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Introduction to Tomacor's Rebuttal of ABC Inspection Report for ** North Street**

Tomacor has completed several inspections for the **** North Street Condominium Association. Some were for the common areas, some for individual units and a few were follow-up inspections confirming earlier observations. With each inspection additional deficiencies, errors, or omissions were discovered which contribute to the breakdown and failure of the common areas. It is Tomacor's opinion that the homeowners have performed well while trying to stop this breakdown, yet have struggled with larger system problems including the failure of the masonry, walls, roof, and with a poorly installed plumbing system.

Tomacor consultants are seasoned experts. We describe, inspect and report on workmanship deficiencies throughout Chicagoland. Our expertise includes a working knowledge of the Chicago Building Code plus an understanding of professional standards in the industry and an awareness of "what some contractors do to get by". When construction practices become ingrained, repetitive, or just reoccurring we call them Industry Standards. In Chicago this understanding of industry standards is extremely helpful in the roofing and masonry areas where Code standards are either new or relatively nonexistent.

Construction deficiencies have been around since the first written laws (Code of Hammurabi). Construction drawings, designs and contracts are often well intended yet require good faith on the part of the architect that the workmen (plumbing, electric, masonry and heating etc.) will come to him/her with questions about unusual conditions or unforeseen circumstances. The architect of record is Mr. Architect who actually requests that he be contacted several times in his blueprint drawings.

Mr. Architect anticipates feedback, questions and or rebuttal. Other notes from him included within the basement mechanical plan statement "workmanship shall be done in a first class manner" and the "contractor will guarantee for one full year all work and materials". Here the blueprint architect notifies the contractor of his responsibility to warrant the work. All deficiencies and problems with an undertaking of this size will not be foreseen or even hoped to be foreseen immediately. That is why the contractor, subcontractor, architect and developer are expected to communicate fully as problems develop. A work in progress must be able to be adjusted in the field at any time, including with short notice, to protect the consumers' personal and financial interests as well as the developers' and homeowners' interests.

This is the world of communication and workmanship in the construction trades. This process fell apart resulting in financial and potential physical injury to the **** North Street building residents. In some cases the workmanship is hazardous. In the few following pages, multiple examples will be given of poor workmanship and communication.

Communication starts with the architectural drawings and whether the architect has committed to inspect the project or not. When problems develop, all involved rely on the blueprint specification "Workmanship shall be done in a first class manner". (See blueprint document) This specification is present with most blueprints and it is the most important standard for the success of the project. One example recently observed involved the heating system.

Page M* shows a note to “Provide fresh air intake from exterior. Provide heat coil to fresh air (fa) intake”. This work was not completed anywhere in the building yet it is required. The workmanship and communication have suffered here; the work is incomplete.

There is a provision for poor communication, errors or omissions in construction; the “Change Order and Revised Drawing”. Here are two detailed ways to communicate that are provided for and used regularly in the Code. Why were they not used? Without good communication, leadership and a solid understanding of the Chicago Code there will be construction lapses and failures in the project, most in workmanship. Here lapses represent breakdowns in detailing or workmanship. Failure to complete much of the work to Code, professional or industry standard is noted throughout the renovation or new construction aspects of this project. They are not maintenance items forgotten by the Board of Directors at **** North Street. The following pages list numerous building construction failures.

Several of the larger lapses in construction detailing include poor roof installation (with leaks and fails to follow standard), poor masonry installation (causing multiple leaks and unsafe conditions for a doctor and her patients), basement and poor plumbing installation (resulting in well over \$***, *** in plumbing repairs). The developer also failed to follow fire safety and other public health standards.

Repair costs for remodeling work can vary by ****% or more depending on whether one hires a union or a nonunion shop, wants experienced or inexperienced tradesmen, or speaks one or more foreign languages. Predictable remodeling cost figures are difficult to impossible to find based upon these variables and the somewhat common practice of “bidding low, then up charging” adopted by contractors.

When possible it is important to consider a “cost estimator” for construction budgeting, but they too are unpredictable in Chicago where we are known as an unpredictable market partly because of our Building Codes that set high quality standards.

One construction estimator used regularly is R.S. Means Cost of Repair Guides. It prorates construction costs throughout the United States. When practical or expected, Tomacor will use R.S. Means, our construction experience, or budgets from contractors to help us approach a solid budget figure for repairs. In the end, full specifications are needed (engineering) for remodeling budgets to be fully comparable and exact.

Tomacor is experienced in quoting budget figures in court room environments. We have done so while working with the Landmarks Commission and under oath as a plaintiff’s expert and as a defendant’s expert. See Tom Corbett’s Vitae at the end of this report.

Once a budget is established, Tomacor can compare their figures to contractors in the field. Contractor construction budgets are always less expensive when you are your own general contractor. Repairs made by an association who is hiring a general contractor will be more expensive.

Tomacor will show with this document that construction short cuts were taken, and as a result a lot of money was made (not spent) and condominium owners were injured. We will show that condominium unit owners are not culpable for original defects in workmanship. We will also show that the roof work is substandard and leaking and the brand new masonry work is of extremely poor quality. We believe that all plumbers, carpenters and electricians have an obligation to point out latent and developing deficiencies, such as a high water table and wet or rotting brick in the basement. When there are important details missing, the plumber has an obligation to point out these missing details. The need for a sump pump and drain tile assembly in the basement is an example.

This building has had a wet basement for a long time. Functioning, high quality drain tiles have been needed to remove ground water and sump pumps were needed to discharge that water. Per the plumbing code (Chicago Building Code Group **, etc) a new drain tile system was needed in the basement of this building yet it was not drawn by the architect. Did anyone call the architect for advice or revisions? It is the plumber's obligation to notify the architect and general contractor of these wet conditions and to help design or repair them if asked. The spalling and failed basement common brick illustrate how long the basement has been wet (a long time). The developer is obliged to remedy the problem. Simply stated the architect will not observe all building problems while creating his blueprint; the plumber is required to note unique or destructive conditions or histories that require repairs. The developer and plumber failed in their obligation.

The primary basement water problems are the following: an existing wet basement, an improperly installed and inadequate basement sewer line and a failure to put in a perimeter drainage system and sump pump. Finally the kitchen side waste pipes are also too small.

The original Tomacor reports dated */*/****, */**/****, */**/****, */**/****, and */**/**** present a developing opinion of the construction work while today's report represents a rebuttal of the ABC Home Inspection & Engineering Report dated * and **, ****. **It is important to realize that these problems that will be discussed here occurred before the formation of the Condominium Board and before its obligation to make repairs. Also the developer encouraged people to take possession before any preliminary Certificate of Occupancy.** The property belonged to the Developer at the time of the main problems and Tomacor's initial disclosure. Repairs should be made by the Developer and subcontractors.

Tom Corbett, founder of Tomacor Incorporated, has completed over **,*** building inspections, has worked for the City of Chicago's Landmarks Commission as an expert and has written for the Chicago Sun Times as a Real Estate Construction Expert. He is an international lecturer and court approved expert (Federal, Court and local) with over ** years experience. He owns and operates Tomacor Incorporated and the Illinois Inspector Training Institute, an organization approved by the State of Illinois to train those who want to become licensed Home Inspectors. He has worked as an approved expert in Federal and District cases.

Tomacor believes the following report will show substandard work in all vital construction areas of **** North Street. In addition, we will show Building Codes and standards were ignored, sometimes at great peril and expense to the homeowners. Tomacor will show that problems were

able to be repaired before the creation of the Condominium Board and turnover of the common elements yet they were not repaired.

