

03/20/07

Stucco Inspection Report at 5065 Topaz Ln SW Vero Beach Fl 32968 Prepared for Sharon Keller



The State of Florida requires the builder/qualifier to build & install in compliance with the Florida Building Code.

Florida State Statutes 455 & 489 requires builders to build & install in accordance with the Florida Building Code. The building department inspectors are only trying to assist the builder in meeting the contractor's code compliance requirements and make it easier to deliver a safe, quality built home to the client. The building department accepts no liability for defects in the quality and workmanship at your house. If a problem is not visible or not viewed by the local building official it does not relieve the builder of his responsibility to correct the problem.

Note: Manufacturer's specifications can take precedence over codes. If there is a conflict over a specific requirement and a general requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of the code specify different materials, methods of construction or other requirements, the most restrictive governs.

Note: Photos were taken of many of the items in the house and are to be considered as part of this report. The photos may be representative of many instances of the same problem, but not each and every problem. One photo could be representative of 1 to 10+ locations of the same problem. It is the responsibility of the builder/qualifier to construct the house in accordance with the requirements of their licenses.

Note: This is a limited visual inspection of the building at 5065 Topaz Ln SW Vero Beach Fl 32968. The inspection and report are not intended to be used as a guarantee, warranty, or insurance policy, expressed or implied, regarding the adequacy, performance or condition of any inspected structure, item, component or system. This is not a code compliance inspection. Some codes are provided for clarification. The purpose of the inspection is to observe the visible problems associated with the building at the time of the inspection.

Other Statutes may also apply:

The State of Florida Statute 95 gives consumers purchasing newer homes rights to a quality product regardless of any restrictive warranty offered by a builder. Under the Statute, the workmanship & materials may be actionable for four years after the completion of construction, and latent defects for fifteen years. You may want to have your attorney review the details of this document. The web address for the section found below is:

http://www.flsenate.gov/statutes/index.cfm?App_mode=Display_Statute&URL=Ch0095/ch0095.htm

The page contains the sections which apply to new construction contract obligations as defined in Florida State Law. (Chapter 95, Title VIII, 95.03 & 95.11 3a&c apply.)

Chapter 95, Title VIII 95.03 Contracts shortening time.--Any provision in a contract fixing the period of time within which an action arising out of the contract may be begun at a time less than that provided by the applicable statute of limitations is void.

The web address for the section found below is:

http://www.flsenate.gov/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0095/SEC11.HTM

3) WITHIN FOUR YEARS.--

(a) An action founded on negligence. (i.e. failure to build to code or manufacturers specification)

(b) An action relating to the determination of paternity, with the time running from the date the child reaches the age of majority.

(c) An action founded on the design, planning, or construction of an improvement to real property, with the time running from the date of actual possession by the owner, the date of the issuance of a certificate of occupancy, the date of abandonment of construction if not completed, or the date of completion or termination of the contract between the professional engineer,

registered architect, or licensed contractor and his or her employer, whichever date is latest; except that, when the action involves a latent defect, the time runs from the time the defect is discovered or should have been discovered with the exercise of due diligence. In any event, the action must be commenced within 15 years after the date of actual possession by the owner, the date of the issuance of a certificate of occupancy, the date of abandonment of construction if not completed, or the date of completion or termination of the contract between the professional engineer, registered architect, or licensed contractor and his or her employer, whichever date is latest.

The Florida Statutes

Title XXXIII

REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS Chapter 558

CONSTRUCTION DEFECTS View Entire Chapter

CHAPTER 558

CONSTRUCTION DEFECTS

558.001 Legislative findings and declaration.--The Legislature finds that it is beneficial to have an alternative method to resolve construction disputes that would reduce the need for litigation as well as protect the rights of homeowners. An effective alternative dispute resolution mechanism in certain construction defect matters should involve the claimant filing a notice of claim with the contractor, subcontractor, supplier, or design professional that the claimant asserts is responsible for the defect, and should provide the contractor, subcontractor, supplier, or design professional with an opportunity to resolve the claim without resort to further legal process.

553.781 Licensee accountability.--

(1) The Legislature finds that accountability for work performed by design professionals and contractors is the key to strong and consistent compliance with the Florida Building Code and, therefore, protection of the public health, safety, and welfare. The purpose of this section is to provide such accountability.

(2)(a) Upon a determination by a local jurisdiction that a licensee, certificate holder, or registrant licensed under chapter 455, chapter 471, chapter 481, or chapter 489 has committed a material violation of the Florida Building Code and failed to correct the violation within a reasonable time, such local jurisdiction shall impose a fine of no less than \$500 and no more than \$5,000 per material violation.

