

**BUTLER & HAILEY**  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

April 30, 2008

Via Fax: 713-772-8655  
and Regular Mail

Board of Directors

Beringwood Association, Inc.  
c/o Ms. Connie Vernon  
Creative Management Company  
8323 Southwest Freeway, Suite 330  
Houston, Texas 77074

Dear Members of the Board:

This is in response to your request for an opinion regarding the extent of an owner's obligation to maintain and repair plumbing lines within and/or serving the owner's unit. Our opinion is based upon a review of the Condominium Declaration for Beringwood (the "Declaration").

Paragraph 18 of the Declaration addresses the maintenance and repair responsibilities of the unit owners. This paragraph provides, in pertinent part, as follows:

An owner shall be deemed to own, shall have the responsibility of repair, maintenance and replacement (except as otherwise provided herein below) and shall have the right to alter and remodel: ... air handling units, draperies, appliances and all other fixtures, equipment or personal property contained or installed within his unit commencing at a point where the utilities enter the interior unit wall; ... The Owner shall be responsible for his own branch water, sewer, or other utility lines, that branch off a main line. ... An owner shall not be deemed to own lines, pipes, wires, conduit or systems (which for brevity are herein and hereafter referred to as utilities) running through his unit which serve one or more other units except in common with the other owners.

The first part of this paragraph suggests that an owner is only responsible for the maintenance and repair of plumbing lines within his/her unit, commencing at the point at which a plumbing line enters the unit. However, the first part of this paragraph does not make specific reference to plumbing lines; rather, it refers to handling units, appliances, fixtures and equipment. The subsequent provisions in this paragraph specifically address branch water and sewer lines and common pipes. Reading all of these provisions together, it is our opinion that:

1. An owner is responsible for the maintenance and repair of all plumbing lines that serve only that owner's unit from the point at which the plumbing line branches off a main or common line; this maintenance and repair responsibility includes a branch plumbing line outside the boundaries of the owner's unit; and

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2. The Association is responsible for the maintenance and repair of all common plumbing lines [i.e., all plumbing lines that serve more than one (1) unit]; this maintenance and repair responsibility includes a common plumbing line located within the boundaries of a unit.

I hope this adequately provides you with the requested information. If you have any additional questions in this matter, please let me know.

Very truly yours,

**BUTLER & HAILEY, P.C.**



Rick S. Butler

RSB/dd