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March 18, 2022

**VIA E-MAIL ONLY**

Board of Directors  
The Moorings of Pinellas County Condominium Association, Inc.  
c/o Ameri-Tech Community Management, Inc.  
24701 U.S. Highway 19 N., Suite 102  
Clearwater, Florida 33763

**Re: Maintenance Responsibilities**

Dear Board Members:

Please accept this correspondence in relation to the referenced matter.

Pursuant to a recent request from the Association please accept the following to address the maintenance responsibilities of the Association and the individual owners within the community.

The Declaration of Condominium of The Moorings, a Condominium states, in relevant part, as follows:

4. Development Plan. The Condominium is described and established as follows:

4.6 **Limited Common Elements.** The following structures, equipment and areas are designated as Limited Common Elements for the exclusive benefit of the particular Unit appurtenant to each such item:

- (a) All balconies, patios and porches;
- (b) Any structure attached to the exterior main walls of the building that serves only the particular Unit adjacent to such structure;
- (c) All structures, equipment or areas designated as Limited Common Elements on Exhibit "B".

5. Maintenance, Alteration and Improvement. Responsibility for the maintenance of the Condominium Property and restrictions upon the alteration and improvement thereof shall be as follows:

5.1 Common Elements.

(a) By the Association. The maintenance and operation of the Common Elements and the expense associated therewith shall be designated a Common Expense.

(b) Alteration and Improvement. After the completion of the improvements including the Common Elements contemplated by this Declaration, there

shall be no alteration or further improvement of the real property constituting the Common Elements without prior approval in writing by the owners of not less than seventy-five (75%) percent of the Common Elements...

## 5.2 *Units.*

(a) ***By Association.*** The Association shall maintain, repair and replace as a Common Expense:

(i) All portions of a Unit, ***except interior surfaces,*** contributing to the support of the apartment building, which portions shall include but not be limited to load-bearing columns and load-bearing walls.

(ii) All conduits, ducts, plumbing, wiring and other facilities for the furnishing of utility services contained in the portion of a Unit maintained by the Association; and all such facilities contained within a unit that ***service part or parts of the Condominium other than the Unit within which contained.***

(iii) All incidental damages caused to a Unit by such work shall be promptly repaired by the Association.

B. ***By the Unit Owner.*** The responsibility of the Unit Owner shall include:

(i) To maintain, repair and replace ***at his sole and personal expense,*** whether located inside or outside of the owner's Unit, all doors, windows, glass, screens, electric panels, electric wiring, electric outlets and fixtures, doorbells and doorknockers, ***air-conditioners, heaters, hot-water heaters,*** refrigerators, dishwashers, other appliances, drains, ***plumbing servicing his Unit only,*** plumbing fixtures and connections within the Unit, ***interior surfaces of all walls, floors and ceilings,*** and ***all other portions of his Unit or Limited Common Elements,*** if any, except the portions specifically to be maintained, repaired and replaced by the Association. Any maintenance involving the painting, alteration, replacement or repair of any item visible from the exterior of the Unit is subject to approval by the Association.

(ii) Not to enclose, paint, or otherwise decorate or change the appearance of porches, patios, or balconies appurtenant to the Unit, or any portion of the exterior of the apartment building without the prior written approval of the Association.

(iii) To promptly report to the Association any defect or need for repairs, the responsibility for the remedying of which is that of the Association.

C. **Alteration and Improvement.** Subject to the other provisions of 5.2 and which in all cases shall supersede and have the priority over the provisions of this subsection when in conflict therewith, ***a Unit Owner may make such alteration or improvement to the Unit at his sole and personal cost as he may be advised,*** provided all work shall be done without disturbing the rights of other Unit Owners and further provided that ***a Unit Owner shall make no change or alteration to any interior boundary wall,*** exterior walls, balcony, porch or patio, screening, exterior door, windows, structural or load-bearing member, electrical services or plumbing service, ***without first obtaining approval in writing of owners of all other Units in such***

*apartment building and the approval of the Board of Directors of the Association.* All alterations must be in compliance with all existing building codes...

