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Home Forum

Recovering roof costs will be up to lawyer

By Elizabeth Rhodes
Seattle Times staff reporter

Q: Six years ago, a roofing contractor replaced our roof. We've had him out many times since then to try to fix a recurring leak. He never was able to do so. We finally hired another roofer. He said the first one didn't do the work up to code. Do we have any legal recourse to recoup the cost of the first job? We didn't have a warranty.

A: While it seems simple, this kind of question is difficult to answer without knowing more, says Kirkland attorney Jeanette Bowers Weaver. The first issue is the statute of limitations. It's three years for an oral contract, six years for a written contract.

Obviously if your contract was oral, you're way past the deadline. If you had a written contract, you may not be. But here's the rub: Homeowners often think they have a written contract when they don't, Bowers Weaver said.

A contract requires an offer, an acceptance and some form of consideration (usually monetary). What homeowners sometimes have is a written description of the scope of the work and not the all-important contract language, that part that says, in effect, "I promise to do the work if you promise to pay me."

"Given the facts, I would advise you to seek an attorney to look at whatever documentation you have in regard to the original work and whatever documentation, including e-mails, you may have regarding the ongoing work," Bowers Weaver said.

An attorney can evaluate whether you can recover damages. If so, they'd be limited to what you paid the second roofer to correct the problem, not what you paid the original roofer.

Q: Owners in my small condominium association decided to revise our governing documents. Ballots addressing those changes had to be returned by a specific date. One owner voted — and then died — prior to that date. Her son, as executor of his mother's estate, then voted the day after the deadline. Is the mother's vote valid? What about her son's?

A: "Probably neither vote counts," said Kirkland attorney Brian McLean of [Leahy.ps](#). The right to vote in a homeowner's association belongs to the owner of the property and generally terminates upon the owner's death.

The son is not the owner of record and probably does not have the right to vote on behalf of the property — unless he's acting as a valid agent on behalf of the heirs, McLean says.

Even then, the fact that his vote was tardy likely negates it (unless the association validly extended the deadline for some reason).

Q: I'm about to be a first-time landlord. Where can I go to view whether a prospective tenant has been evicted in the past from a rental property? Also, can you recommend any articles I should read?

A: There are two ways to get eviction information. You can go to your local Superior Court courthouse, where you can do a simple computer search, by name. What you're looking for is evidence for an "unlawful detainer." That's the legal term for an eviction. That search also will reveal any other Superior Court action, such as lawsuits, including wage garnishments, filed within Washington.

A tenant screening company can uncover the existence of in-state and out-of-state evictions and provide information about the prospective renter's credit, employment and general rental histories. These firms can be found in the Yellow Pages under "Employment Verification and Tenant Screening."

Finally, you'll definitely want to read up on your landlord obligations because that's the best way to avoid problems.

Start by reading Washington's easy-to-understand Landlord-Tenant Law. It spells out the duties of landlords and tenants.

You can find it on the Web site maintained by the Rental Housing Association of Puget Sound: www.rha-ps.com. That site also has a wealth of other information, including a question-and-answer section that addresses such issues as pet deposits, late fees and noise complaints.

Home Forum answers readers' real-estate questions. Send questions to Home Forum, Seattle Times, P.O. Box 1845, Seattle, WA 98111, or call 206-464-8510 to leave a question on a recorded line. The e-mail address is erhodes@seattletimes.com. Sorry, no personal replies. More columns at www.seattletimes.com/columnists.

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