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August 7, 2018

Sent Via Email, gwaldman@waldmanbarnett.com
Glen H. Waldman, ESQ.
Waldman Barnett
3250 Mary Street
Suite 102
Coconut Grove, Florida 33133

**RE: The Towers of Key Biscayne, Inc.
Our File No. 3248**

Mr. Waldman,

As you know, the undersigned law firm represents The Towers of Key Biscayne, Inc. ("Association"). We are in receipt of your letter dated July 24, 2018. We recently had the opportunity to meet with our client in order to respond to your request.

In your letter, you state that your firm, "represents certain interested and concerned unit owners." Please advise what units you represent. To the extent that you are claiming attorney client privilege with regard to your clients, and request that we contact you regarding your clients, instead of the clients directly, we need the complete list of whom you represent.

The Board has, and will continue to, represent the best interests of the unit owners collectively. The Board has gone above and beyond its duty to the keep the unit owners informed. Some of the actions taken to date include the following:

1. Conducted several Board meetings to discuss the window project. The videos and meeting minutes from those meetings are available to the unit owners on the website <http://www.tkbonline.com/residents/minutes>
2. Created a "Window Project" page on the website to provide basic information related to the Project <http://www.tkbonline.com/residents/projects/window-project>
3. After the June 9, 2015, the Board had the manufacturer install a sample window at the TKB Auditorium. All unit owners had the option to view the window. The window is still installed at the Project.
4. The Board selected Complete as the preferred contractor on Nov 14, 2016 at an open Board meeting.
5. The Board conducted a Window Presentation meeting on March 23, 2017 to

- allow unit owners to talk directly with the engineer and general contractor.
6. RC was Selected by the Board at the April 3, 2017 Board meeting. The Association reasonably relied upon the engineer's recommendation at the time the selection was made.

In carrying out its fiduciary duties, the members of the Board have exercised good faith and transparency. The Board's actions were reasonable, and if ever challenged, should easily be protected by the business judgment doctrine.

In your letter, you raised concerns with the color of the glass as well as the potential that there was a defect in the manufacturing process. The Board has investigated these matters in great detail. The investigation is not complete. As you are aware, the construction process is ongoing. As you are also aware, the Association has contractual obligations with the contractor. To date, the Association has taken the following actions to protect the interests of the unit owners:

1. Communicated extensively with the engineer regarding the Project;
2. Advised the general contractor regarding the concerns of the unit owner;
3. Provided your July 24, 2018 letter to both the engineer and general contractor;
4. Determined that approximately 25% of the units are completed or in the process of being completed;
5. Discussed with the engineer the manufacturing process of the windows;
6. Requested the general contractor and manufacturer to provide a cause and origin analysis regarding the water intrusion at the Project;
7. Obtained the general contractor's recommendation for a field fix of the windows;
8. Requested from the contractor the estimated cost of stopping the project;
9. Requested from the contractor the estimated cost of replacing the glass that was newly installed;
10. Considered the ramifications of putting the general contractor in default;
11. Analyzed the implications of terminating the contract with the general contractor;
12. Taken other actions to fully understand the scope and extent of the variations in the Project from the expectations set forth in the contract documents and the changes thereto during the course of construction.

The Board believes the color of the windows currently installed is accurate, as represented by the engineer, manufacturer, and general contractor at the time the Board made the final decision on the window selection on April 3, 2017. The Board believes water intrusion is resulting from the newly installed windows. The Board is working diligently to resolve any potential manufacturing defects and/or construction defects.

Although your letter contains many inaccuracies, baseless allegations, argument, and innuendo, we appreciate the fact that you are concerned and want to see a solution. I suggest that going forward, perhaps you can amend the tone and rhetoric of your communication. Wise, sage, and constructive criticism is always welcomed and greatly appreciated. If there are specific actions you believe the Board should take, please feel free to send me your suggestions, along with any supporting documentation that supports the actions you are recommending. As

the Board continues to resolve all concerns, the Board remains dedicated to exploring all possible remedies. This may involve litigation, contract termination/reformation, additional engineering analysis, and/or other emergency actions taken to ensure that the Project is handled in the best possible manner.

The Association's official records falling within the purview of your request dated July 24, 2018 can be accessed using the following link:

https://drive.google.com/open?id=1PP_6M5-6dIqXqDqevyFngJEFf5z4ozxx

Such records include copies of the requested bids received by the Association and all insurance policies of the Association, and a copy of the original June 9, 2015 email that was received, which was attached as Exhibit "A" to your letter.

Please contact me to obtain the physical documents that are available in addition to the documents contained in the link. Physical documents include a USB drive with the original June 9, 2015 email and copies of the above documents. Additionally, in accordance with your request, a sample of the glass currently being installed is available for pick up from the management office. You assume all risk associated with picking up the sample. The Board cannot make any guarantees or warrant the condition of the glass at the time of pickup. By accepting the glass, you agree to these terms and conditions.

Please note that additional documents will be made public at the appropriate time during Board meetings and posted on the Association's website. We encourage you to check the website, as necessary, for any updates regarding the window project.

The Board has been addressing the issues raised in your letter prior to receipt of same. Any and all actions taken by the Board are directly in response to concerns it was already addressing. While we thank you for raising the voice of at least one of the unit owners, please know that the Board takes this matter very seriously. Finding a solution is of utmost importance to the Board.

Very truly yours,

Donell Hicks

Donell A. Hicks