

Date:	July 12, 2002 [5C Summary of Issues 02-07-12.doc]
To:	Thomas Hamilton, Esq. Law Offices of Bob Jones 123 Main Street, Ste. 100 Santa Ana, CA 92705 T: 714-555-0790 F: 714-444-0791
From:	Stan Bruce
Regarding:	Vineland v Maple Homes
Project Address:	Foothill Ranch, CA

Summary Discussion of Issues

The property involved is a multiple building condominium project. There are 16 10-Plexes and 8 12-Plexes in the project for a total of 256 units. The construction is 2-story, wood frame with exterior stucco walls. There are individual attached 2 car garages on the ground floor. There are patios on the upper level enclosed by a stucco pony wall. The tops of the pony walls are penetrated by wood posts which support open trellis' above. The roofs of the buildings are tile.

Putnam Plastering appears to have performed the lath and plaster (stucco) work at only one building; building number 4, which is a 10-plex. This building constitutes 4% of the project units and 4% of the total buildings involved.

Upon arriving at the site for destructive testing 5/14/02, we were informed that the tenant would not allow entry. We have not viewed Putnam Plastering units from the interior.

Documents we have:

- Putnam Plastering subcontract
- Scope of agreement
- Proposal, Invoices & Waivers
- Depository Index
- Defect List, 3/5/02
- Cost of Repair Summary, 3/4/02

Issues Alleged by Plaintiff Expert

Line #	Issues	Plaintiff Unit Cost	Unburdened Total
1	2.0 Decks & Balconies		
2	2.1 Deck leaks.	910.00	18,200.00
3	3.0 Exterior Stairs & Landings		
4	3.1 Concrete stairs and landings placed above stucco weep screeds.		See Section 22
5	4.0 Stucco		
6	4.1 Excessive stucco cracking	7,888.00	59,392.00
8	4.2 Discoloration of color coat.	31,080.00	236,160.00
10	4.3 Fire sprinkler valve access panels are improperly flashed.	340.00	8,160.00
11	4.4 Trellis beams lack proper collar flashing and are reverse lapped .	13,265.00	93,440.00
13	4.5 Trellis posts are improperly flashed at railing penetration. (Severe/Moderate)	8,206.00	131,296.00
15	See Above. (Priced if Moderate/Minimal Conditions apply)	2,378.00	38,048.00
17	4.6 Bituthene trough at wainscot below windows.	7,596.00	55,704.00
19	4.7 Reverse lap of bituthene at windows.	-	See Section 4.6
20	4.8 Unsealed corners in bituthene waterproofing	-	See Section 4.6
21	4.9 Electrical box penetrations unsealed.	3,874.00	28,608.00
23	4.10 Reverse lap of flashing at condensate line penetrations.	9,328.00	67,840.00
25	5.0 Exterior Wood Trim		
26	5.1 Water intrusion at trellis post and beam penetrations.		SECT 4.4 & 4.5
27	6.0 Sheetmetal		
28	6.1 Inadequate installation of collar flashings at post and beam penetrations.		SECT 4.4 & 4.5
29	7.0 Sliding Glass Doors		
30	7.1 Sliding glass door installation leaks - isolators trap water. (non-applicable)	20,460.00	163,680.00
32	16.0 Windows		
33	16.1 Window leak stains and drywall cracks.		SECT 4.6, 16.2-4
34	16.4 Leaks at window heads and jambs.		In Section 16.3
35	22.0 Civil		
36	22.1 Stucco screed buried by concrete flatwork.		In Section 22.0
37	23.0 Geotechnical		
38	23.6 Cracked interior unit wall and/or exterior stucco.		NA
39	25.0 Mold & Fungus		
40	25.1 Water intrusion from exterior envelope leaks.		In Section 25.0
41	25.2 Water intrusion from condensate drain leaks. (non-applicable)		In Section 25.0
42	25.3 Water intrusion from plumbing leaks.		In Section 25.0
43	Sub-total		882,328.00
44	Burden @ 40%		352,931.20
45	Sub-Total		1,235,259.20
46	Relocation @ 22.1%		273,034.53
47	Total		1,508,293.70
48	Total times 4%		60,331.75

Issues from Plaintiff Defect List

Issue 2.1 – Deck Leaks

Plaintiff expert report states water intrusion into the second and first floor interiors. The plaintiff expert alleges the problem at all plan types. No observation noted on Putnam Plastering units.

Issue 3.1 – Concrete stairs and landings placed above stucco weep screeds

Moisture retention within the stucco resulting in deterioration of the building paper and wood framing. Issues named in Plan C units. Given the current information at our disposal, we believe this issue is not attributable to the plastering contractor.

