

Mezzano HOA: Destructive Testing Update and Meetings Information

Dear Fellow Residents,

We are writing to you today to share more information following our investigation and destructive testing that took place within the community. You might recall that construction experts were on-site working on the outside of some of our buildings, cutting into the exterior walls to examine the condition of the building material inside. This is part of a larger investigation led by the Board, with the support of our management team and attorneys, to determine if any defects were left behind by the builders of our homes. Based on the results of the destructive testing, we can definitively confirm the presence of defective construction involving exterior building components such as the roofing system, window and door installation, and stucco application. These defects have allowed water intrusion, causing damage (See representative photos below):



What do I need to know about these results?

Most importantly, your homes are not at risk of structural failure based on this report. The issues that were found inside the roofs and walls are related to water intrusion. Specifically, the contractors defectively installed many of the elements of the exterior roofs and walls which have allowed water to enter the buildings. This has caused premature cracking and failure of the stucco, water intrusion, early-stage issues with wood rot, and if left unaddressed, it can lead to significant long-term damage to the buildings. The expense to repair these issues on your own will be very costly.

A Town Hall Meeting has been scheduled to occur on **November 18, 2025, at 6:00p.m., via Zoom**, where the construction experts will present their findings from the destructive testing. This Town Hall meeting will be an opportunity for homeowners to find out more about the construction defects that affect the townhomes and ask questions regarding the defects. The link to the Town Hall Meeting is below:

<https://mezzanohoa.zoom.us/j/98289038934>
Meeting ID: 982 8903 8934
Passcode: 637057

Additionally, on **December 9, 2025, at 6:00 p.m.**, a meeting has been scheduled with the Board and its legal team to discuss these findings and to authorize the Board to hold the builder accountable for the defective conditions. This meeting may be attended using the following Zoom link:

<https://mezzanohoa.zoom.us/j/98513585391>
Meeting ID: 985 1358 5391
Passcode: 817645

How will I know if my house is a part of the case?

These defects directly affect every townhome homeowner in the Mezzano Townhome Community. The Association's long-term financial health depends on us taking action to recover as much of the funds needed to repair the defects and damage as possible. This defect litigation affects all townhomes in the community.

What happens next?

Our legal counsel has begun the necessary steps to take action against the builders of these homes. However, we still need your participation. Together, we will strive to recover funds from the builders and use any financial recovery from litigation, in combination with the Association's reserve and operating budgets, to use towards the repairs of the defects and damage in the townhomes.

When will the litigation be finished, and our buildings repaired?

This process will take time to come to a resolution. Many cases such as ours are resolved in 1-2 years, but each case is different. We appreciate your patience in advance and will communicate the status of the case and the timeline for repairs to you as frequently as possible once it becomes

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available. However, please know that due to attorney-client privilege, we will not be able to share all information during this process (*e.g.*, litigation and settlement strategy).

How can I support this process as a homeowner?

On **December 9, at 6:00pm, via Zoom**, the Association will be hosting a Mezzano Townhome Special Meeting with our legal team to answer any questions you may have. Immediately following the town hall, we will be conducting a Membership vote authorizing the Association to formally pursue this legal action against those involved in the development, design, and construction of your homes and to confirm the Association's authority to undertake repairs necessary to protect your community. Without a specific quorum of our members present, and a majority "YES" vote on the two issues presented, we may not be able to proceed, and the financial burden associated with the necessary repairs will rest solely on you, the owners. It is very important that you commit to being present either in person or by proxy so that we have the support necessary to move forward.

As your neighbors, we understand personally how concerning this situation will be for those of us who have spent years making these buildings into our homes; however, please know there is a committed team working to have this serious matter addressed on your behalf. Be on the lookout for future communication regarding this effort, as your involvement in this process will be critical to our shared success.

Sincerely,

Mezzano Homeowners Association, Inc. Board of Directors



Note from the Board Secretary: Below is an approved summary from the Town Hall meeting held on November 18, 2025. Please remember you have the option to vote by proxy, vote by mail, or vote online: mezzanohoa.simplyvoting.com (refer to email for your Elector ID and Password). Contact board@mezzanohoa.com for questions or assistance.