Finally due to the great number of photographs taken by Tomacor we have attempted to provide multiple photos of the same problem in different places. The photographic evidence can be overwhelming.

Tomacor's Executive Summary of the Property Condition of ** North Street**

Tomacor was engaged by the **** North Street Association on or around */**/****. Since then Tomacor has collected lists of violations and complaints from the Chicago Building Department as late as ****8 and **** and have found significant, critical, unsafe or hazardous, major and expensive deficiencies throughout the building in plumbing, heating, roofing, masonry work, interior and exterior areas. The top floor of the building was built as new construction; the lower levels are fully (100%) renovated. This type of construction will be expected to be of a very high quality in the City of Chicago.

This report will show a clear intention on the part of the homeowners and the association to maintain and improve the property even while being told by the developer that repairs were coming; these “promises” (Tomacor quotes) have not proved fruitful. In fact the association is still anticipating repairs from the developer who has more than once agreed to them. Even the developer's expert, ABC Home Inspections, has recommended multiple repairs in the masonry and exterior sections of his report.

The Chicago Building Code (CBC) will be referenced as one standard, often times not met, yet other industry standards will be quoted where needed; the Brick Industry Association (BIA) or the National Roofing Contractors Association (NRCA) standards are examples. Tomacor will also comment on the separate industry standards. Tomacor will show through original photographs, reports, code analysis, and rebuttals that the developer, plumber, masonry contractor and those in charge of quality control did not do their jobs leaving the project essentially without supervision (quality assurance) for long periods of time. The results are predictable and inevitable.

These omissions or errors are extremely expensive to fix after construction, and limit unit owners from selling their condominiums. We will show that the developer has made significant additional income from these errors or omissions while he is now attempting to identify them as “deferred maintenance” (Tomacor quote), a Board of Directors responsibility. The outcome of this dispute will affect the lives, health, resale value and public safety of everyone in the building. This is an outcome requiring the Condominium Board to pay for these repairs which will suppress people's ability to sell or take jobs in other states. Conscientious homeowners will not want to saddle new buyers of condominiums with all of these problems.

Tomacor's Rebuttal of ABC Home Inspection Report Section * (starting on page * of ** of their report)

Tomacor's rebuttal here is designed to provide a counterpoint to the ABC Home Inspection (A & H) report entitled "Home Inspection Report Prepared for **** North Street". Please read their report of December * or **, ****. For a full understanding of Tomacor's opinion, read our reports dated: */**/****, */**/****, */**/****, */**/****, */**/**, and photographs of */**/** and all other report dates. Review all photographs.

ABC prepared their report in order to "evaluate the current condition and investigate the deviation or deficiencies as expressed by Tomacor" (ABC quoted).

The ABC "Home Inspection Report Prepared for **** North Street" dated December * and ** of **** Point *.* states they (A & H) were taking an opportunity with their report "to investigate the structural integrity of the building and the quality of the work prepared by Mr. Smith" (ABC quoted). Tomacor is clear about their intention. Point *.* from the introductory section creates dates and background information while point *.* defines the Chicago Building Code in place. Points *.* , *.* and *.* will not be addressed by Tomacor in this report. We acknowledge their information.

It is Tomacor's intention with our review of the ABC Inspection report to shed light upon confusing issues, errors or some inaccurate conclusions presented by ABC and to successfully frame the repairs yet needed.

Formal Rebuttal of ABC Report and Confirmation of Tomacor's Opinion (Numbering stream to follow original stream created by ABC)

The title of the ABC report is "Home Inspection Report prepared for **** North Street" Under the Home Inspector Licensing Act of Illinois a Home Inspection is "the examination of residential real property". To inspect means to "visually examine readily accessible systems and components...using normal operating controls" Illinois Home Inspector License Act ***-ILCS-***. Engineering requires a separate set of standards and a separate "basis" (Tomacor quotes) for an opinion.

ABCReport Section * Point *.* *The completed work passed the inspections...*

Tomacor Rebuttal

In this point ABC claims the work recently passed a Chicago Building Code examination (CBC) suggesting it is good. Tomacor reviewed an ** page document listing the City of Chicago Building Code violations from June **** and earlier for **** North Street. Many of these violations were marked "open" or "failed". In fact they include several of Tomacor's noted violations. A wet basement or improperly installed hazardous furnace is still a code violation even if not observed by the City inspector. See sections of the Code in Group *8. Chicago inspectors are overworked. It is not uncommon that they miss code violations. They are not

allotted adequate time to inspect everything on their schedule. They focus on General Requirements of the CBC Group *. Unfortunately omissions can result.

The City of Chicago has created a nationally respected Building standard. The **** and **** standard is over *, *** pages. According to the City it is their obligation to stay focused upon the "General Requirements" of the Code (not specifics). They do not review blueprints "on site" comparing them to what has been built. They do not do destructive testing. Inspectors are often overworked with less than an hour per inspection. Chicago Building Code Group * notes the General Requirements focus of the Code. They inspect to general requirements; not specific requirements. The word specific does not appear in the final Certificate of Occupancy document. In addition, due to the tremendous number of building permits demanded over the last five years, the City has been inundated with work and is understaffed. The Certificate of Occupancy and partial Certificate of Occupancy ("C of O") programs should be completed for the building soon. These can take months to originate. A full Certificate of Occupancy is required for **** North Street (there is not one in place), yet people currently inhabit condominiums in violation of this ordinance. It is not the City's obligation to check construction work to blueprint standard ("print") yet the "print" is required to be on the construction site for the City. In violation of the print and the law, the developer moved people into the building in March ***8 without any Certificate of Occupancy. They could have been evicted.

Tomacor has finished a preliminary review of the "print" for purposes of providing deficiencies. Mr. Deere completed the review of the print for the City of Chicago with his signature. He essentially notes that the City Codes are in place in the drawing. Tomacor notes they are not in place in the building. Review the attached photographs.

Significant deviations, errors and omissions are evident when comparing the print to what has been built. Garbage collection areas and elevators for accessibility have not been built, yet they are noted on the blueprint. Masonry wall detailing and new sewers are drawn yet not installed. Energy efficient equipment is noted in the print yet omitted in the building. These must be built or change orders signed as required within the Chicago Building Code (CBC). See section Group * of the Code. Fines can be assessed by the City at \$*** per day per violation for not following the print or Code. Who pays these fines, the Developer or the Association?

In summary the builder/developer is required to build to Chicago Code and blueprint standard yet the City remains understaffed and overworked in the Building Department unable to routinely visit the property and inspect to print or full City of Chicago standards. Under these circumstances the City, Architect and Condominium Owners depend upon the phrase "Workmanship shall be done in a first class manner" included within the blueprint standard on page M*.

ABC Report Section * Point *.* * *The board association...*

Tomacor Rebuttal

In this point ABC notes that the developer is not responsible for maintenance and is essentially calling the Board's problems deferred or ignored maintenance. Most problems here concern

water, electrical work and blueprint omissions. They were presented to the Developer before the creation of the Board of Directors and Common Area turnover on November **, ***8. Furthermore these issues are about deficiencies in the original construction not warranty items where a system functions and then fails. These are errors in the original construction.

The owners are currently maintaining the property to a high standard. Roof leaks, masonry failures, and other expensive repairs/investigations have been undertaken and some improvements have been made to the building by the Board. Roof and wall leaks are reduced due to the board's efforts in hiring 123 Roofing. It is the original roof, installed poorly, which remains damaged and rots the sheathing below that is problematic, not 123's repairs. This is not a maintenance issue that can be placed on the shoulders of the Board. These are omissions or errors. See the following photo sections: */**/** report on pages *, *, *, 8, *, **, **, **, **, */**/** report on page *, */**/** report on pages *, *, and */**/** report on pages *, *, *, *, *.