Issue 4.1 – Excessive stucco cracking.

The plaintiff expert report states that the issue occurs at all buildings and specifies locations such as confined rake terminations, doors and window corners. The plaintiff expert report states that there is water intrusion and damage to building components and interior finishes. Our visual observation did not show excessive stucco cracking which would drive the need for repair.

Issue 4.2 – Discoloration of color coat.

The plaintiff expert report states that discoloration of color coat occurs at all buildings. Our visual observation did not show excessive stucco cracking which would drive the need for repair.

Issue 4.3 – Fire sprinkler valve access panels are not suitable or flashed for weather exposure.

The issues in the plaintiff report name at all buildings with one per building facing front. The plaintiff expert report states that there is water intrusion penetrating into the wall cavities. No specific locations were cited.

Issue 4.4 – Trellis beams lack proper collar flashing and are reverse lapped with building paper.

Plaintiff expert report states there is water intrusion and damage to building components and interior finishes on balconies. No observation noted on Putnam Plastering units.

Issue 4.5 – Trellis posts are improperly flashed at the railing penetration.

Plaintiff expert report states there is water intrusion and damage to building components and interior finishes on balconies. No observation noted on Putnam Plastering units.

Issue 4.6 – Bituthene trough at wainscot below windows.

Located at windows with wainscoting beneath sill. Plaintiff expert report states there is water intrusion and damage to building components and interior finishes. No observation noted on Putnam Plastering units.

Issue 4.7 – Reverse lap of bituthene at windows.

Located at windows with wainscoting intersecting jambs. Plaintiff expert report states there is water intrusion and damage to building components and interior finishes. No observation noted on Putnam Plastering units.

Issue 4.8 – Unsealed corners in bituthene waterproofing.

Located at windows with wainscoting intersecting jambs. Plaintiff expert report states there is water intrusion and damage to building components and interior finishes. No observation noted on Putnam Plastering units.

Issue 4.9 – Electrical box penetrations unsealed.

Plaintiff expert report states there is water intrusion and damage to building components and interior finishes at electrical boxes. No observation noted on Putnam Plastering units.

Issue 4.10- Reverse lap of flashing at condensate line penetrations.

Plaintiff expert report states there is water intrusion and damage to building components and interior finishes beneath windows. No observation noted on Putnam Plastering units.

Issue 5.1 – Water intrusion at trellis post and beam penetrations.

Plaintiff expert report states there is water intrusion and damage to building components and interior finishes at trellises. No observation noted on Putnam Plastering units.

Issue 6.1 – Inadequate installation of collar flashings at post and beam penetrations.

Plaintiff expert report states there is water intrusion and damage to building components and interior finishes at trellises. No observation noted on Putnam Plastering units.

Issue 7.1 – Sliding glass door installation leaks, isolators trap water. (N/A)

On 2nd floor, plaintiff expert report claims water intrusion and damage to building components and finishes at trellises. No observation noted on Putnam Plastering units.

Issue 16.1 – Window leak stains and drywall cracks.

Located at horizontal sliding, fixed and stacked combinations; plaintiff expert reports water damage to building components and interior finishes. No observation noted on Putnam Plastering units. Given the current information at our disposal, we believe this issue is not attributable to the plastering contractor.

Issue 16.4 – Leaks at window heads and jambs.

At limited window locations, plaintiff expert report states there is water damage to building components and interior finishes. No observation noted on Putnam Plastering units.

Issue 22.1 – Stucco screed buried by concrete flatwork.

Entries to most units are named in the plaintiff report. Deterioration of building wall system and moisture intrusion into units was observed and documented in the plaintiff experts report. Given the current information at our disposal, we believe this issue is not attributable to the plastering contractor.

Issue 23.6 – Cracked interior unit wall and /or exterior stucco.

The plaintiff expert report states that the issue of cracked unit walls and stucco was observed at several units. No observation was noted on Putnam Plastering units. Our visual observation did not show exterior stucco cracking.

Issue 25.1 – Water intrusion from exterior envelope leaks.

The plaintiff expert report states that the leak occurred at the exterior envelope. Mold/fungus growth was present. There were no specific buildings noted.

Issue 25.2 – Water intrusion from condensate drain leaks.

The plaintiff expert report states that the leak occurred at return air plenums, sub-floor and ceilings below. Mold/fungus growth was present. There were no specific buildings noted.

Issue 25.3 – Water intrusion from plumbing leaks.

The plaintiff expert report states that the issues observed were in the kitchen and bathrooms. Mold/fungus growth was present. There were no specific buildings noted. Given the current information at our disposal, we believe this issue is not attributable to the plastering contractor.