

Project Litigation Information Request

REQUIRED DOCUMENTATION:

- **COPY OF CLAIM** - Please include a copy of the litigation claim along with a Litigation Disclosure and any additional supporting documentation to support that the litigation meets one or more of the conditions in number 3 or 4 below.
- **LITIGATION DISCLOSURE** - Please provide a Litigation Disclosure from either the HOA attorney, the Insurance attorney, the property manager or an HOA officer stating the following for each pending litigation case:
 1. Project Name, Project Location, Litigation County and Claim#, Plaintiff and Defendant, and preparers relation to the case. (ex. I am attorney for HOA, I am attorney appointed by insurance, I am the property manager, I am the HOA president, etc.)
 2. What is the nature of the litigation?
 3. Please state if the litigation relates to the safety, structural soundness, habitability, or functional use of the project. If the litigation does not relate to any of those, please state if the litigation meets one or more of the following:
 - a. non-monetary litigation including, but not limited to neighbor disputes or rights of quiet enjoyment;
 - b. litigation for which the insurance carrier has agreed to provide the defense, and the amount is covered by the HOA's or co-op corporation's insurance;
 - c. the HOA or co-op corporation is the plaintiff in the litigation and the matter is minor and will result in an insignificant impact to the financial stability of the project;
 - d. the reasonably anticipated or known damages and legal expenses are not expected to exceed 10% of the project's funded reserves;
 - e. the HOA or co-op corporation is seeking recovery of funds for issues that have already been remediated, repaired, or replaced and there is no anticipated material adverse impact to the HOA or co-op corporation if funds are not recovered;
 - f. litigation concerning localized damage to a unit in the project that does not impact the overall safety, structural soundness, habitability, or functional use of the project; or
 - g. the HOA or co-op corporation is named as the plaintiff in a foreclosure action, or as a plaintiff in an action for past due HOA or co-op assessments.
 4. Does the litigation involve personal injury or death? If yes, please state if the following apply:
 - a. the anticipated claim amount,
 - b. that the insurance carrier has agreed to provide the defense, and
 - c. the reasonably anticipated or known damages are covered by the HOA's or co-op corporation's insurance.

Please direct any questions regarding this request to
projectreview@newpennfinancial.com