Pursuant to the both the Association's Declaration and Florida Law, the Association is responsible for the maintenance of the common element property within the community and the unit owners are responsible for the maintenance, repair and replacement of any portion of the unit that is included within the boundaries of the unit.

In the event of damage, whether the damage was caused to the Unit or Common Element property by a common element portion of the property (such as the roof, concrete slab or pipe serving more than one Unit) or by a portion of the property that is within the boundaries of the Unit (such as the shower, sink, dishwasher or other appliance serving only that one unit); ***the maintenance responsibility for addressing the damage will always be*** that the ***Association is responsible for*** any repairs needed to ***the common element property*** and the ***unit owner is responsible for*** the maintenance and repair of any damage that was caused ***within the boundaries of the unit*** (such as any wall or floor coverings like paint, wallpaper, base boards, carpet and/or other flooring, cabinets, personal items, etc.).

The common element for which the Association is responsible, ***that would include the drywall*** are those exterior boundary walls of the unit or any load bearing walls of columns within the unit. Meaning the other side of the wall is the exterior of the building, or is a wall, ceiling or floor that abuts another unit, that wall, ceiling or floor is not within the boundaries of the unit and is a common element wall, ceiling or floor for which and repairs within the wall, ceiling or floor are the maintenance responsibility of the Association, including any required mold remediation and drywall replacement. If there is any exterior boundary walls, floors or ceiling or any load bearing walls of columns within the unit that were damaged, the Association is responsible for the repairs required ***only up to the unfinished portions and the owner is responsible for the finishing, including paint, wallpaper, etc.***

If there are any walls that were damaged within the unit that are interior walls or partitions, such as an interior closet, wherein the wall is solely within the boundaries of the unit and is not a wall that abuts another unit or the exterior of the building, ***then such wall is an interior wall or partition and is the unit owner's responsibility for all of the maintenance of the interior wall repairs, including the drywall and mold remediation to those interior walls or partitions.***

Therefore, in the event of a damage, such as a water leak, that resulted in damage to the unit's walls, floors, baseboards, etc., ***regardless of whether that damage originated from a common element pipe or a pipe within the unit, the maintenance responsibility for addressing the damage caused by the leak will always be that the Association is responsible for any repairs needed to the common element property*** (if any water damage was caused in the area outside of the boundaries of the unit, such as the drywall or concrete slab or spaces between two units) ***and the unit owner is responsible for the maintenance and repair of any damage that was caused within the boundaries of the unit*** (such as any wall or floor coverings, cabinets, personal items, etc.).

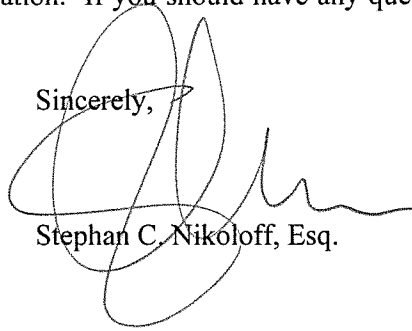
Please be advised, unit owners are strictly prohibited, pursuant to the Declaration and Chapter 718 of the Florida Statute, from making any repairs, replacements, alterations, additions, or changes to the common element property. The Association may not allow, in any way, for an owner to make any alterations, repairs or replacements to property that is considered common element property, such as plumbing that service more than one unit. It is because the common element property is property owned by all members of the Association that individual owners are prohibited from making alterations to the common element property.

Also, attached for the Association's reference and which can be shared with the membership if the Board desires to do so is a breakdown of those specific portions of the property for which the Association is

responsible and for which the unit owner is responsible.

As always, it is a pleasure serving the Association. If you should have any questions, please feel free to contact the office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephan C. Nikoloff', written over the word 'Sincerely,'.

Stephan C. Nikoloff, Esq.

SCN:bm

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Joseph R. Cianfrone, Esq.  
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March 18, 2022

The Moorings Condominium Association, Inc.

**Re: Maintenance Responsibilities**

Please accept this correspondence to clarify those portions of the property that are maintenance responsibilities and obligations of the Association and those portions that are the maintenance responsibility of the individual owners.

