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SENT VIA EMAIL ONLY

Scott Fishman, Esq.
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Shawn E. Martin
shawnm1973@gmail.com

Re: Omega Villas / Shawn Martin – 1760 NW 73 AVE #48 PLANTATION FL 33313
Response to Certified Inquiry and legal letter – your file no. SFL-VJX-QCJ

Dear Mr. Fishman:

As you know this Firm represents Omega Villas Association, Inc. Please direct any future communication regarding this matter to this Firm. We have enclosed the certified inquiry submitted by Mr. Martin to the Association and are going to respond to both of these letters at the same time and address it to you as Mr. Martin's counsel.

The original contract with Austro incorporated the Hardie Board System. The enclosed certified NOA reflects that the system being used requires furring strips as part of that system and is certified by the company supplying the materials. No material alteration vote was required for this system as the case law is clear that where an alteration or addition is necessary to maintain or preserve the common elements, it is exempt from the requirement of unit owner approval. Previous arbitration decisions have ruled that even where a change to the common elements is deemed to be a material alteration to the common elements, where such a change is shown to be necessary in order to protect, repair, or replace the common elements or the inhabitants of the condominium, the decisions have not required a vote of the owners, but have instead acknowledged the paramount maintenance function served. Previous arbitration decisions have determined that removal of wood siding, which is particularly inappropriate for South Florida, with stucco, fell under the above exception and did not require owner approval.

Since this was the original agreement, which was approved by the Engineer of Record, Farrukh Sayeed, S.I. P.E., CGC, MBA, MIS, there were no change orders and so we have no answers to your request for rationale etc. Austro Construction is required under the contract to comply with the updated code. The only surprise in taking off the old T111 facade was that they found no plywood underneath, which the code requires now. Austro is following the NOA for Hardie Board systems which includes plywood and furring strips at the same cost.

Mr. Martin's questions are based upon the wrong set of facts, so when applying the correct fact, there is no response to the remaining questions as they are not applicable.

There was no agreement to remove insulation. Austro advised that the Flat roofs as per design have insulation boards installed under the TPO roof and Austro has added insulation to the upper walls as needed but there was no removal of insulation in any of the pitched roofs. They also found when doing the roofs that no insulation was present in many of the pitched roofs, but that is the condition of the roof and not a result of anyone who represents the Association removing insulation as part of the contract with the Association.

All of the work being performed for the forty-year certification is being overseen by the special inspector so again, we have no idea where the legal threat is coming from and why. The Engineer decides which changes to the scope of work may occur during this project and ensures that it complies with the Florida Building code etc., as the special inspector for the city.

We hope that this satisfies Mr. Martin's certified inquiry and your legal inquiry, but if there is more that legal counsel wishes to discuss, please do not hesitate to coordinate a mutually convenient time.

Very Truly Yours,

/s/ Rhonda Hollander

Rhonda Hollander, Esq.

For the Firm

RHP/bms
cc: Board of Directors and Management

Encls. Hardy Board NOA