

Joshua Pointe, Mesa Verde, & Vista Verde Litigation Newsletter

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The purpose of this newsletter is to bring you up to date with recent developments in the pending construction defect litigation involving many of your friends and neighbors. We will devote this newsletter to the four most common construction defects affecting the homes in

the **Joshua Pointe, Mesa Verde, and Vista Verde** Developments, plus a summary of equally important issues. Chances are that your property is affected by at least one of these issues as well. If, after reading the content of this newsletter, you would like us

to help you evaluate whether your property is suffering from poor workmanship and/or defective building materials, contact our Irvine office at:

(949) 851-9000 or
(800) 593-3332.

My, How Those Hairline Cracks in the Concrete Have Grown

As you know, concrete is what the foundation and slab of your home is made of. Once installed, concrete is supposed to be and is supposed to stay solid. Then why are some of your neighbors complaining that there are large cracks in their slab? Simple, during the building process, the concrete used to make the home's foundation was not mixed and cured correctly. There is a proper balance with respect to the amount of cement, aggregate (sand, ash, crushed stone, etc.) and water that are mixed together to create the finished product called concrete. If these elements are out of balance, the strength and integrity of the concrete can be

compromised. Additionally, the process of curing concrete must be properly managed by the folks who install it. The curing process requires controlled methods to create an environment allowing the cement to hydrate and gain strength to harden fully. This is done by keeping the concrete moist, properly applying curing compounds, or other methods. If the concrete is not properly cured, it may not perform as it should.

We have already dispatched concrete experts to examine samples of your neighbors' concrete slabs and have discovered evidence of improper curing. The tests revealed a high water-to-cement ratio.

Too much water in the cement mixture can negatively impact the porosity, strength, and overall durability of the concrete structures. The bottom line is many of the concrete slabs in your community have cracked. Vapor emission testing of the concrete has shown the slabs are allowing excessive levels of moisture into living areas, which can damage vinyl, wood, and laminate flooring, as well as cabinets and cabinet bases.

This situation was created by the developer. The homeowner should not be responsible for the cost for repairs - the developer should! If your concrete slab is cracked, we can assist in seeking a recovery for you.



Homeowners are surprised to learn that the concrete slab underneath carpeted, tiled, wood and laminate flooring is often cracked.



Porous concrete slabs allowing excessive moisture into living areas can cause warping in wood and laminate flooring

More About Concrete

What else are your neighbors experiencing as a result of porous concrete slabs?

- Discoloration of flooring
- Loose floor tiles
- Deteriorated grout
- Warped wood and laminate flooring

A home is generally the largest investment made during a lifetime.

No one should have to endure substandard workmanship.

The law limits the amount of time you can file a law suit to recover losses due to construction defects.

There is still time to act!

Call us now at:

(949) 851-9000 or
(800) 593-3332.



Excessive porosity of concrete slabs can cause deterioration in grout and staining of vinyl flooring

“It Doesn’t Rain Much, But When It Does...”

...there are puddles inside my windows.”



Many window sills are stained, the paint is peeling, adjacent drywall is damaged, and nothing the homeowner does seems to help.

Many homeowners in the Victorville area expect a dry and arid climate with little to no rain. However, in the **Joshua Pointe, Mesa Verde, and Vista Verde** developments, many of the homes have window sills that are water stained.

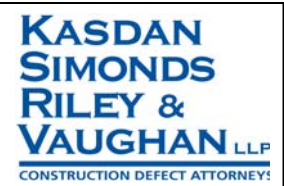
As a result of our experts’ investigations, we learned that the window manufacturer along with the builder who installed the windows are both to blame for the continued

window leaks. The aluminum window corners were not properly sealed at the time of manufacturing; some window frames were bent at the time of installation; and the window flashing were installed incorrectly at numerous locations. All of these shortcomings allow water to invade the interior of the home.

Some homeowners in your development have yet to experience these issues, but over time many more windows are expected to fail. Our experts can perform simple tests to

see if your windows will, in fact, leak when “we get that BIG rain.”

Have the developer pay for the repairs, not you!



Stucco Cracks Here, There, Everywhere

The law in California is clear when it comes to the stucco covering your home – “Stucco, exterior siding, and other exterior wall finishes and fixtures... shall not contain significant cracks or separations.” [California Civil Code § 896(g)(2)] This state statute has been the law since January of 2003. California law protects homeowners like you by allowing them to file a lawsuit against the builder within 10 years of the completion of the home if a construction defect, such as significant stucco cracks, develops.

The homes in your development were built

within this 10-year time period, and many of them have developed cracking in the exterior stucco walls, as well as other defects and damage.

The causes of the stucco cracks are not apparent to the untrained eye. Our experts have conducted extensive testing and have discovered that, in many homes, the lath (wire mesh that is attached to the house prior to the application of the stucco material) was improperly installed, causing the lath to be incorrectly embedded with the stucco. The result - stucco that cracks.

Further, the stucco material was applied to the exterior walls in varied thicknesses, which, in a high desert climate, also contributes to cracking. Finally, the stucco was not properly cured.

Are there cracks in your home's stucco walls? We can assist you pursue your rights against the developer in order to seek the funds you need to perform the repairs.



If your exterior stucco walls contain significant cracks, this violates California Civil Code § 896(g)(2)

No Matter What I Do, I Can't Keep My Home Cool

The responsibility of a builder is to design and install an air conditioning system that adequately and evenly cools the entire home. In many of the homes we have found that the A/C units have the mechanical capacity to adequately cool the home. So why are so many of your neighbors complaining of varying temperatures from room-to-room?

The design for the supply and return air grills in many of the

homes fails to allow adequate air conditioning. In those affected rooms, the supply registers were placed at locations that do not allow adequate air distribution before the air returns to the A/C system. This means that even though your A/C units may be pumping out cool air, if working properly, the air is being prematurely drawn into the return register before it has a chance to circulate around the room and

cool the room. The result –inefficient and less than effective cooling for your home.

Additionally, some of the ductwork for the air conditioning systems is crimped, making a bad situation worse.

Poor workmanship and design should never be tolerated! Our firm has more than 20 years of experience representing homeowners like you who have had to deal with construction defects.

If you are facing a similar situation, call us today!

(949) 851-9000 or
(800) 593-3332.





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We're on the Web!

See us at:

www.KasdanSimonds.com

Many of Your Neighbors' Homes Have These Defects. Do You?

Roofing: Roofs and roofing systems should not allow water to enter, whether it is through damaged underlayments, overexposed tile, missing roofing tiles; lost roofing tiles (the wind). Do you have roofing problems?

Plumbing: Leaking under cabinets and at toilets, showers that leak behind the shower walls into the wall cavities that you cannot see, loose toilets that can cause homeowners to fall. These are some of the plumbing issues. Do you have any?

Fences: Warped wooden fences or fences with missing planks or gaps. How does your wood fence look?

Counter tiles: Improperly installed ceramic counter tiles that are cracked and/or loose. How about yours?

Doors: Warped wooden doors and/or door jambs that are falling apart. How well do your doors close?

Exterior paint: Premature fading and failure of paint at exterior surfaces. Have you had to repaint exteriors?

Stucco: Excessive discoloration and staining of exterior stucco surfaces. Is your stucco unsightly?

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