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## Riverwalk Emerald Bldg. Association Record of Proceedings

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damages. Discussion followed and upon a motion duly made and seconded, it was unanimously;

**Resolved** that the Association shall take financial responsibility for damages that were caused from a Common Element, up to \$1,000 in actual damages, or the amount of Owner's insurance deductible, whichever is less. Amount to be paid by Association only upon receipt of documentation acceptable to the Association.

Restaurant odor complaints prompted the Association to acquire a legal opinion as to a standard that the Board could use in order to judge whether an odor qualifies as a "nuisance" (as stated in the Emerald Declarations). The opinion suggested the legal definition of "noxious" (i.e. "hurtful; offensive; offensive to the smell") be used as a standard. The opinion went on to state that "the relevant terms are offensive to the smell and injury to health. A mere abundance of a smell is not noxious, it has to be at a level that is so bad that it is offensive to the health or is otherwise hurtful". Upon a motion duly made and seconded, it was unanimously;

**Resolved** to adopt Legal Counsel's opinion as stated above and amend the Rules and Regulations to include the odor standard.

Director Wise polled the other Board Members regarding the replacement of the missing building name which had been removed during the exterior renovations. All were in favor and Management was instructed to have the lettering put back in the front of the building.

### **Adjournment**

The meeting was adjourned at 5:45am.

Respectfully Submitted,

Steve Simonett  
Slifer Management Co.