

## 'I don't know. Why are you bothering me?'

### Condo groups unite, tackling developers who ignore problems they created

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BY **SANDRA GUY** Staff Reporter

Condo boards and condo associations are banding together to make their voices heard.

In the South Loop, the Prairie District Neighborhood Alliance wants to bring local condo associations together to act on issues like development and infrastructure.

"Residents who live within the Prairie District Neighborhood Alliance boundaries are extremely concerned about the quality of development and the quality of work being done on properties being converted to residential use," said Tina Feldstein, board president of the Prairie District Neighborhood Alliance and a real-estate agent with Koenig & Strey. Feldstein's Prairie East Town Homes development spent \$13,000 to repair leaks in brand-new roofs.

"The condo associations are struggling. Many are not big enough or don't have enough money to sue [negligent developers]," she said. "Our developer didn't finish the punch list," she said of her townhouse at Prairie Avenue and Cullerton Street, noting that the developer dissolved his Limited Liability Company.

"He didn't completely tuck-point one of our walls. Our door buzzers aren't designed for outdoor use. None of our doorbells work. The developer's answer was, 'I don't know. Why are you bothering me?'"

The townhouse association decided not to sue the developer because litigation would have been costlier than any money the owners could hope to recover.

Most condo boards learn about serious construction problems when it's too late.

"The best time to determine defects and make them known to a developer is within one year of when the owners take control of the condo board," said attorney Mark Pearlstein, who frequently represents homeowners' associations.

So when a condo board discovers a serious flaw much later, they face a dilemma: Too much water and not enough money, Pearlstein said.

The boards also must decide how demanding to be when pursuing claims, he said, especially if they have discovered shoddy construction years after all units have been sold.

Feldstein said a major problem is that developers can dissolve the Limited Liability Companies they create within the period of the developer's warranty. The warranty is supposed to ensure that the developer will address material defects discovered within the warranty period.

"Developers figure, 'They'll never get me,'" Feldstein said. "The developers will dissolve their Limited Liability Companies -- and good luck in litigation."

Feldstein hopes that creating some critical mass will help.

The alliance covers an area bounded to the north by the Central Station railroad tracks just north of 16th Street, Cermak to the south, Lake Shore Drive to the east, and the west side of Indiana Avenue to the west.

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