

WINDSOR PLAZA CONDOMINIUM

Resolution PR14

Date: January 23, 1996

Treatment of Loss of and/or Damage to Remote Garage Door Openers

Given that Article 3, Section 3.1 of the Bylaws provides in applicable part that, "The Board of Directors shall have all of the powers and duties necessary for the administration of the Association and may do all such acts and things as are by the Condominium Act or the Condominium instruments required to be exercised and done by the association;

Given that Article 3, Section 3.2 of the Bylaws grants to the Board of Directors the Authority to designate property of the Association as Reserved Common Elements to grant revocable license for the use thereof, and to establish a reasonable charge to unit owners for the use and maintenance thereof; and

Given that the purchase of a remote-control garage door systems has occurred; therefore

Given that the Board of Directors resolves that the following policies and procedures relating to the procedure of handling the loss or damage for any reason of the remote garage door opener transmitters, which are reserved common elements and are used by both owners and residents.

I. Objective

The objectives of this resolution are to encourage owners and residents to treat the remote control garage door openers (transmitters) with special care and take responsibility for their location and operation in order to increase the level of safety of the residents and property at Windsor Plaza.

Also, to lessen the inconvenience to the on site manager and the other residents of having to reprogram all the transmitters frequently due to the carelessness of individuals by reducing the likelihood of that carelessness:

II. Resolution

- A. It shall be the policy of the on site manager of Windsor Plaza to develop and thereafter maintain an accurate and up to date list of which transmitters are assigned to which people. The actual possession of the transmitters by the residents to whom they are issued will be verified periodically.
- B. If a resident damages or breaks a transmitter, the damaged transmitter shall be turned into the on site manager.

As long as the damaged transmitter is turned into the site manager, a new transmitter will be issued when the resident pays a replacement fee as set under board policy.

- C. If a resident loses a transmitter, or it is damaged and needs replacement, the conditions for issuing a replacement transmitter will differ depending the number of times that a new transmitter has been requested by the authorized possessor of the missing transmitter.
  - 1. For the first instance, the resident must pay a replacement fee as set under board policy.
  - 2. For the second instance within any twenty-four month period, the resident must pay a replacement fee as set under board policy and an additional amount of \$25.
  - 3. For the third instance within any twenty-four month period, the resident must pay a replacement fee as set under board policy and an additional amount of \$50.
  - 4. For the fourth instance within any twenty-four month period, the resident must pay a replacement fee as set under board policy and an additional amount of \$75.
  - 5. For the fifth instance within any twenty-four month period, the resident will not be issued another transmitter.

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- D. It is the responsibility of owners to retrieve the transmitter from their guests or tenants. If, when the periodic verification is made, the resident cannot produce a transmitter, in addition to the replacement fee as set under board policy, the owner or resident must also pay an additional amount of \$25. Regardless of who is responsible for the loss of the transmitter, no new transmitter will be issued for that unit/owner/resident until the appropriate fee has been paid.
  
- E. While the board retains the right to make exceptions to the provisions of this resolution, and may if it wishes take into account the circumstances surrounding any particular loss or damage, it is not required to do so. The on-site manager does not have the authority to waive or excuse either the replacement fee or the additional compensation.
  
- F. Replacement fees shall be used to actually replace the transmitter units. Other fees collected under this resolution will first be used to defray any costs incurred in actually reprogramming the garage door openers. After those costs are paid, the remainder, if any, shall be placed in the Income/Other fees budget.
  
- G. Upon sale or conveyance of the condominium unit, the owner shall convey the reserved common element, that is, the transmitter, to the on-site manager.

#### IV. Responsibility

- A. The Board of Directors shall delegate to the on-site manager the authority necessary to enforce this resolution.