ABC Report Section * Point *.* *The inspection process is visual...*

Tomacor Rebuttal

Here ABC creates a visual basis for diagnosing problems. Tomacor agrees with ABC that the inspection process is primarily visual (not engineering) yet as problems emerge they must be explored and examined, sometimes with destructive testing, so that budgets can be created to define the scope of work needed. Using the roof as an example a destructive test was required; it was opened up and core samples were taken to help define the scope of work and to create a budget for repairs. ABC and Tomacor agree that the roof has problems. We disagree on the severity. See the following photo sections: */**/** report on pages *, *, *, 8, *, **, **, **, **, */**/** report on page *, */**/** report on pages *, *, and */**/** report on pages *, *, *, *, *.

ABC Report Section * Point *.* *Inspection of the basement of Unit D: Mr. Unit Owner lead A & H...*

Tomacor Rebuttal

Tomacor notes the cast iron pipes for the sewer belong underground and ABC actually agrees yet they note they "got a waiver from the City". Tomacor notes they are not buried and are actually overhead. Placing them below the ground now will be a large, destructive and expensive repair requiring concrete replacement. According to City Codes these pipes cannot be moved without an "amended plan" which requires the City's "written assent". Chicago Building Code Group * fines can be levied without it (Group *). ABC alleges a "waiver" to the blueprint. Where is the waiver? If the sewers were raised to protect the basement, then all the sewers and storm drains should have been raised to prevent flooding. Why was this not done? The drains were required to be "removed" on page D* of the blueprint. This was not done and the basement continues to flood beneath the concrete slab. Provide the waiver. Raise all sewers \$*,***. **. See "budget chart"

Although Tomacor and the board have asked for change orders and written assents from the Developer that show City approved deviations, none have appeared. This is not

acceptable. The Board is now looking at being forced into financial responsibility for all the change orders and plan deviations for the common areas. Some of these changes are Code (CBC) violations. The City can now prosecute the Association for changes that were not approved by the Board or the City. Where are the notes for the approved “Change Orders” and the “Written Assent” required by the City? These are critical documents.

The basement must be kept dry for storage and the public health of the owners. The homeowners must replace the underground drains carrying the roof water, install a sump pump with drain tiles, replace three stories of inside kitchen side waste piping which is too small and not blueprint compliant and run a new storm water sewer line below the ground ahead of the sanitary line and into the main sewer. These and other plumbing repairs will exceed tens of thousands of dollars, yet they must be made. Who pays for these repairs? Review Tomacor’s photos in the following reports: */**/** on pages *, *, 8/**/** on page *, and **/**/** on pages *, *, *. Also review the Chicago Plumbing Report.

The storm water waste from the parking area (not drawn in the blueprint) and the poorly sized drain lines carrying water from the roof should be entering the main sewer separately from the sanitary waste. Review the blueprint (P*) for details. Review the Chicago Plumbing Report. See the CBC Table *8-**-****.* for roof drain sizing underground. The plumber forced water into the old existing pipe in the building then added the huge volume of water from the grease trap and the storm sewer. The system overflows. See Chicago Plumbing report */**/**.

The illegally installed cast iron overhead sewer lines in the basement are a functional assembly but not a safe one. The sub slab, old sewer lines are aged and should have been replaced. See the blueprint page * of the plumbing page where this is spelled out. Water routinely collects below the concrete slab in the basement as the old *” main gets over taxed, creating an unsafe condition for all. This problem needs to be addressed by those who failed to fulfill the blueprint.

As ABC points out, the “* inch clay pipe appears adequate” -his quotes- yet he calls it clay, not cast iron as specified in the blueprint. These changes saved time and money for the plumber yet cause the homeowners grief. This pipe is required to be removed on page D* of the blueprint and to be made of cast iron. Storm water is required to enter the sewer separately. Simply stated, large volumes of roof storm water should enter the sewer separately from toilet waste to minimize the potential damage caused by toilet waste and kitchen waste backing up. See Chicago Plumbing report.

ABC notes here that they told the contractor to fix the sump pump for it to run automatically. During Tomacor’s first inspection of **** North Street, the developer stated that he would “come into the basement and turn on the sump pump- pointing to an extension cord and exposed wiring and pushing them together with his hands- whenever it rained hard”. This prevented water problems. He personally acted as the operating control for the sump pump. That was his way of keeping the plumbing from backing up into or below the basement slab. This wet basement is not a new problem. Tomacor asks where are the “first class” workmanship details promised in the print on page M* of the blueprints mechanical notes?

**** North Street was originally designed with a full perimeter drain tile and sump pump assembly. The blueprint removes it from the drawings but fails to include it with the new drawings. Review the Chicago Building Code Group ** other areas. The new drain tile assembly is critical to the dry performance of the basement and safety of inhabitants. See Chicago Plumbing report.

The basement is moldy, wet, not to blueprint, poorly plumbed and hazardous. It is also failing to collect and remove water to the CBC standard. The basement water and old sump pump (northeast corner) must be removed, and a new drain tile system installed. See Chicago Building Code Group **. Review the Chicago Plumbing Report.

Leaving the floor drains where they are in the floor instead of removing them and replacing them per standard saved the developer and plumber a lot of money. The blueprint standard and CBC were not met for plumbing due to their choices. It is their obligation to fulfill on the plumbing work and to dry out the basement. See Tomacor's photo sections in the */**/** report on page *, the **/** report on pages * and *, and the 8/**/** report on page *.

As noted in the Chicago Plumbing report, large sections of the basement floor will need to be removed and new concrete poured. See Chicago Plumbing report for budget figures.

ABC Report Section * Point *.* *Inspection of the Stairs Located at the Northwest Corner of the Building: These stairs also...*

Tomacor Rebuttal

The concrete stairs are not in fair condition as claimed by ABC and represent a clear tripping hazard to inhabitants. They are slippery, inconsistent in height (more than */8" in riser height difference), and hazardous. (City of Chicago Building Code Group **) The stairs are also a fire exit for the basement and first floor above. These unsafe stairs must be reworked or replaced per CBC standards immediately. See Tomacor's photo section in the */**/** report on page *, lower right. Budget \$*,*** for repairs. See budget chart.

ABC Report Section * Point *.* *Inspection of the Exterior Wall of Basement D Next to Entry: This wall was inspected...*

Tomacor Rebuttal

One of the first observations in brick construction for any brick wall is that the mortar breaks down between bricks in the presence of water over time. In addition, bricks themselves break down in the presence of water over time. The first sign of this deterioration is the development of a product called efflorescence. This fuzzy white material is often replaced (tuck pointed) as it fails. Many of the individual bricks and the masonry walls in the basement of **** North Street are exhibiting this efflorescence and failure. The bricks and mortar, where failing or spalled, should be replaced immediately and the collecting water below the slab removed to prevent the development of more serious brick failure and structural problems. See ABC photograph #** of

their report. See Tomacor's photo on page * of the **/**/** report, upper left. Budget \$**,*** for repairs. See budget chart.

While inspecting the walls outside room D in the basement, Tomacor noted the selective testing approach assumed by ABC while looking for water. Selective testing and not a random sampling can produce false negative results. It is important to look, evaluate and touch the building's basement walls, hallway, tuckpointing and gas meter room while looking (visual examining) for wet areas. Tomacor immediately observed many wet areas yet ABC did not. Mortar crumbles and leaves a wet residue between the fingers when squeezed in these areas. It is failing. Sophisticated or inexpensive equipment is not needed when you hold wet mortar in your hand. Technical notes are available from the Brick Industry Association and the Masonry Advisory Council. **See BIA Technical Notes *, *a & *, *c, 8 and others, and the Masonry Advisory Council articles (www.Maconline.org).**

Photographs in the reports presented by Tomacor reveal significant amounts of water in many locations and organic growth of materials on the walls, woodwork and other surfaces in the basement. Water is needed for organic growth.