Summary of Town Hall: Construction Defect Findings & Litigation Vote

Meeting Date: November 18, 2025

Presenters:

- **Todd Demetriades**, Special Counsel (Ball Janik LLP) – *Construction Defect Specialists*
- **Felix Martin**, Forensic Engineer (Marcon Forensics)

1. Executive Summary

The Board hosted a Town Hall to present the findings of the recent engineering investigation into the community's construction. The investigation revealed **systemic construction defects** across the townhomes, primarily involving water intrusion. The Board is recommending a "Yes" vote to initiate litigation against the developer/builder to recover funds for these necessary repairs.

2. Engineering Findings: The "What"

Forensic Engineer Felix Martin presented findings from destructive testing (peeling back the layers of the buildings). He noted that while the current damage is relatively limited due to the age of the buildings, the defects are "systemic" (repeated across all buildings) and will lead to significant rot and damage if not corrected.

Key Defects Identified:

- **Water Intrusion:** The #1 threat to Florida homes. Water is penetrating the building envelope, which eventually causes wood rot and mold.
- **Windows:** Failed water testing ("SILTRAC" tests). Water is leaking through joints where the sill meets the jamb.
- **Doors:** Leaking at both the top of doors and the threshold/jamb joints due to missing sealant.
- **Cement Fiber Siding (2nd Floor):** Installed using incorrect nails (roofing nails instead of ring shank) and spaced too far apart (17 inches vs. required 8 inches),

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making them vulnerable to high winds. There are also unsealed holes/gaps in the siding allowing water entry.

- **Stucco (1st Floor):** Stucco was installed without the required gap between the stucco and window frames. The sealant is failing (peeling away), causing cracks at the corners of windows and delamination (stucco pulling away from the wall).
- **Moisture Levels:** Testing revealed moisture levels inside some concrete walls at **95%** (normal is ~40%), indicating the concrete is already wet enough to support internal rot.

3. Legal Update & Financials: The "Cost"

Special Counsel Todd Demetriades explained how the lawsuit works and, most importantly, how it is paid for.

- **Zero Out-of-Pocket Costs for Owners:** The law firm (Ball Janik) advances **all** costs for the litigation (expert witnesses, testing, court fees, etc.).
- **Contingency Fee:** The attorneys only get paid if they win. Their fee is a percentage of the recovery (typically 40% if it goes to litigation). If there is no recovery, the Association owes nothing.
- **Estimated Repair Costs:** The engineer estimates repairs typically cost in the "seven figures," which is far beyond what the HOA reserves can cover without a lawsuit.
- **Timeline:** These cases typically take 18 to 36 months.
- **Urgency (Statute of Repose):** Florida law now requires lawsuits to be filed within **7 years** of each building's completion. The clock is already ticking. If we wait until visible major damage appears, it may be too legally late to sue.

4. Important Q&A Highlights

Q: The builder offered to install awnings to fix my leak. Should I accept?

A: Be very careful. Counsel advises not signing any release forms provided by the builder. While an awning might deflect some rain, it does not fix the underlying code violations or waterproof the door against wind-driven rain. If you sign their release, you may lose your right to have the actual defect fixed properly.

Q: How does this affect Single-Family Homes (SFH)?

A: Because the governing documents make SFH owners responsible for their own exteriors, the HOA cannot include them directly in the class action for repairs. However, a successful lawsuit is vital for the financial health of the entire Association (keeping dues stable), so SFH owners are encouraged to vote "Yes"²⁰.

Q: If we win, how is the money used?

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A: The funds go to the Association. The Board, usually with the help of a professional owner's rep, will "triage" repairs: fixing life-safety issues and water leaks first, followed by other defects.

Q: Why can't we just do spot repairs?

A: Typically targeted spot repairs are ineffective because the defects are systemic. To fix it right, large sections of siding and stucco must be removed and re-installed correctly.

5. The Vote: Next Steps

To proceed with the lawsuit and protect our property values, we need a majority of the voting interest to approve.

- **Meeting Date:** Tuesday, December 9th.
- **Electronic Voting:** You will receive an email with a link to vote electronically. This is the fastest and easiest way to participate.
- **Physical Mail:** You will also receive a packet in the mail if you prefer paper voting.

Action Required: Please keep an eye out for the electronic voting email and cast your vote as soon as possible to ensure we reach a quorum.