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HURRICANE SEASON! **FOR IMMEDIATE RELEASE**

LEGAL INFORMATION FOR:

ROOFING CONTRACTORS OF SOUTH FLORIDA MEMBERS

ARBITRATOR ORDERS APARTMENT COMPLEX OWNER TO PAY ROOFING COMPANY \$900,000.00

Firm Partners, Felena R. Talbott, Esq. and Oscar E. Soto, Esq., successfully arbitrated a dispute between a publicly traded (REIT) operator of rental communities and a Roofing Company arising from Hurricane Wilma emergency tarping and re-roofing work.

The dispute arose over the proper sloped roof methodology for placing blue tarping on 32 buildings after Hurricane Wilma and the alleged overtarping, resulting subsequent damages and unnecessary re-roofing required by the overtarping. Unfortunately, the tarping work was performed on an emergency/expedited basis without a scope of work or specifications. [Typical for this work we would suggest.]

The Owner argued that blue tarping/emergency tarping should have been selectively placed over damaged sections of the roof with approximately 2 feet of overlap on each side. The roofing company responded by offering unpublished FEMA procedures that required tarping from 2 feet over the ridge line of the roof to 1 foot into the overhang as well as 2 - 4 feet on each side utilizing nailed and wrapped furring strips. The Owner's position was that but for the damages caused by tarping, the re-roof work scope would have been reduced by over three hundred thousand dollars.

The Arbitrator rejected the allegations of overtarping and awarded the roofing company its unpaid re-roof contract balance, additional work verbally authorized, interest, cost and attorney's fees. The Arbitrator also rejected the Owner's counterclaim for fraudulent lien.

Practice Point:

Incorporate a specific methodology and location survey, if possible, as part of your blue tarping/emergency tarping contract to avoid second guessing by Owner and their consultants.

References:

1. Quality Control Briefing Hurricane Katrina Blue Roof, U.S. Army Corp of Engineers Blue Roof Program (2005)
("You will always overlap the ridgeline on a roof by 2' . . . ALWAYS!!!!")
2. Broward County Property Appraiser, 2006 Aerial Folio No. 494102150051
3. Best Practices for Shingle Roof Tarp Application



If you have any questions and/or concerns regarding this article please feel free to contact Felena Talbott, Esq., The Soto Law Group, P.A. at (954) 567-1776 with offices in Fort Lauderdale and Jacksonville, Florida.

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