

## COMPLIMENTARY HOMEOWNER ASSOCIATION DOCUMENT REVIEW AND DEFECT INVESTIGATION

**PROBLEM** The directors of many newer associations have concerns about the condition of their project and specifically want to know what responsibility they have to investigate suspected problems and whether they have claims which might expire.

**SOLUTION** BERDING | WEIL will do a quick, **no-cost** investigation of potential construction claims using acknowledged experts in their field. We will research and review necessary documents and advise the board of statutes of limitation that might interfere with their potential recovery.

- WE WILL**
1. **Meet with the board of directors** and discuss information already known about potential construction problems.
  2. **Review the association's governing documents and maintenance manuals** to identify the association's repair responsibilities; dispute resolution requirements; and possible triggers for statutes of limitation.
  3. **Review the association's key maintenance and repair records** for indications of abnormal construction issues.
  4. **Prepare a questionnaire** to the individual owners if necessary to accumulate further information on suspected construction problems.
  5. **Retain an expert** — architects or engineers — appropriate for the problems indicated by our discussions with the board and the members and our review of the documents, and coordinate a preliminary inspection by one of these experts.
  6. **Meet a second time with the board** and the expert(s) to discuss the findings of our review and the expert opinion on potential problems. Provide the board with our recommendation of the best approach for resolution of the problem with the builder and to protect the association from the expiration of claims. If claims are identified, we will also:
  7. **Prepare and send the necessary notice** under the California Civil Code to suspend statutes of limitation on claims that might otherwise expire.

BERDING | WEIL will undertake this investigation, retention of experts and review **without cost** to the association. Depending upon the amount and availability of the material necessary for the review, these investigations can usually be completed in three to four weeks from the time of the first meeting with the board.

If we can help your association, email [complimentary@berdingweil.com](mailto:complimentary@berdingweil.com) or contact us at 925.838.2090, and we will schedule a meeting with your board of directors.

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