(b) If the licensee, certificate holder, or registrant disputes the violation within 30 days following notification by the local jurisdiction, the fine is abated and the local jurisdiction shall report the dispute to the Department of Business and Professional Regulation or the appropriate professional licensing board for disciplinary investigation and final disposition. If an administrative complaint is filed by the department or the professional licensing board against the certificate holder or registrant, the commission may intervene in such proceeding. Any fine imposed by the department or the professional licensing board, pursuant to matters reported by the local jurisdiction to the department or the professional licensing board, shall be divided equally between the board and the local jurisdiction which reported the violation.

(3) The Department of Business and Professional Regulation, as an integral part of the automated information system provided under s. 455.2286, shall establish, and local jurisdictions and state licensing boards shall participate in, a system of reporting violations and disciplinary actions taken against all licensees, certificate holders, and registrants under this section that have been disciplined for a violation of the Florida Building Code. Such information shall be available electronically. Any fines collected by a local jurisdiction pursuant to subsection (2) shall be used initially to help set up the parts of the reporting system for which such local jurisdiction is responsible. Any remaining moneys shall be used solely for enforcing the Florida Building Code, licensing activities relating to the Florida Building Code, or education and training on the Florida Building Code.

(4) Local jurisdictions shall maintain records, readily accessible by the public, regarding material violations and shall report such violations to the Department of Business and Professional Regulation by means of the reporting system provided in s. 455.2286.

For purposes of this section, a material code violation is a violation that exists within a completed building, structure, or facility which may reasonably result, or has resulted, in physical harm to a person or significant damage to the performance of a building or its systems. Except when the fine is abated as provided in subsection (2), failure to pay the fine within 30 days shall result in a suspension of the licensee's, certificate holder's, or registrant's ability to obtain permits within this state until such time as the fine is paid. Such suspension shall be reflected on the automated information system under s. 455.2286.

553.72 Intent.--

(1) The purpose and intent of this act is to provide a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified state building code, to be called the Florida Building Code, which consists of a single set of documents that apply to the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, or facilities in this state and to the enforcement of such requirements and which will allow effective and reasonable protection for public safety, health, and general welfare for all the people of Florida at the most reasonable cost to the consumer. The Florida Building Code shall be organized to provide consistency and simplicity of use. The Florida Building Code shall be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction. The Florida Building Code shall provide for flexibility to be exercised in a manner that meets minimum requirements, is affordable, does not inhibit competition, and promotes innovation and new technology. The Florida Building Code shall establish minimum standards primarily for public health and life safety, and secondarily for protection of property as appropriate.

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Site photo. The front of the house faces towards the north.



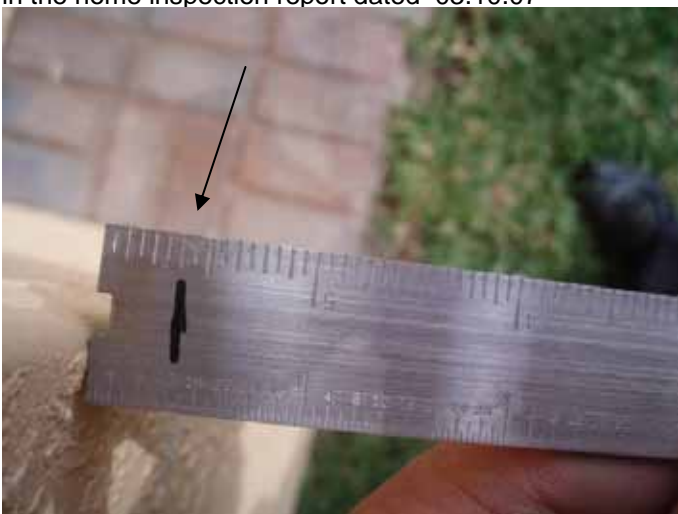
5065 Topaz Ln SW Vero Beach Fl



We were asked to take core samples to help determine the thickness of the stucco at areas previously identified in the home inspection report dated 03.10.07



Core samples were taken & the thickness of the stucco was measured at each sample. The thickness of the stucco was 3/8 " at this location.



Note: The blue coloring is the bonding agent applied to the exterior wall prior to the stucco installation. A line was placed on a ruler a 3/8".



Location of the previous photos at the back of the house over the sliding glass doors.

Stucco Inspection Report at 5065 Topaz Ln SW Vero Beach Fl 32968 03.20.07



Core samples were taken at locations previously described as uneven & not appearing to be the correct depth.



