Gmail James Carroll <jamesbcarroll1969@gmail.com>

Clarification Regarding Pipe Leakage and Common Element Responsibilities

10 messages

James Carroll <jamesbcarroll1969@gmail.com> Wed, Sep 3, 2025 at 10:44 PM
To: "archviewboard@gmail.com" <archviewboard@gmail.com>

I am writing regarding the pipe leakage in the basement of my building and the Association's responsibility for addressing this matter.

At the special meeting held on **June 27, 2027**, rules were adopted, including **Section K**, which attempted to redefine common elements of the Association, specifically in relation to plumbing. I want to respectfully note that while the Board has authority to adopt rules and regulations, such rules **cannot contradict or alter the definition of "common elements"** as provided in the governing documents.

The **Carroll Wood Hill Declaration of Condominium and Bylaws, executed on July 25, 1966**, clearly defines the common elements, and those definitions prevail over any subsequently passed rules or policies. As such, the pipes located in the basement remain part of the common elements, and the Association retains responsibility for their maintenance, repair, and replacement.

Given this, I request confirmation that the Association will take appropriate steps to investigate and repair the basement pipe leakage and any resulting damage. If additional information or documentation from me is needed, I am happy to provide it.

Thank you for your attention to this matter. I look forward to your response and to ensuring the issue is resolved in accordance with the governing documents.

archviewboard@gmail.com <archviewboard@gmail.com> Wed, Sep 3, 2025 at 11:34 PM
To: James Carroll <jamesbcarroll1969@gmail.com>
Cc: Natalie Stinson <natalie@pinnaclehoamanagement.com>

We are very familiar with the Declarations and Bylaws, the Rules and Procedures as well as the Illinois Condominium Property Act. While the stacks in the garage are common areas and the associations responsibility, the plumbing/pipes that serves **your unit**, as a "homeowner", are your responsibility. This would include plumbing/pipes that connects to your toilet, bathroom sink, bathtub, ac unit, kitchen sink, dishwasher, etc. The plumbing/piping runs between the walls and underneath your flooring.

Because you live in a villa, there is nowhere for your pipes to run except under your unit into the garage. If you lived in a house, your plumbing would run under your house or in the basement if applicable.

Again, your plumbing/pipes are your responsibility as a homeowner not the associations.

If you read your meeting minutes, you will see where the association has replaced, cleaned, repaired, and/or fixed plumbing stacks and pipes that were the associations responsibility. We expect homeowners to do the same.

Thank you,

Djuna McKenzie

Archview Condominum Owners, Inc.

Board of Managers-Secretary

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James Carroll <jamesbcarroll1969@gmail.com> Thu, Sep 4, 2025 at 8:12 AM
To: archviewboard@gmail.com

Thank you for your response regarding the basement pipe leakage. I appreciate the clarification you've provided. However, after reviewing the governing documents, I must respectfully disagree with the Board's interpretation.

The **Carroll Wood Hill Declaration of Condominium, Article 3, Section 2**, states:

> *"All electrical wiring throughout the property, except that within units, all pipes, wires, cables, and conduits throughout the property, except that within units, shall be considered part of the common elements."*

This language establishes that the determining factor for whether pipes are common elements is their **location** (inside or outside of the unit boundaries), not whether they serve one unit or multiple units.

The **Bylaws further define a "unit"** as the portion of property measured:

- *"to the inside of the framing members of the exterior walls and the interior walls dividing units, the top of the sub-floors and the bottom of the ceiling joists of floors and ceilings dividing units…"*

By this definition, the boundaries of my unit extend only to the interior framing, top of the subfloor, and bottom of the ceiling joists. Accordingly, any pipes located **in the basement/garage** are located outside of my unit. Under both the Declaration and Bylaws, they are part of the **common elements** and the responsibility of the Association.

While I understand the Board's effort to distinguish homeowner responsibilities, rules or policies adopted by the Association cannot contradict or redefine the Declaration or Bylaws. The Illinois Condominium Property Act also requires that rules and regulations be consistent with the recorded governing documents.

Given this, I respectfully request that the Association take responsibility for investigating and repairing the basement pipe leakage and addressing the related mold. If the Board maintains its current position, I request a written explanation citing the specific section of the Declaration or Bylaws relied upon to support that interpretation.

Thank you for your time and attention to this matter.

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Archview Board <archviewboard@gmail.com> Thu, Sep 4, 2025 at 11:00 AM
To: James Carroll <jamesbcarroll1969@gmail.com>
Cc: Natalie Stinson <natalie@pinnaclehoamanagement.com>

The plumbing/pipes start within your unit, goes into the walls, down to the garage since villa homeowners do not have a basement.

Your plumbing/pipes are your responsibility as a homeowner not the associations. The same goes for those who own townhomes.

Please also read the disclosures you signed.

Thank you,
Djuna McKenzie
Archview Condominium Owners, Inc.
Board of Managers-Secretary

On Sep 4, 2025, at 8:12 AM, James Carroll <jamesbcarroll1969@gmail.com> wrote:

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James Carroll <jamesbcarroll1969@gmail.com> Thu, Sep 4, 2025 at 11:05 AM
To: Archview Board <archviewboard@gmail.com>

Since you are maintaining your same position, I am requesting a written explanation citing the specific section of the Declaration or Bylaws the Board is relying upon to support this position that plumbing in the basement (outside my unit) is my responsibility. Thanks.
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Archview Board <archviewboard@gmail.com> Thu, Sep 4, 2025 at 11:12 AM
To: James Carroll <jamesbcarroll1969@gmail.com>
Cc: Natalie Stinson <natalie@pinnaclehoamanagement.com>

Please read your disclosure papers.

Djuna McKenzie
Archview Condominium Owners, Inc.
Board of Managers-Secretary

On Sep 4, 2025, at 11:05 AM, James Carroll <jamesbcarroll1969@gmail.com> wrote:

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James Carroll <jamesbcarroll1969@gmail.com> Thu, Sep 4, 2025 at 11:54 AM
To: Archview Board <archviewboard@gmail.com>

I never signed any disclosure papers. The sellers never provided me any type of disclosure paperwork until after I purchased and moved into the unit, which I didn't sign at that point either. So, again, can you cite the specific section of the Declaration or Bylaws the Board is relying upon to support the position that plumbing in the basement (outside of my "unit" as defined by the Declaration) is my responsibility?
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James Carroll <jamesbcarroll1969@gmail.com> Thu, Sep 4, 2025 at 11:56 AM
To: Archview Board <archviewboard@gmail.com>

This is my third request asking you to cite the specific section of the Declaration or Bylaws. It doesn't seem it should be that difficult since you claim, " We are very familiar with the Declarations and Bylaws, the Rules and Procedures as well as the Illinois Condominium Property Act."
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Archview Board <archviewboard@gmail.com> Thu, Sep 4, 2025 at 12:37 PM
To: James Carroll <jamesbcarroll1969@gmail.com>
Cc: Natalie Stinson <natalie@pinnaclehoamanagement.com>

Mr. Carroll,

Third, Fourth or Fifth time asking, I have stated where the association stands on this matter, and I am not going to keep going back and forth with you on this.

Djuna McKenzie
Archview Condominium Owners, Inc.
Board of Managers-Secretary

On Sep 4, 2025, at 11:56 AM, James Carroll <jamesbcarroll1969@gmail.com> wrote:

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James Carroll <jamesbcarroll1969@gmail.com> Thu, Sep 4, 2025 at 1:11 PM
To: Archview Board <archviewboard@gmail.com>

Yes, I am not going back and forth either. It is obvious that you can't state the section in the Declaration or Bylaws to support the Board's position on this matter.

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