ABC writes "that the (basement) water did not come from the top of the wall". Tomacor agrees with this assessment. The failure to change the piping in the building to represent what is drawn in the blueprint and the failure to run a separate storm line appears to be overloading the basement sewer, under heavy rains, and contributing to the basement water or seepage problem. Floor drains, properly pitched new basement floor concrete, drain tiles and code approved ejector pits with ejector pumps and separate grease lines separate from this storm line are necessary to remove the water and keep it out. A new basement sump pump system is necessary to carry rain water from below the basement slab to the street sewer. Review Tomacor's photographic section showing standing water. See photos on pages * and * of the 8/**/** report and others. See Chicago Building Code Group **. See the Chicago Plumbing report.

The gas utility meter room wall was tested by ABC where they discovered a moisture content of **-%. In fact, the mortar was so full of water that Tomacor was able to pull wet pieces of the mortar from the wall and crush them between fingers. The wall is soaking wet. Review the ABC photo #** attached. See page * of the Tomacor **/** photos. The moisture readings taken by ABC were taken at the "base of the wall" they were not taken at the wet portions along the bottom of the wall at the floor.

ABC Report Section * Point *.* *Inspection of the Basement of Unit C: During the inspection of Unit C...*

Tomacor Rebuttal

ABC notes, in point *.* that some cracks were discovered along the west and south walls of the basement in unit C. They note that the developer has told them they are fixed. Tomacor observed hairline cracks in the area of each wall where an attempt to repair the cracks has been made. These attempts at repair are of poor quality and of substandard material. Hydraulic cement was

used, not epoxy which is the industry standard. Complete a professional repair here. Budget \$*,***. See budget chart.

The construction work throughout the basement remains incomplete. The omission of the door threshold to Doctor Unit Owner's basement storage room is one example. This deficiency appears minor but is extremely important while keeping a dry and sterile environment. The missing electric lights (drawn in the blueprint) and water logged sub slab are others. Failure to install stairs to fire code are yet another. See Group * of the CBC. It is the obligation of the developer to finish the work per blueprint. The developer should not ask the unit owner to install her own door parts or windows. The property owner is a doctor not a carpenter. Budget \$*,*** to wire and repair. Note stairs report later. See budget chart.

The developer maintains a locked main storage room "D" in the basement that prohibits maintenance to common areas, sump pumps, sewers, and electrical deficiencies in that room. The association must have emergency access to prevent flooding and to complete preventative maintenance. Despite this lack of access, ABC accuses one unit owner of making holes in the floor and ceiling. In fact the hole in the floor is part of the original damaged and poorly operating drain tile system left in place by the developer. It was to be removed. A new system is needed. This is not condo owner repair work. See photo section page *, upper left of the */**/** report, page *, upper left of the 8/**/** report and others for the holes alleged made by the unit owner. Note the upper left of the page. Nominal fee \$***+/-, see budget report.

ABC Report Section * Point *.* *Inspection of the Basement of Units A & B: Inspection of the storage...*

Tomacor Rebuttal

The ABC Inspection team noted that the basement areas of units A and B were "in good shape". They did not note the need for the Fire Code repairs to provide a safe, CBC approved flight of stairs connecting the first floor and basement for the fire exit. The stairs are hazardous per print and CBC Group *. These wooden stairs will be the only basement source of a fire exit should there be a fire in the first floor or basement area. The stairs must be sealed with approved fire code material or replaced and properly sealed. All work must meet the fire code standards as is noted in the blueprint and the Chicago Building Code Group *. A separate fire code violation was noted with the installed furnaces (CBC Group *). Their flues were in contact with flammable material. See page A* of the blueprint. Budget \$*,*** to replace basement stairs. See budget chart.

ABC Report Section * Point *.8 *Inspection of the Building Elevations: Inspection of the building...*

Tomacor Rebuttal

Tomacor notes major deficiencies here in the ABC reports. ABC inspected the building elevations from the roof and ground using binoculars and they did not "notice any major

deficiencies”. See Tomacor photos page *, *, *, *, 8, **, **, ** and others of the */**/** report and other reports.

ABC did not note the omitted flashing at the east elevation or west side visible even on *-**-**** and other areas. See the */**/** photo section pages * and *, lower portion of the page. ABC did not note the missing yet required stone window sills and flashings below the sliding patio doors at the east elevation and other areas (see photos page * of the */**/** report and page * of the */**/** report (brick behind stone sill)) although they are required by Chicago Building Code Group **, industry standards, and professional standards. (Brick Industry Association Technical Notes *, **, **A, **B, **, **A, *8 and others and the Masonry Advisory Council standards)

ABC Home inspection did not note the absence of critically required flashing material below the parapet wall caps nor did they observe the gaps in the masonry or windows at the east elevation, gaps that regularly have allowed water into the building where it collects and creates an unsanitary condition. These gaps were again noted by Tomacor on */**/****. The Association is pleased that 123 roofing was agreeable to make minor, yet very necessary, repairs to the east elevation which limited the water infiltration and the amount of ongoing damage experienced by the commercial and residential condominium owners. Finally, ABC did not locate or inspect the north and south side shared roofs or balconies at the lower level of the property. They could not find these roofs even with binoculars. These roofs are leaking. See Tomacor’s photos on page 8 of the */**/** report (Deck leaking...) and others. Budget \$**,*** or more to add sills and all needed flashings. See budget chart.

In an earlier report, in point *.8.*, Tomacor notes lintel painting needed. ABC agrees that lintels need to be painted. If this painting project is not completed and rusting continues, the cracking that will develop in the brick and masonry wall surfaces will invite large amounts of water into the building. Paint the lintels in ****. Budget \$*,*** for painting. See budgets chart.

In point *.8.* Tomacor has noted the need for tuckpointing. ABC responds that, “minor tuckpointing” is required “near the parapet wall”. The parapet wall is more than *** feet long and it is taking water as witnessed by the condominium owners at multiple points along the wall. These tuckpointing, flashing, and weephole deficiencies are noted and documented by Tomacor in its reports and photos for example in the */**/** report photo section on pages *, ** and others. Several ABC photos actually agree with Tomacor. See their photos **, **, and **. Many of these photos were taken at the same time that Tomacor noted sections of the roof were left open. Other photos were taken by Tomacor on */**/**** regarding the open roof on pages * and * of the photo section. The flashing is still open. Complete the tuckpointing and roof repair immediately. Tomacor agrees with ABC that the caulking material used by 123 does not “match the color of the existing mortar” (ABC quotes). This cosmetic complaint pales in comparison to the amount of water, damaged floors, and ruined paint that is now a part of the condominium units.

Tomacor initially complained about the building’s flashings. ABC disagrees. Within point *.8.*, ABC notes that their field inspection revealed the flashing was installed “properly”. This statement is proven false by a simple visual review of the wall (you can see the gaps in the

flashing and areas of omitted flashing) and a simple review of the Chicago Building Code and Professional Standards. See Group ** of the CBC and other areas. See Tomacor photos on pages * and * of the */**/** photo report section.

