

THE PROPERTY LINE

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Angius & Terry Recovers More Than \$44 Million Dollars in Construction Defect Damages for Bay Area HOAs in 2016

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In 2016, Angius & Terry recovered in excess of \$44,000,000.00 on behalf of community associations and homeowners in construction defect claims in the Bay Area alone. Many Associations and homeowners were not aware of these serious construction issues because most of the defects were not readily apparent by visual inspection. The true extent of the defects was only revealed after a more comprehensive evaluation by a construction expert. The Associations and homeowners who retained Angius & Terry to assert their legal rights are now in a much better financial position to complete needed repairs to preserve their real estate investment.

California law imposes strict time limitations on bringing a claim against the builder for repairs or monetary damages. If your HOA was completed less than ten (10) years ago and you would like to discuss a complimentary SB 800 evaluation, please contact our office for more information.

Below is a brief recap of our 2016 successes.

Over \$17.5 million dollars obtained on behalf of a confidential East Bay association consisting of over 575 residential condominium units. The primary defects included inadequately waterproofed podium slabs, leaking windows, leaking roofs, and defectively installed stucco. Angius & Terry obtained this sizeable settlement amount despite insurance coverage battles and significant disagreement between the HOAs experts and the builder's experts on the extent of the defects and necessary repairs.

\$9.5 million dollar settlement negotiated on behalf of a confidential North Bay homeowners association consisting of both residential and commercial condominium units. The units are situated in numerous buildings and built in several different phases, each displaying their own unique siding, roof type, and other architectural features. The primary defects included significant water intrusion from leaking roofs and windows, structurally unsound decks, and defective stucco and siding. Angius & Terry negotiated this very favorable settlement amount despite numerous complicated insurance coverage issues and statutes of limitations defenses which the builder asserted barred recovery.

\$8 million dollar settlement obtained **19 months** after filing of the Complaint against the builder on behalf of a South Bay association of more than 300 condominium units. The defects included inadequately waterproofed podium slabs and decks, in addition to various plumbing, electrical, and mechanical issues. Settlement was reached after Angius & Terry successfully opposed the builder's dispositive motion, which sought to eliminate claims on the basis that they were time-barred by the relevant statutes of limitations.

Approximately **\$2.4 million dollar settlement** obtained on behalf of a confidential mid-rise East Bay condominium association. The primary defective components included an inadequately waterproofed podium slab and leaking private decks and doors. Angius & Terry resolved this case within **18 months** from start to finish, despite builder delays and a change in the builder's legal counsel during the claim.

\$1.8 million dollar settlement obtained within **19 months** after service of the SB 800 Notice of Claim on behalf of an East Bay association consisting of over 70 residential condominium units. The main defects included leaking roofs and windows and extensive stucco problems.

\$1.6 million dollar settlement negotiated within **12 months** after filing of the Complaint against the builder on behalf of an East Bay HOA of over 50 residential condominium units. The defects alleged included inadequately constructed roofs and improperly installed siding and stucco, in addition to various plumbing, electrical and mechanical issues.

\$1.85 million dollar settlement obtained **18 months** after service of the SB 800 Notice of Claim on behalf of an East Bay HOA comprising of 75 residential condominium units in a mixed-use development. The defects included inadequately constructed podium slab drains and leaky roofs and windows. Angius & Terry secured this favorable outcome on behalf of the homeowners' association after successfully engaging in a series of contentious legal battles over insurance, the builder's claimed bankruptcy, and the jurisdictional venue for the claim.

\$825,000 dollar settlement obtained on behalf of a small residential development located in the South Bay. Angius & Terry obtained this favorable outcome within just **13 months** of the Association's commencement of the SB 800 process, overcoming complicated coverage and standing issues asserted by the defense.

In **less than 9 months** from start to finish, Angius & Terry recovered nearly **\$500,000.00** on behalf of approximately 20 townhome owners in San Ramon. While the defects were relatively limited in this matter, the average per home recovery vastly exceeded the anticipated cost of repairs.

Angius & Terry negotiated comprehensive repairs from the builder valued at **approximately \$300,000.00** to the roofs and retaining walls of a 5 home development in the South Bay. We were able to obtain this resolution just 9 months after serving the SB 800 Notice of Claim on the builder and despite the builder's lack of insurance. Angius & Terry continues to work with the builder, the Association, and their respective experts to ensure that the repairs are done properly and according to the parties' agreement.

Should you have any questions or concerns relating to statutes of limitations and/or construction defect claims, the attorneys at Angius & Terry LLP have expertise in evaluating, preserving and advancing construction defect claims on behalf of community associations and homeowners. Please contact Managing Partner, Julie Mouser, at jmouser@angius-terry.com for more information.



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