



## TOY WAREHOUSE HOMEOWNERS ASSOCIATION

**May 7, 2016**

**Realtors, title officers, escrow agents**

The board is posting this statement in order to limit the lengthy back-and-forth exchanges that have tied up condo sales and the board's resources in the past.

**Board Statement:**

To the best of the Board's knowledge, all residents are using the proper storage spaces indicated for their condo unit by the numbers painted on the floor and in the condo plan. No residents are using spaces assigned to other condo units regardless of what number may appear in the respective deeds.

*Toy Warehouse Lofts HOA Board*

**Background:**

The board has determined that there is a discrepancy in the assignment of storage spaces in the Toy Warehouse Lofts complex. The original deeds used a simple, sequential numbering system to designate storage units, while the condo plan maps storage assignments directly by condo unit number.

The problem arises because title companies are supposed to follow the condo plan, but the drafter of that plan included only the condo unit assignment and left out the corresponding deed assignment number. A correct correspondence list was provided with the deed documents, but confusion remains.

The two numbering schemes assigned the same physical spaces to the respective condo units. There was no duplicate assignment, but a plan document mapping the numbers used on the titles to the physical spaces was never filed with DRE.

In 2015 two units were sold and the title companies, despite the board's description of this issue, saw fit to alter the storage assignment numbers on those property descriptions from the original deed numbering system to the storage cage number indicated in the condo plan. We now have deeds which assign the same number storage cage to two condo units, where we previously had two self consistent numbering sequences.

The board has no authority to alter storage assignments as the use of a particular storage cage is deeded. Nor is it feasible, according to legal opinion, to correct the condo plan despite the fact that such a change would not alter any property rights as they are now understood by the owners.

The board has solicited owner opinion on changing the storage assignment and there is virtually no enthusiasm for doing so despite the understanding that escrows have been held up as could be any title-related matter. The board has been advised that if there

were 100% cooperation, all owners could submit claims to their respective title insurers who would then sort out a solution. This would most likely be altering the remaining original property descriptions to conform to the assignment as drawn on the condo plan. The cost of this would be covered by title insurance. In the absence of full cooperation, the board could hire attorneys and proceed to force the changes, but this action would be very costly and would likely require a substantial assessment.

Currently, there are no conflicts arising from this error and everyone is using the space intended in the original design. Those assignments are indicated on the floor in front of the cages in blue paint showing the condo unit number. These are the same physical spaces indicated by the other, unrecorded numbering system used to create the original deeds.

Just to make it painfully clear, the deed for unit 2 assigns cage #1 to that unit while cage #2, just to the left of cage #1, is assigned to condo unit 1 by deed. Condo 1's cage is labeled "1" on the floor and condo 2's space is labeled "2". The next space to the left of cage #2 is labeled "19" and is assigned to condo 19 which deed assigns storage #3, the next in the physical sequence. The other cages have similar pairs of numbers, one derived from each of the two number sequences ending with cage #20 on the North wall being assigned to condo unit 4. This space is labeled "4". The seemingly random numbering was devised to ensure that those cages located at the head of parking spaces were assigned to the same condo as that pair of parking spaces.