



Whiteford Taylor Preston^{LLP}

Community Associations

December 7, 2007

**STILES V. STONY RUN TOWNHOUSE ASSOCIATION, INC.
HENRICO COUNTY, VIRGINIA GENERAL DISTRICT
COURT**

Whiteford, Taylor & Preston represented the homeowners association in this suit brought against it by a Stony Run homeowner. The townhouse community consists of 147 homes and common areas and is almost thirty years old. Because of its age, some infrastructure is beginning to require replacement. As has already occurred at several other homes, the domestic water line wholly within and serving only the plaintiff's home failed and required replacement.

Language in the Stony Run Declaration makes the Association responsible to pay for townhouse roofs, siding and "other exterior improvements" on the individual lots. The plaintiff, herself an attorney, relied on this language to demand that the Association pay to replace her underground water line as it is located outside the townhouse. The Association maintains the townhouse roofs, siding, walkways and landscaping. However, it does not budget, reserve or assess its members for the repair or replacement of water lines. Consistent with the position it has always taken that these lines are the individual owners' responsibility, it refused the plaintiff's demand.

The plaintiff filed this case in the lower level trial court of Henrico County as her claim was for less than \$10,000. The Association, however, was anxious to put up a strong defense as an adverse ruling would expose it to ruinous claims from the owners of the other townhomes when each of their water lines failed.

At trial, Raymond Diaz of WTP persuaded the trial court that the construction that the plaintiff sought to place on the language of the Declaration was erroneous and that only those portions of the townhouse lots that were accessible to be maintained were intended to be the Association's responsibility. As a result, a judgment in favor of the Association was obtained. That decision will now serve to buttress the Association's position on this issue as other owners face the need to replace their domestic water lines in the coming months and years.

For more information please contact Raymond Diaz. (703-573-1031; rdiaz@wtplaw.com).

*

*

*

The information contained here is not intended to provide legal advice or opinion and should not be acted upon without consulting an attorney. Counsel should not be selected based on advertising materials, and we recommend that you conduct further investigation when seeking legal representation. – Albert J. Mezzanotte, Jr., Managing Partner