Regarding additional flashing complaints, ABC Home Inspection provides a cross section of a drawing on page * of their report. It illustrates how the roof flashing was installed at the parapet. In addition, to calling the roof a “rubber membrane” (which it is not, it is a modified bitumen membrane), ABC completes this drawing showing flashing material covering the lime stone cap or coping of the masonry wall. This violates the professional standards of the National Roofing Contractor’s Association, NRCA Manual Volume * drawing MB-* and the Brick Industry Association. Tomacor has included the proper detail. See drawing M-B-* in the Critical Documents section of this report. The flashing is to be attached to the masonry wall or to be run below the cap where appropriate. ABC provided the correct detailed drawing which they submitted on page *8 of **. Install the wall like this. See the blueprint page A* for more clarity.

In addition to the flashing problem at the limestone coping, the coping stone itself is not deep enough for the wall and fails to cover the entire parapet violating what was drawn on the blueprints and as required by professional standards. See page *8 of ** in the ABC report for the correct drawing. See Blueprint page A* for an elevation drawing. Budget \$**,*** for repairs. See budget chart.

Other areas of omitted flashings and poor brick work are noted by Tomacor. The patio door sills at the east elevation of the building were “bricked in place” but new full depth stone was needed to complete the install properly. See photo page * of the */**/** report. Large mortar gaps (*-*’ long or more) have been left in these mortar joints. The industry standard is to install solid stone sills that extend below the sliding patio door in order to prevent water from entering the building. The omission of the stone sills defies professional, industry, and code standards. Review the City of Chicago Building Code chapter *.*** and earlier versions of the code. See also articles published by the Masonry Advisory Council “Flashing Tying those Loose Ends” and the Brick Industry Association articles on Masonry Construction *, **, **A, **B, **, **A, *8 and others. Refer to Tomacor’s photo section dated */**/** on page * (Brick behind stone sill).

In point *.8.* of the ABC report, Tomacor observed the less than random testing of the masonry by A & H. Here ABC is taking a masonry wall reading with its meter. In fact a Rilem Tube Test should be done to get a sense of the volume of water entering the brick. Testing by ABC is not definitive or helpful. Surface water readings are not helpful with masonry but absorption readings are. Rilem tubes are the standard to tell if water is being absorbed by the brick.

Tomacor questions the quality of the instruments and protocol that ABC uses on the roof and masonry. ABC Home Inspection noted that the Sonin moisture meter reading typically showed “dry” (Tomacor quotes) readings where it was used. Later, they also noted that their thermal camera scan (Testo 88*-* , Serial #*****8) reading of the roof proved that the roof was within moisture tolerance. Tomacor disagrees with these points. The instrumentation was not designed to perform below **°F as presented to Tomacor by Mr. Doug Jones, the manufacturer’s representative of Testo (manufacturer of the thermal imaging equipment). See the Critical Documents section.

The National Weather Service Climate data states that on December *, ****, the day of the ABC Testo scan of the roof, that there was a temperature reading range of ***° to ***°F. This equipment cannot operate at freezing or below without unique calibration of the equipment and certification of a Level I Thermographer according to the manufacturer. ABC does not claim this training. What adjustments has ABC completed? What training?

The Condominium Association appreciates the repair work completed by 123 Roofing. Although ABC disagrees with Tomacor, the reason the association needed to hire 123 Roofing to repair the parapet wall and the roof was because of leaking and the developer refused to make repairs. While the repair work by 123 is not ***% attractive, it has helped mediate leaks left by the developer. The need for the association to repair brand new mortar joints shortly after the developer's construction is indicative of the work quality at **** North Street.

ABC Report Section * Point *.8 Roof Inspection: ABCteam inspected the roof

Tomacor Rebuttal

Tomacor has roundly complained about the roof installation and documented its opinions with photos. Professional roofing standards (NRCA) call for continuous low level flashing (8"±) attaching to the lower level masonry walls. See the included flashing detail from NRCA in the critical documents section of the report. The developer ran the flashing over the walls and over the limestone caps. This is not acceptable per the CBC Groups, **, *, and others.

The Brick Industry Association Standards and Masonry Advisory Council Standards also apply. The flashings shown in the ABC drawn diagram are installed over the entire parapet wall and cap. This traps water in the wall and due to condensation rots the masonry and mortar joints. This construction detail must be removed and corrected. The proper detail is included in the ABC report on page *8 of **. What has been built is damaging the building. Install the masonry to the drawing specification on page *8.

In addition to the problems with the roof agreed upon by A & H, Tomacor should point out two other deficiencies with the roof observed during our inspections. They are sending water into the building and include:

1. Failure to install structural lintels at the roof pass-thru. This leaves the masonry façade near to failure. See photo section on page * of the */**/** report (lower left) and page ** (lower right) also of the */**/** report. Flashing material was omitted on all four sides of the roof pass-thrus or scuppers as is required per professional standards (Standards are available through NRCA, Guide to Low Slope Roofing Volumes *-*). Tomacor also believes that common sense should apply (holes (pass-thrus) in a wet wall should be flashed on all four sides). Budget \$*, ***. See budget chart.
2. The many open, loose and cut areas of the roof membrane (see multiple photos of the open roof on page *, *, 8, *, **, **, **, and ** of the */** report and others) allow water into the building. These obvious cuts and open areas are clearly observable on the north and south end of the building above the balcony areas, on lower level roofs, and at the primary roof.

Examples are included in the 1/22/11 report, 2/2/11 report pages 1 and 2, 1/22/11 report page 1 and the 1/22/11 report pages 1, 2, 3, 4, and 5.

In addition, Tomacor used a Tramex Moisture Encounter throughout the roof (reading below its surface and not at the surface) and discovered it to be wet along the primary west side axis and masonry wall of the building. This was confirmed on 1/22/11 when the roof was professionally cored and water was discovered.

During Tomacor's discussion with Mr. Doe of 123 roofing it was learned that this was the same area that he noted water while completing needed roofing repairs to stop leaks. Because the roof slopes from the east to the west it is expected that higher concentrations of water will develop along the west axis of the building close to the unsupported scuppers or pass-thrus at the parapet walls. This proved accurate.

As noted earlier in this report the moisture readings taken by ABC Home Inspection are flawed. Tomacor contacted the manufacturer of the Sonin Moisture Meter. Further analysis and performance criteria for the instrument revealed that it is a resistance meter cannot read anything but a surface measurement for water content. The manufacturer's information is in the List of Critical Documents at the end of this report. This literature shows that the instrument would not perform on the roof during below freezing temperatures.

Tomacor initially noted the buildings fire hazards. ABC discusses that there is no need to install a "B" vent" for the furnaces to limit fire hazards. A simple call to the Chicago Fire Department or a preliminary review of the Chicago Building Code Group #8 proves their statement to be false. The Manufacturer's, professional, and Chicago Building Code Standards require a minimum clearance to combustibles (usually 18") when installing a single wall flue off of a furnace or water heater. After claiming that this is not necessary, ABC goes on to say "another layer of duct can be installed inside of the utility closet to prevent unwanted...." The installation is a fire hazard and another "duct" will not help. Budget \$1,200 to change vents. See budget chart.

Tomacor observed water penetration in the mechanical closets of several condominiums on 1/22/11. Included were those on the second floor (18" levels below the roofs surface). Water, swelling and staining of the drywall was noted at the first inspection. The stain in unit 202 appeared swollen and soft when first inspected; while follow-up evaluations of the stain illustrated that it had dried and flattened out. Thanks to 123 Roofing the problem did not become a mold or mildew issue which had to be resolved.

ABCReport Section 1 Point 1.1 Rear Sidewalk: It was noted that...