Owner Maintenance Responsibilities

- Any portion of the property that is within the boundaries of the unit.
  - The boundaries of the unit include any portion of the unfinished ceiling, wall and floor, including any walls or columns that are within the boundaries of the unit and are not load bearing walls and/or columns.
  - The portions of the unit that are within the boundaries of the unit include any floor covering, wall coverings such as paint or wallpaper, ceiling coverings such as popcorn or other material over the drywall.
  - The portions of the unit also include any walls that are within the unit that are not load bearing walls. In this case, the unit owner is responsible for any maintenance or repairs required to the entire interior wall, including any drywall and covering.
- The Limited Common Elements appurtenant to the Unit:
  - All balconies, patios or porches;
  - Any structure attached to the exterior main walls of the building that serves only the particular unit adjacent to such structure;
  - All structures, equipment or areas designed as Limited Common Elements on Exhibit "B" of the Declaration.
    - Any and all desired alterations to the Limited Common Elements, interior boundary wall, exterior walls, balcony, porch or patio, screening or plumbing services requires approval in writing of owners of all other Units in such building and the approval of the Board of Directors of the Association.
- All doors, windows, glass, screens, electric panels, electric wiring, electric outlets and fixtures, doorbells and doorknockers, air-conditioners, heaters, hot-water heaters, refrigerators, dishwashers, other appliances, drains, plumbing servicing only the Unit.
- All personal possessions
- All appliances and fixtures within the unit, including cabinets.
- Any pipe, wire or duct that serves only the unit.

Association Maintenance Responsibilities

- All common element property
  - The common element property is any property that is not within the boundaries of the unit, which includes the unfinished portions of the units ceiling, wall and floor, and includes up to the drywall and/or concrete slab.
  - The space between the units that are not within the boundaries of the unit.

- The exterior of the building, including the roof.
- Any property in the community that is not within the boundaries of the unit.
- Any pipe, wire or duct that serves **more than one unit**.

In the event that maintenance is required, whether or not the damage was caused by a portion of the property that is Common Element or a portion that is within the boundaries of the Unit, the Association is responsible for those portions of the unit that are considered common element property and the unit owner is responsible for any portions of the property that are within the boundaries of the unit, no matter where the resulting damage originated.

In the event that maintenance is required due to a leak or other cause originating from another unit that caused damage to another unit, the Association is responsible only for the common element property and each of the unit owners affected are responsible for the maintenance and repair to those portions of the property that are within the boundaries of their individual units. The unit owners affected by damage from the originating unit that have damage to their property must either contact their insurance company, file a claim with the originating unit owner's insurance company, and/or hire a contractor to assess the damage of the property damaged within the boundaries of the unit that the owner is responsible for maintenance and repair of. Please note, however, the Association is not responsible for and will not get involved in any claims between unit owners.

Unit Owners are strictly prohibited from making any alterations, additions or repairs to common element property. If repairs are needed and such repairs affect the common element property, the unit owners are responsible to notify the Association of any repairs or maintenance required to the common element property. The Association may take enforcement action against any unit owner that makes any alterations or repairs to the common element property as an unauthorized alteration.

The **only** time that the Association may be responsible for repairs required to portions of the property that are within the boundaries of the unit are in the events of an insurable event, such as a hurricane. In that case, if damage was caused by an insurable event, by law, the Association is responsible for repairs to the property **as it was originally constructed**. Be advised, however, pursuant to Section 718.111(11) of the Florida Statute, this requirement specifically **excludes** all personal property within the unit or limited common elements, and floor, wall, and ceiling coverings, electrical fixtures, appliances, water heaters, water filters, built-in cabinets and countertops, and window treatments, including curtains, drapes, blinds, hardware, and similar window treatment components, or replacements of any of the foregoing which are located within the boundaries of the unit and serve only such unit. Such property and any insurance thereupon is the responsibility of the unit owner, even in an insurable event. Additionally, by law, the association is not obligated to pay for any reconstruction or repair expenses due to property loss to any improvements installed by a current or former owner of the unit or by the developer if the improvement benefits only the unit for which it was installed and is not part of the standard improvements installed by the developer on all units as part of original construction, whether or not such improvement is located within the unit.