCE	Owner
Roof	CE	Association
Steps	CE	Association
Railing	CE	Association
Exterior siding	CE	Association

SCHEDULE

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Unit #: 40
 Type: Multi-family unit
 Building: Four units, #40, 41, 42, 43
 Description: Entrance landing, two decks

ELEMENT OF UNIT	TYPE	RESPONSIBLE FOR MAINTENANCE
Exterior decks	LCE	Owner
If converted to screened deck(s) (including screens)	LCE	Owner
Interior of unit	PR	Owner
Exterior carpeted entry	LCE	Owner
Roof	CE	Association
Steps	CE	Association
Railing	CE	Association
Exterior siding	CE	Association

SCHEDULE

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Unit #: 41
 Type: Multi-family unit
 Building: Four units, #40, 41, 42, 43
 Description: Entrance landing, two screened decks

ELEMENT OF UNIT	TYPE	RESPONSIBLE FOR MAINTENANCE
Interior of screened decks (including screens)	LCE	Owner
Interior of unit	PR	Owner
Exterior carpeted entry	LCE	Owner
Roof	CE	Association
Steps	CE	Association
Railing	CE	Association
Exterior siding	CE	Association

SCHEDULE

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Unit #: 42
Type: Multi-family unit
Building: Four units, #40, 41, 42, 43
Description: Entrance, one deck, one screened deck

ELEMENT OF UNIT	TYPE	RESPONSIBLE FOR MAINTENANCE
Interior of screened decks (including screens)	LCE	Owner
Interior of unit	PR	Owner
Exterior deck	LCE	Owner
Roof	CE	Association
Steps	CE	Association
Railing	CE	Association
Exterior siding	CE	Association

SCHEDULE

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Responsibility for maintenance
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May 1, 2005

Unit #: 43

Type: Multi-family unit

Building: Four units, #40, 41, 42, 43

Description: Entrance deck, two additional decks

ELEMENT OF UNIT	TYPE	RESPONSIBLE FOR MAINTENANCE
Interior of screened decks (including screens)	LCE	Owner
Interior of unit	PR	Owner
Exterior deck	LCE	Owner
Roof	CE	Association
Steps	CE	Association
Railing	CE	Association
Exterior siding	CE	Association

SCHEDULE

* All maintenance performed by the Association will be completed per a schedule established by the Board of Directors.

STAINING

* If the owner wishes to do any staining, the owner must use the Association-approved stain color.

* The stain color is available from either the property manager or the architectural committee.

CARPET

To prevent improperly-installed exterior carpeting from allowing water to leak down onto (or into!) the deck and unit below it, the following rules will apply:

* It is mandatory that second-floor units install rubber matting under the carpet. This is NOT a requirement for first-floor units.

* If you intend to re-use the matting already there, it must be inspected by a professional installer to ensure that there are no holes, cuts or tears in the surface. Please keep a written confirmation of this inspection.

* The carpet color and style should match as closely as possible the carpet previously installed. You must get approval from the Buildings and Grounds Committee (currently Joanne Zmuda or Dick Jaeger) before installation.

* The owner MUST keep a record of the professional installer's warranty and receipt, as if leakage does occur the Board will approach the owner and the installer to fix the problem.

Responsibility for maintenance
Island Pointe Association Multi-Family Owners
May 1, 2005

Unit #: 44
Type: Multi-family unit
Building: Four units, #44, 45, 46, 47
Description: Entry landing, two decks

ELEMENT OF UNIT	TYPE	RESPONSIBLE FOR MAINTENANCE
Interior of screened decks (including screens)	LCE	Owner
Interior of unit	PR	Owner
Carpet on entry landing	LCE	Owner
Roof	CE	Association
Steps	CE	Association
Railing	CE	Association
Exterior siding	CE	Association

SCHEDULE

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STAINING

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CARPET

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Responsibility for maintenance
Island Pointe Association Multi-Family Owners
May 1, 2005

Unit #: 45
Type: Multi-family unit
Building: Four units, #44, 45, 46, 47
Description: Entrance landing, two decks

ELEMENT OF UNIT	TYPE	RESPONSIBLE FOR MAINTENANCE
Interior of screened decks (including screens)	LCE	Owner
Interior of unit	PR	Owner
Entry landing	LCE	Owner
Roof	CE	Association
Steps	CE	Association
Railing	CE	Association
Exterior siding	CE	Association

SCHEDULE

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STAINING

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CARPET

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Responsibility for maintenance
Island Pointe Association Multi-Family Owners
May 1, 2005

Unit #: 46

Type: Multi-family unit

Building: Four units, #44, 45, 46, 47

Description: Entrance landing, one screened deck, one open deck

ELEMENT OF UNIT	TYPE	RESPONSIBLE FOR MAINTENANCE
Interior of screened deck (including screens)	LCE	Owner
Exterior deck surface	LCE	Owner
Interior of unit	PR	Owner
Entry landing	LCE	Owner
Roof	CE	Association
Steps	CE	Association
Railing	CE	Association
Exterior siding	CE	Association

SCHEDULE

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STAINING

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CARPET

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Responsibility for maintenance
Island Pointe Association Multi-Family Owners
May 1, 2005

Unit #: 47

Type: Multi-family unit

Building: Four units, #44, 45, 46, 47

Description: Entrance landing, one screened deck, one open deck

ELEMENT OF UNIT	TYPE	RESPONSIBLE FOR MAINTENANCE
Interior of screened deck (including screens)	LCE	Owner
Interior of unit	PR	Owner
Entrance landing	LCE	Owner
Roof	CE	Association
Steps	CE	Association
Railing	CE	Association
Exterior siding	CE	Association

SCHEDULE

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STAINING

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CARPET

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Responsibility for maintenance
Island Pointe Association Multi-Family Owners
May 1, 2005

Unit #: 48
Type: Multi-family unit
Building: Four units, #48, 49, 50, 51
Description: Entrance porch, open deck in back

ELEMENT OF UNIT	TYPE	RESPONSIBLE FOR MAINTENANCE
Open deck	LCE	Owner
Interior of unit	PR	Owner
Exterior entry porch	LCE	Owner
Roof	CE	Association
Steps	CE	Association
Railing	CE	Association
Exterior siding	CE	Association

SCHEDULE

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STAINING

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CARPET

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Responsibility for maintenance
Island Pointe Association Multi-Family Owners
May 1, 2005

Unit #: 49
Type: Multi-family unit
Building: Four units, #48, 49, 50, 51
Description: Entrance porch, screened deck in back

ELEMENT OF UNIT	TYPE	RESPONSIBLE FOR MAINTENANCE
Interior screened deck (including screens)	LCE	Owner
Interior of unit	PR	Owner
Exterior entry	LCE	Owner
Roof	CE	Association
Steps	CE	Association
Railing	CE	Association
Exterior siding	CE	Association

SCHEDULE

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STAINING

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CARPET

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