Tomacor Rebuttal

Tomacor discovered that the sidewalk was spalling and getting worse (see page * of the */**/** report and pages * and * of the */**/** report for developing problems. ABC noted in their report that a small area of the sidewalk by the parking lot is cracked or “popped” (ABC quoted). “This area is approximately “* inch x *” and about ¼ inches deep” (ABC quoted). ABC considers it normal. They include photograph #** and ** to illustrate the condition. Tomacor disagrees with their assessment.

Tomacor has visited the property recently on */**/** and numerous times during the past months (for example */**/** and */**/**) and has watched the “spalling” of the concrete spread and the surface area degenerate and fail. Our original inspection revealed a significant area below the rusting stair tower. Much of the concrete is now ruined (**-**%) and should be considered unsafe for walking. Budget \$**,*** to remove and replace the sidewalk. See budget chart.

ABC Report Section * Point *. *Cost Estimate of Proposed Work***

Tomacor Rebuttal

In Section *.** “work to be furnished by the developer” ABC lists ten items for the building which they believe should be repaired or replaced. Tomacor disagrees with this list and believes many more repairs are needed. The cost of the repairs noted by ABC in their list is grossly underestimated. One possible reason for the disagreement with ABC is that fees would always be less if you are the developer or a general contractor with your own team rather than a Condominium Association hiring contractors.

Tomacor's Rebuttal of ABC Home Inspection Report Section * (starting on page ** of ** of their report)

ABC Report Section * Point * *In his report, Tomacor...*

Tomacor noted damages to the lower level balcony roofs. A photo is added for clarity. See page 8 of the July **, **** report at the upper left section of the page.

The ABC Inspection team complained yet their report is flawed and incomplete. They did not inspect the north and south side lower level roofs at the balcony levels. Here mechanical fasteners were driven through the roof membrane causing leaks in Doctor Unit Owner's office below.

ABC Report Section * Point * *Tomacor states...*

Tomacor worked with Chicago Plumbing to calculate the size of the downspout piping required by the city for the downspout drainage and kitchen sink piping. The calculations show that the downspout piping (drains) in the ground are too small. The piping needs to be removed from the ground and replaced in the parking lot. In addition the full, three-story interior kitchen side piping is too small and out of plan for the entire building (both sides). It disagrees with the blueprint. Smaller pipes installed by the plumber are less money but they will back up their waste more easily. See page P-* of the blueprints where a *” drain is detailed and not a *” drain.

Additionally, the blueprint, CBC, and industry standards require that storm water is to enter the main sewer downstream of the sanitary and grey water waste lines. Because the plumber chose to add the parking lot or storm water (it wasn't originally drawn) it should enter the street sewer at a separate point, possibly on Road Avenue. The plumber, Mr. Plumber, tied the storm water drain into the main sewer upstream (inside the building) of the sanitary and grey water waste lines moving water from west to east located in the basement. Should there be a grease or toilet blockage; the whole basement would be filled with water as the storm or roof water waste pushes the blockage (** foot vertical column of water). The area below the slab would flood. Chicago Plumbing in its report dated */*/** notes that the parking lot storm waste needs to be connected separately to the sewer. It should not be attached to an old sewer line in the building that is most likely overloaded and was specified to be removed (page D* of the blueprint). These errors and others made by the developer and plumber have taxed the system leading to significant water and humidity damage and water collection below and above the concrete slab in the basement. Water collecting below the slab will erode the soil from under the building possibly compromising the foundation. Above the soil will create a high humidity environment in which mold can grow, personal belongings fail, and owners suffer. Water collection above the foundation walls, footings and slab creates slippery conditions and a great environment for mold and mildew, all of which are health and safety hazards for occupants. See the section labeled Critical Documents to review the Chicago Plumbing Report. Budget \$**,*** for repairs for storm sewers and parking lot basin. Review the Chicago Plumbing report. See budget chart.

Further research of the drawings prepared by the architect noted that a * inch plumbing stack was needed for the interior drain lines connecting the sinks and dishwashers to the parking lot grease traps. Tomacor's visual examination of the plumbing pipes inside the building revealed that the installed drain lines were less than * inches and appeared to be * inches in size. This means what has been built does not agree with what is required to be installed by the architect of record, the plans examiner Deere, and the CBC. This was noted earlier. It is clear that the lines were intended to be * inches per standard. Tear out the undersized lines and replace them for all three floors on both sides of the building. Install * inch lines. Budget \$**,*** for repairs. Review Plumbing Plumbing report. See budget chart.

In order to complete the professional repairs required by the architectural drawings and the CBC, walls will need to be removed in the kitchen area of each condominium in the building. The walls will need to be opened from the top floor kitchen all the way down to the basement area where new * inch pipes will join the existing cast iron pipes as they move out to the grease trap in the parking lot. When the new *” pipes are installed, the plumbing walls, framing, drywall, cabinet replacing, painting, and floor repairs will need to be undertaken throughout the condominiums in order to bring this building to a code approved status. A review of page P-* of the architectural blueprints when compared to the pipes within the walls and where they are exposed in the building will emphasize this deficiency. Make these needed repairs immediately or anticipate additional sewer and or waste back-up in the building and poor kitchen drainage. See paragraph above.

ABCReport Section * Point * Tomacor states...

ABCHome Inspection notes no electrical violations in their inspection. However, Tomacor noted many citations that were prepared by the City of Chicago and given to Board representatives to make the required repairs. The Board has never received clearance notes from the City. See the Critical Documents section of this report. These citations were collected by Tomacor on a date for which the required repairs were the responsibility of the developer. The City of Chicago has compiled these violations for the property some as late as ****. It is important that the builder and/or developer obtain a complete list of violations from the City then show that each of the violations has been inspected and “closed” and not left “pending”. The City can fail work but usually does not come back to check it. Should the Board then be responsible? Only the builder, the developer, and the City of Chicago have access to the list of the violations referenced. Provide a copy to the Board then close them all out. Tomacor recommends a full evaluation by the “City Condominium Task Force” a group of inspectors who should pass judgment on the property in writing with a simple letter or checklist showing “closed problems are Code compliant” before the Association fully accepts the building. All deficiencies noted should be repaired by the Developer.

ABCReport Section * Point * Tomacor states...

Mr. Official of the City of Chicago Building Code Department is the Code Official who has worked on **** North Street.

ABC Report Section * Point * Tomacor states...

Tomacor notes the developer must obtain a Certificate of Occupancy for the building before occupancy. ABC agrees. It is the Developer's obligation to provide a full Certificate of Occupancy for the building immediately. A Conditional Certificate of Occupancy ("C of O") is not acceptable for certain areas even though the developer has represented that it is. Common areas and basements are examples of where "C of O" documents are not relied upon. The full "C of O" should be in place before people move in to the floors or they are living in the building illegally. Many homeowners were in the building without the mandated C of O. All occupants could be evicted without it. Failure to obtain a Certificate of Occupancy will leave the condominium owners at risk of significant legal action by the City. The ABC Home Inspection team agrees with Tomacor that a full Certificate of Occupancy must be provided by the Developer through the City of Chicago as soon as possible. This expense should be paid by the developer. The building was occupied in March ***8 which was more than three months before the conditional "C of O".

ABC Report Section * Point * Tomacor states...

Tomacor noted loose or missing wrought iron bolts. ABC does not see them. Tomacor examined points where iron work was attached to the property improperly. In one case, the fabricator provided wrought iron assemblies that required multiple bolts to attach the iron work yet it was attached with one bolt only. See the east and west elevations. ABC Inspections agrees with Tomacor that "all wrought iron should be bolted properly to the masonry walls". Omitting required bolts renders the installation improper and poses a safety hazard.

