IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

IN RE: CASE NO.: CACE 24-005243

HERON POND CONDOMINIUM ASSOCIATION, INC.

Petitioner.

v.

HERON POND CONDOMINIUM ASSOCIATION, INC.,

Defendant/Respondent
_____/

NOTICE OF FILING SPECIALTY ENGINEERING CONSULTANTS, INC.. ENGINEERING REPORT DATED JULY 23, 2024

Daniel J. Stermer, not individually, but solely in his capacity as Court Appointed Receiver (the "Receiver"), over the Heron Pond Condominium Association, Inc., (the "Association") by and through its undersigned counsel, hereby gives notice of filing of the attached Specialty Engineering Consultants, Inc. Engineering Report dated July 23, 2024, opining on the existing condition of Building 9.

Dated: August 1, 2024

Respectfully submitted,

BERGER SINGERMAN LLP
Counsel for Receiver
201 East Las Olas Blvd.
Suite 1500
Fort Lauderdale, FL 33301
Tallahassee, FL 32301
Tel. (954) 525-9900

By: /s/ *Brian G. Rich*
Brian G. Rich
Florida Bar No. 38229
brich@bergersingerman.com

Jeffrey S. Wertman
Florida Bar No. 003093
JWertman@bergersingerman.com
Michael J. Niles
Florida Bar No. 107203
mniles@bergersingerman.com

CERTIFICATE OF ELECTRONIC FILING AND SERVICE

I HEREBY CERTIFY that on this 1st day of August 2024, the foregoing was filed electronically through the Florida Court's E-Filing Portal, which will send notice of electronic filing to all electronic service parties.

By: /s/ *Brian G. Rich*
Brian G. Rich

SPECIALTY ENGINEERING CONSULTANTS, Inc.

Dade • Broward • Palm Beach

July 23, 2024
Mr. Daniel J. Stermer, Receiver
c/o Development Specialists, Inc.
500 East Broward Boulevard
Suite 170
Ft. Lauderdale, Fl 33394

Re: Heron Pond

Mr. Stermer

To date, we have provided an in-depth inspection of the existing condition of building 9 at the complex known as Heron Pond. We found significant deterioration of many of the structural members and systems. This deterioration was primarily wood rot and/or termite damage. In many instances the member in question had completely disintegrated leaving only the stucco and wire lath to hold things in place. Severe damage was noted in the exterior vertical load bearing walls, floor joists, floor trusses, wood beams, exterior sheathing, roof trusses and metal connectors. In most of the cases, these members were in critical condition and at or near failure. We believe the damage comes from three origins: original construction defects, incomplete or improper repair procedures, and environmental conditions.

ORIGINAL CONSTRUCTION DEFECTS

We noted structural issues or items that were not in compliance with the approved drawings or the building code at time of construction. It appears that mistakes were made during the original construction and were not noted or corrected at that time prior to obtaining a certificate of occupancy for this building. These mistakes included missing J bolts at the sill plate of the bearing walls, missing stud clips at the wall stud to top plate or sill plate, missing flat straps at the header beams, and some incomplete fire wall installations missing drywall and incorrect assembly construction.

INCOMPLETE OR IMPROPER REPAIR PROCEDURES

Some of the locations we investigated had been previously repaired. Some of these repairs had provided a path for moisture infiltration the effects of which are noted in other sections of this document. Some of the repairs had simply not been performed correctly. Some of the repairs were so badly damaged that you could not tell where the original construction started, and the more recent repair ended.

ENVIRONMENTAL CONDITIONS

Most of the damage to the exterior of the building was the result of moisture intrusion and/or termite damage. The damage was found in the exterior vertical load bearing walls, floor joists, floor trusses, wood beams, exterior sheathing, roof trusses and metal connectors. Entire structural members have been damaged or eliminated completely. It is impossible to tell at this juncture if the water damage was caused by original construction defects, design defects, or poor maintenance. What was obvious was that the damage was consistent in many areas with respect to the source and member affected. Many of the windows leaked and were significant contributors to the damage noted.

This would explain why exterior and interior areas around the bay windows were all failing. Leak locations were consistently found at the 2nd floor gable end to wall joint, at the building corners, at the balcony corners, at many of the wall joints, and at all windows. We also noted roof leaks at the wall to roof juncture over the stair areas.

Termite damage and active infestations were noted in many of our test locations. Termite damage without water damage was also found in many of the larger dimensional lumber members.

CONCLUSIONS

Much of the damage was non-location specific. Typical location specific damage would include design defects, or isolated member failures and can usually be contributed to a single isolated or individual source. The damage to Building 9 is universally bad. Consequently, it is reasonable to assume that similar mistakes were made throughout the community and that a lack of maintenance was similar throughout the community, and that the environmental effects would be similar throughout the community.

We have only inspected building 9. We will not offer an opinion on any structure we have not specifically inspected. It is reasonable to assume that the remainder of the buildings are in similar condition, and we would recommend that a similar program be instituted on those buildings if absolute verification of the existing condition of those buildings is required.

Thank you for allowing us to be of service in this matter. Should you have any questions please do not hesitate to contact the undersigned.

Respectfully,

D. MARK LEBLANC LICENSE No. 35683 STATE OF FLORIDA PROFESSIONAL ENGINEER

Specialty Engineering Consultants, Inc.
D. Mark LeBlanc, P.E., S.I.
President