

**FAIRFIELD HOUSE CONDOMINIUM  
UNIT OWNERS ASSOCIATION  
POLICY RESOLUTION NO. 2009-1**

(Maintenance, Repair and Replacement of Palladium Windows)

**WHEREAS**, the Board of Directors has discussed and debated the issue of who shall bear responsibility for the maintenance, repair, replacement of the Palladium Windows (windows within units which are not designed to be opened) within the condominium;

**WHEREAS**, the Board found the Bylaws to be less than clear on resolving this matter;

**WHEREAS**, while the Chart of Maintenance Responsibilities attached to the Bylaws as Exhibit A says that the windows are the responsibility of the unit owner served by the window, the Chart does not differentiate between the windows within the condominium which can be opened or maintained from the interior of the unit and those windows which cannot;

**WHEREAS**, the Board has duly noted that the Chart expressly says that it is not intended to describe all of the various responsibilities of the unit owners or the Association;

**WHEREAS**, the Board has also duly noted that the Bylaws further state that the Board has the right and power to determine how to care for the limited common elements and to accept financial responsibility on behalf of the Association for that care;

**WHEREAS**, the Board believes that the Palladium Windows serving individual units are actually more part of the structural exterior of the buildings than part of the units, which makes these windows more like the limited common elements;

**WHEREAS**, section XII of the Declaration also states that the Association has the right to perform all exterior maintenance of the structures within the condominium at the common expense of the Association, irrespective of ownership of the component being maintained;

**WHEREAS**, for these and other reasons, the Board has decided to formally adopt this policy resolution to clarify the responsibilities related to the care of the Palladium Windows.

**NOW THEREFORE, BE IT RESOLVED THAT** the Board duly adopts the following policy:

1. The Association shall be responsible for the maintenance, repair, and replacement of the Palladium Windows within the condominium, except Unit Owners shall be responsible for the interior cleaning of any Palladium Window serving their unit.

2. Whenever the Association acts to fulfill its responsibilities under this policy, Unit Owners bear related responsibility to fully cooperate with the Association, including the provision of access inside the unit to the representatives and contractors of the Association, and, if requested, the obligation to move furniture and other items away from any area where work must be performed.

3. The Association shall not be responsible for conducting any form of routine inspection of the interior of units which are served by Palladium Windows. Unit Owners shall bear responsibility for the prompt report of any problems with their Palladium Window to the Association.

4. If a repair or replacement of a Palladium Window is necessitated by the act, negligence, misuse or neglect of a unit owner, their family members, tenants, occupants, agents, or guests, the Association reserves the right to specially assess the cost (or a portion of the cost) against the unit benefited by the repair or replacement. The decision-making authority in this regard belongs to the Board of Directors.


This Resolution is adopted this 2<sup>nd</sup> day of June, 2009, by the Board of Directors.

Fairfield House Condominium Unit Owners  
Association

  
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Avi Sahgal, President

### FOR ASSOCIATION RECORDS

I hereby certify that the foregoing Policy Resolution No. 2009-1 concerning the Palladium Window Maintenance, Repair and Replacement was mailed to all Owners of the Fairfield House Condominium Unit Owners Association on this 2<sup>nd</sup> day of June, 2009.

  
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KIM HAIN ; Community Manager