ABC Report Section * Point * Tomacor states...

Tomacor notes the poor workmanship of the northeast corner sump pump. ABC disagrees. The original sump pump at the northeast corner of the basement is not included in the construction detailing (page P* of the print). It is omitted. It is required to be removed as noted on page D* of the drawings. It is the builder's obligation to build the structure to the blueprint and to the CBC unless unique architectural and City of Chicago change orders require otherwise and assent orders signed (CBC).

Significant financial gains were realized when the decision was made not to remove the old northeast corner sump pump and not to install a new drain tile system around the building's perimeter (even though it is needed). The existing, 8* plus year old, abandoned sump and drain tile assemblies are broken and hold water without draining it contributing to the humidity problem. They are full of debris and consist of aged, fragile terracotta tile. The original blueprint standard calling for "Workmanship in a first class manner" (page M* of the blueprint) is ignored. Water continues to sit in these broken down, damaged, debris laden drain tiles which were scheduled to be removed.

The homeowners are unable to use their basement based upon these short sighted plumbing mistakes. The basement space is moldy, full of water below the slab and has consistently high humidity.

Homeowners will have to connect up the floor drains (per print), install ejector basins with vents (per print) and new kitchen waste lines (all details included in the original blueprint, plumbing page P*). Then install new concrete, kitchen drains, new walls and a perimeter drain tile system must be added. The basement house drain will also need to be replaced. These repairs will be expensive and disruptive and should have been in place as original equipment before the condominiums were sold. Review the Chicago Plumbing Report in the Critical Documents section of this report. Review page P* of the blueprint.

ABC Report Section * Point 8 Tomacor states...

Tomacor has conducted multiple inspections in this property where standing water, organic growth (which appears to be mold), and mortar joint failure were obvious. In all cases they were urgent. See photo pages *, * and * of the */**/** report photos, pages *, * and * of the **/**/** report, pages * and * of the 8/**/** report, and pages *, *, * and * of the */**/** report. The basement is soaking wet. This dampness breeds mold.

Tomacor's review of the blueprint, page P* also revealed that the architect did not draw or include a storm drain basin in the parking lot. How did it get there? It was added by the plumber, Mr. Jones without architectural or City approval. Where is the change order? Who pays for its relocation when the City finds out? This basin collects parking lot water and sends it into the old, overtaxed * inch drain (it was drawn to be removed and replaced page D* of the print) which enters the building at the west side as an old pipe. In its place a new cast iron drain assembly was to be connected and extended ** or more feet east. The plumbing contractor failed to install the storm, sanitary, and grease drains and drain tile lines into the main sewer as is drawn in the blueprint. The blueprint drawn storm water line was for roof run off only, not parking lot water. The plumber connected the parking lot storm drain into the main sewer, which was to have been replaced, without consideration for a new sewer based upon the extra square footage of the parking lot and all of its extra water. Tomacor believes that the storm water pit or basin in the parking lot should have been independently connected to the Street side sewer lines which would have acted to reduce pressure on all drain lines and improved the conditions in the storage area under the building at **** North Street. See Chicago Plumbing report.

ABC Report Section * Point * Tomacor stated...

Tomacor says a new storm water sewer line is needed. ABC disagrees. The Chicago Plumbing Report shows that the kitchen side waste lines are too small and not as drawn in the print. The visual evidence of this error is that the drain lines are only *” yet the print calls for *” (P* of the blueprint). A *” line is needed for both sides of the building. In addition ABC notes a new parking lot storm basin and sewer assembly, but fails to note that it is not in the print. Finally the new smaller roof drain lines connecting the sewer and roof downspouts in the lot need to be replaced. They are too small. See Chicago Plumbing Report and the Chicago Building Code *8(**_****.*).

ABC Report Section * Point ** Tomacor states...

In this point Tomacor notes that the northeast corner sump pit was to be removed during the renovation. It was also the intention of Tomacor's initial inspection to evaluate the systems that are in place, as well as to provide a preliminary review of the blueprints. Under these circumstances Tomacor chose to inspect and review the existing sump pump and to note the deficiencies discovered even though it was to be replaced. The blueprint calls for its removal on page D-* but because it was in place, Tomacor inspected it and noted that the lid (man hole) on the sump pump is ill-fitting and partially sealed with a piece of scrap rug. See photo #** in the ABC report. A rug is not an approved lid. A custom built lid will need to be installed. See Tomacor's photo section, page * (upper right with rug) of the 8/**/** report.

ABC Report Section * Point ** Tomacor states...

Tomacor notes a budget of \$**,*** or more for repair. ABC does not agree. During repeated inspections of the basement area Tomacor noted moldy, damaged drywall and wet, warped and damaged doors (see photo sections). Because the basement sub slab area is taking so much water and the surface collects water, it is necessary to install a City of Chicago mandated sump pump and drain tile assembly. See the Chicago Plumbing Report where they call for this. In addition all the moldy, warped, damaged drywall and doors must be removed and replaced during the reconstruction process. This should be undertaken only after the sewer and drain lines have been replaced per the blueprint and drain tiles installed. Finally abate the mold. It is important to hire experienced and licensed plumbers to finish the work.

ABC Report Section * Point ** Tomacor states...

The North side property next to **** includes a grease trap that encroaches on ****. Have your north side neighbor move their grease trap.

ABC Report Section * East Elevation

ABC Report Section * Point * East Elevation

Tomacor notes that the masonry work throughout the building is substandard and leaking. Flashing and weepholes are missing or poorly installed. Water is entering the building all over the east side. ABC disagrees.

The City of Chicago standards (Group ** of the CBC and others) and professional masonry standards have been in place for many years. Under these circumstances why would the Developer and General Contractor skip them almost entirely? Alderman Vi Daley (**) worked hard to pass these standards. No reason is given by ABC why they were omitted. Without flashing and weep holes properly installed the building will leak. As late as */**/** Tomacor observed the top floor west end of the building where the new construction is without flashing and weep holes. ABC appears to defend the developer while admitting that weep holes should be added. In fact these details are critical and must be added now. ABC in their report references the Brick Industry Association and other professional standards that Tomacor

included in its report. The failure to install flashing and weep holes in the required location does not allow water to properly drain from behind the masonry to the exterior. Modern brick walls are a “water managed”, not “water proof” system (Tomacor quotes). See photo section ***/** report on pages *, *, *, 8, *, **, **, ** and ** and the ***/** report on pages * (lower) and * (upper) of the photo section.

New and old steel lintels need painting or they will rust and crack through the masonry walls allowing even more water into the building. ABC agrees with this. They recommend lintel painting, so do we. This will be an expensive repair because some lintels are two or three stories above the ground. ABC agrees with Tomacor that “all steel lintels should be painted”. Paint them using two coats of paint after priming.

ABC Report Section * Point * *East Elevation*

ABC states in their report that the third floor weep holes were installed properly. Tomacor disagrees (see photos throughout our photo sections ***/**-***/**). In fact these weep holes are absent. The visual and photographic evidence disputes the ABC claim (moreover their photographs dispute this). Flashing and weep holes are required to be visible. See their photo #** and others. See Tomacor’s photo section on pages *, *, *, 8, *, **, **, ** and ** of the ***/** report.

ABC Report Section * Point * *East Elevation*

Tomacor notes missing caulking at head joints. ABC disagrees. The industry and professional standard as defined by the Brick Industry Association and the Masonry Advisory Council require that caulk must be used at the head joints (at points where stone joins) of limestone caps. See Masonry Advisory Council Technical Notes (Www.Maconline.org). Without the caulking, water enters the masonry wall at these mortared head joints and then migrates into the building through hairline cracks.