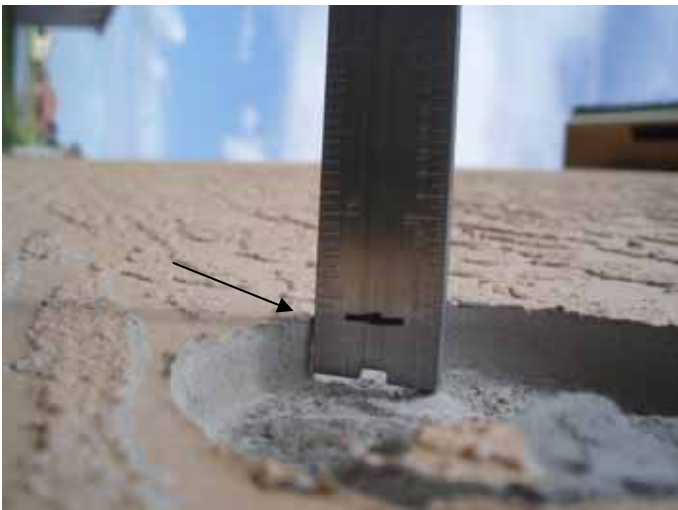
The stucco measured 5/16" at this area. The stucco should be applied to a thickness of 5/8".



Location of the previous photo at the east side of the house.



Location of the next photo at the west side of the house. Core samples were taken & the thickness of the stucco was measured at each sample.



The thickness of the stucco was 3/8 " at this location.

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Location of the next photos at the west side of the house.



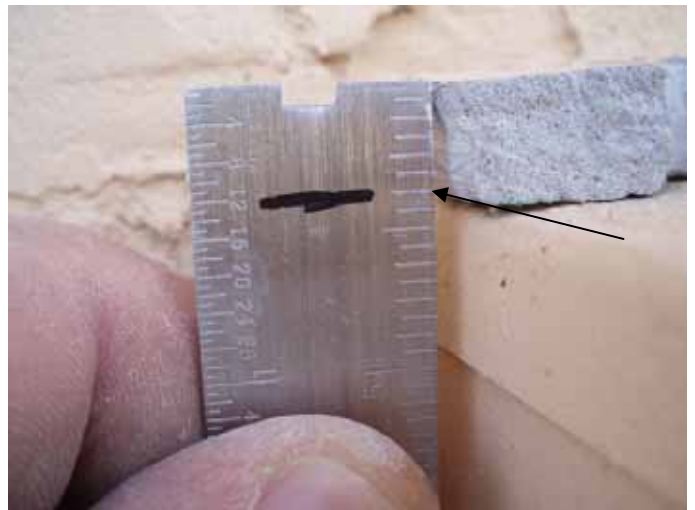
The blue coloring is the bonding agent applied to the exterior wall prior to the stucco installation.



The thickness of the stucco was 3/8 " at this location.



The blue coloring is the bonding agent applied to the exterior wall prior to the stucco installation.



The thickness of the stucco was 3/8 " at this location. The stucco should be installed in compliance with ASTM C 926.

Thomas Glynn

Inspection Credentials

- **State of Florida Board of Professional Engineers Certification - #1100008097(EI)**
 - **Residential Building Inspector - International Code Council - ICC Certification # 5166766-B1**
 - **Residential Electrical Inspector - International Code Council -ICC Certification # 5166766-E1**
 - **National Professional Home Inspectors Board Certification - ASI ID - #92-US-92010506**
 - **Bachelor of Engineering Degree – Manhattan College 1986**
 - **State of Florida Pest Control Business License - #JB119667**
 - **State of Florida Department of Agriculture and Consumer Services Certified Pest Control Operator License - #JF118618**
 - **Wood Destroying Organisms Inspector ID - #JE85395**
 - **National Society of Professional Engineers Member # 104049955**
 - **Registered Professional Inspector - Florida Association of Building Inspectors ID#- RPI 0447**
 - **Certified Member American Society of Home Inspectors ID # 205294**
 - **International Brotherhood of Carpenters & Joiners – Member Local Union #608, NYC Since 1985. Ledger Page #1934**
 - **Palm Beach County License - #2003-16237**
 - **Port St. Lucie, Indian River & Martin County License - #2003-275-429**
 - **Broward County License # 329-0028284**
 - **Okeechobee County License No. 1570 Company ID #: 8429**
 - **General Contractor on Residential & Commercial Building Projects in NY**
 - **Certification – Gold Coast School of Construction in Home Inspection 1997**
 - **Certification in New Construction – Florida Building Code**
 - **Twenty Five (25) Years in the Construction, Building Maintenance, Engineering & Inspection Industry**
 - **Seven (7) Years Experience in the Home Inspection Field**
 - **Over Four Thousand (4000) Professional Building Inspections Performed**
 - **Owner: Five-O Building Inspections Inc. Ph # 561.756.3144**
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