

September 18, 2023

Greetings To All the Members of The Villas at Fairloop Run Association (VFRA):

As we are all aware, maintenance, repairs, and the replacement of the roofs on our villas is a major topic of discussion amongst us. 16 members of the association received letters dated August 23, 2023 to address roof issues. These letters came more than 5 years after Irma and 1 year after Ian. Time is of the essence to put an immediate plan in place before we have another catastrophic hurricane. We cannot wait another 2 years to start implementing a plan. Our current costs are much too high to wait!

Did you know each quarter 58% of our quarterly fees go to roof expenses? That is \$527.01 of the \$898 we pay each quarter.

- \$318.66 of our fee is going into the Roof Reserve Account
- \$170.46 of our fee is going into the Roof Repair and Maintenance Account
- \$37.89 of our fee is going into the Roof Cleaning Account

Did you also know; we own our villas in Fee Simple Ownership, the same as a personal residence? This means the condition of our roof is our personal responsibility as outlined in the Documents, not the Board's responsibility! The roofs are not a "common element" like the Fairloop Run Street. You own your land, villa, and roof as you would a private home in any HOA. If anything goes wrong with what the Board has done on our roofs, we the home owners will be held accountable.

From the Documents

7.2 Maintenance of Lots and Villas.

(B) Villas. The Association shall clean and provide ordinary maintenance, repair and replacement of the roofs, structural components and the exterior walls and other surfaces of the Villas and appurtenant structures such as privacy walls and garages, the need for which is caused by normal wear and tear and weathering keeping the appearance of the same in a condition comparable to the condition of such improvements at the time of their initial construction, except for normal weathering, wear and tear. The cost shall be a common expense. Painting the outside of exterior doors, door and window frames and exterior caulking, are Association responsibilities. Maintenance, repair and replacement of mailboxes and street lighting is the Association's responsibility. Otherwise the maintenance, repair and replacement of the Villas is the responsibility of the owners thereof. The owner of each Villa shall maintain, repair and replace, at his own expense, all portions of his Villa except those portions specifically required to be maintained, repaired and replaced by the Association. Specifically it is the owner's responsibility to repair, reconstruct or replace all damage resulting from windstorm, fire, flood, hail, hurricanes, sinkholes, and other natural disasters,

acts of God, and casualties that are or could be covered by property insurance carried by the owner under Section 8.1 below. The owner is responsible for any deductibles. By way of illustration, and not limitation, the owner's responsibilities include:

Each member is also bound by the terms of the Documents to have proper and adequate insurance:

8. INSURANCE; DUTY TO RECONSTRUCT.

8.1 Duty to Insure and to Reconstruct. Each owner shall at all times maintain property insurance on his residence and all other insurable improvements in an amount equal to the full replacement cost thereof. If any Living Unit or other improvements located on any Lot are destroyed or damaged as a result of fire, windstorm, flood, tornado, hurricane or other casualty, the owner of such improvements shall cause repair or replacement to be commenced within six (6) months from the

Each member is bound by the terms of the Documents to also pay quarterly fees and in return the Association provides “ordinary maintenance, repair and replacement of the roofs... caused by normal wear and tear and weathering.” This is a contract we all signed when we purchased our villas here in Fairloop.

In 2020, the Association, with Board approval, paid \$7,290.00 to Velocity Engineering in Lehigh for a detailed report showing “storm related damage from Hurricane Irma was observed on all building roofs.” Velocity Engineering followed this up with an important supplemental email stating that roofs would only last another five years if recommended repairs were made and only if the repairs could be done meeting Florida Building Code (FBC) and the Lee County Building Department (LCBD) approvals.

Despite the clear language of the Documents, our Board has strayed way beyond collecting fees for “normal wear and tear” and continued to assess, collect, and spend quarterly fees initially from the Roof Reserve account and then the Roof Repair and Maintenance Operating Account in amounts exceeding \$200,000.00. The Board has determined these repairs to be “normal wear and tear,” when in fact they are the results of builder’s defects and casualty events. This spending for repairs started in 2014 and continued through two hurricanes in 2017 and 2022. In June 2020 due to increased expenditures, an Operating Account was created and this account now pays for current roof repairs up to and including a private roof at 4724 Fairloop. This roof showed severe damage from Hurricane Irma as evidenced by pictures and in writing in the Velocity Engineering Report. Also, photos on the Lee County Property Appraisers (LLEPA) Website show additional damage from Hurricane Ian. Regardless of this documentation, a board-approved repair and subsequent paid invoice from Service Works two weeks ago shows these repairs paid by the operating account.

We have been using Service Works exclusively to handle all repairs requested by the Board on our private roofs since at least 2017. They have done 103 repairs based on the invoices we have, under the supervision and approval of our Board without ever pulling a permit or getting an inspection done. Many of the units have been repaired multiple times in the same places, one even 6 times, due to the poor quality of the work. Some of the invoices are even marked “not roof related” and yet approved by Mark Rudland at Tropical Isles for all of us to pay from our quarterly fees that were going into the reserve and operating accounts.

We need fairness to all of us including:

1. Those of us who have or will shortly have new roofs

2. Those of us who have insurance payments already, but are uncertain what to do since the Board has told us verbally, and in writing, that we will be facing a special assessment even if we have a new roof
3. Those of us who simply want to buy a new roof with our own funds
4. And for those of us who need certainty about our insurance claim payments, insurance availability and continuing quarterly assessment fees.

We need our Board to formulate a plan and stop spending our money on roofs that have all been damaged by casualty events. They cannot remotely be considered the responsibility of all the Association's members under the guise of "normal wear and tear."

We need your support to help us force the Board to do the job we elected them to do fairly and without bias, and to formulate and implement a plan immediately to get this relatively simple construction job done so we can move on. These roofing projects have been done fairly and equitably in both Governors Run I and II, and we can do it in Fairloop with your support.

We will be sending out a notice shortly to invite you to an information meeting to answer any questions you may have. There is also a website available which provides more detailed information called:

newroofsatfairloop.com

Please feel free to contact us to discuss any part of this letter in more detail.

You can reach us through email @ Newroofsatfairloop@gmail.com

Respectfully

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