ABC Report Section * *South Elevation*

ABC Report Section * Point * *South Elevation*

ABC chooses to dispute Tomacor’s opinion to seal the control joints in the masonry. According to ABC they did not observe the open control joints in the masonry. Tomacor observed the joint(s) and insists that they be filled with an approved flexible caulking material such as an Elastomeric product with backer rod. This will allow the wall to expand and contract with temperature and seasonal change and remain watertight. Control joints are needed to allow for the constant expansion of the brick. Failure to close up these control joints in a masonry wall will send water into the residential and commercial spaces below.

ABC Report Section * Point * *South Elevation*

ABC disagrees with Tomacor’s opinion that blueprint changes need written authorization. Tomacor believes change orders and drawing changes were necessary to redesign the plumbing

and other systems. There are no signed change orders or design changes. The Developer must provide the signed change order issued by Mr. Deere or City Code Official, when the architectural plans were changed. ABC states that the developer's plumbing construction detailing is adequate and approved (although different from the blueprint) yet does not have documentation to support their opinion. Submit the required change order from the City of Chicago Building Department and the blueprint changes from Mr. Architect, the architect.

ABC Report Section * *West Elevation*

ABC Report Section * Point * *West Elevation*

Tomacor notes poor roof and downspout work. ABC states that the downspouts have been changed yet they do not note that downspout connecting piping below ground is too small. This error in sizing causes significant water back up in the piping below the ground contributing to significant water events, back pressure, and standing water throughout the basement of the building. The building must dry out. See earlier discussions. Review the Chicago Plumbing Report in the Critical Documents section of this report. They agree with Tomacor's opinion that storm water needs to be abated etc. See Chicago Plumbing report. Budget \$**,*** for repairs. See budget chart.

ABC Report Section * Point * *West Elevation*

Tomacor notes evident rusting at the west side porches and balconies. The problems continue even as of **/**. See photos from **/** on pages * and *. This is not galvanized metal as claimed. They should be painted. This has been on the Tomacor list from the beginning. See rusting west side porch photos on pages * and * of the **/** report, pages * of the **/** report and others. On multiple occasions including Tomacor's most recent visit on June **, ****, the inspections revealed that structural support components of porches and balconies were rusting; some rusting significantly. ABC is correct that galvanized piping and galvanized steel structural components do not rust, yet the photos show the porch and balcony material rusting; they were not galvanized. Painting and weather sealing is needed immediately to maintain the structural integrity and safety of the rusting columns, weld joints, floors, rails and beams at the rear porches and balconies.

ABC Report Section * Point * *West Elevation*

Tomacor recommends a second handrail at the rear stairs down to the basement. Tomacor states these stairs are inconsistent in height and hazardous. A handrail would help. ABC states their notion of the CBC. A second hand rail is not important for them.

ABC Report Section * Point * *West Elevation*

Tomacor wants the fire exit windows to be operable per CBC Group **. ABC disagrees. The developer sold the building with numerous padlocked basement window burglar bars. These bars prohibit the safe egress from the basement in the event of a fire or other emergency. The

windows are hazardous and unsafe. These window guards must not be locked in a way that requires a key for their operation from the inside. ABC disputes this. Tomacor recommends that the CBC be reviewed for an explanation of the need of safe exits. This error is not financially significant; it is materially significant and hazardous. See photos on page *, lower right, of the */**/** report photo section. Budget \$***.** for this repair.

ABC Report Section * Point * *West Elevation*

The west side basement stairs remain a tripping hazard due to their inconsistent riser heights, irregular surfaces, and inconsistent repair according to Tomacor. A second handrail would be good to protect citizens. Ice and snow removal here are difficult at best. The floor drain cover is too small to take the water sending large amounts into the basement. The existing stairs must be improved and the door sealed. ABC suggests that a concrete overlay would work.

ABC Report Section * Point * *West Elevation*

ABC defends the rear metal work and stairs. The rear metal stairs and stair tower are rusting badly. Tomacor's original inspection occurred when the property was still under the developer's warranty and the rear metal stair towers were rusty, and poorly welded. Review the photographs on page * and * of the */**/** report and page * of the */**/** report. Budget \$**,*** to professionally prep and paint the stairs.

ABC Report Section * Point * *West Elevation*

Tomacor requests electrical lighting to be installed at the rear of the building. The electrical piping is already present. See page * (upper left) of the */**/** report photos. ABC disputes the needed electrical repair pointed out by Tomacor. The ABC Inspectors "did not observe" open electrical conduit at the west side of the building yet Tomacor's photograph illustrates that it is present over the doorway near the center of the building at the west side. A review of the included photos will reveal the open conduit and missing light fixture. Lighting is critical for security and safety.

ABC Report Section * Point 8 *West Elevation*

ABC agrees with Tomacor's opinion about the need to replace a plastic drain pipe in the building's concrete landing. The material used (PVC) is not appropriate for use outside or in embedded concrete. See */**/** (upper right) report for a photo on page *.

ABC Report Section * Point * *West Elevation*

Tomacor notes that the west side masonry which is totally brand new is spalled and open in areas. ABC Inspectors agree with Tomacor that west side masonry is spalled and does contain open mortar joints that need to be repaired. The areas in question approach ** square feet or more and this does not represent a small repair as claimed by ABC. Open mortar joints allow water to enter the wall and migrate into the building. These repairs must be made immediately. See Tomacor's photos, page * and ** of the */**/** report.

ABC Report Section * Point ** *West Elevation*

Tomacor notes the damaged, spalled sidewalk. ABC disputes Tomacor's notion that the sidewalk is damaged. They state that the west elevation concrete sidewalk is in "normal" condition. ABC further states that the cracks were due to reasons that "we don't have control over...." A simple walk around the block will reveal that none of the other sidewalks are cracking and spalling as severely as the concrete poured by the developer. It is a tripping hazard. See photo showing progressive deterioration from the report, */**/** on page *, lower left and right. Further spalling is noted in the */**/** report on pages * and *. Concrete properly installed in this locale will remain intact. The damaged concrete is a trip and fall hazard for a homeowner or pedestrian. See earlier notes.

ABC Report Section *North Elevation (ABC numerical references missing in original report)*

Tomacor notes north and south side balcony roof repair needed. The ABC Inspectors could not locate the roofs. Tomacor had noted earlier that the lower level north and south roofs need to be repaired or replaced due to leaks. The ABC Inspectors reference the parapet wall that is located on the upper level roof indicating they observed the upper level roof. Due to the lower level roof and masonry problems, the dentist's office continues to take water into her space creating unsanitary conditions for her staff and her patients. Flashing was also skipped below capstones sending water down the wall and possibly into the building. For a Code reference, see the Chicago Building Code Group **, the Brick Industry Association Technical Notes *, *, *8 and others and the Masonry Advisory Council. Budget \$*,*** for repairs. See budget chart.

ABC Report Section * *Roof*

ABC Report Section * Point * *Roof*

Tomacor notes the roof is poorly installed and leaking. ABC says the roof was "mostly constructed properly" (ABC report). Tomacor has inspected the roof multiple times, including */**/** where water was found under the roof. While a recent attempt at "cutting a core" into the roof (*/**/***) was interrupted by a downpour, the follow up core cutting proved that the roof was compromised. The flashings remain open, the installation is gapped and not properly overlapped, and does not meet manufacturer, or professional standards in Chicago. Replace it immediately.

Tomacor used a Tramex Moisture Encounter on */**/** and */**/** to test for moisture. The roof tested wet with each inspection. The core cutting and follow up roof examination confirms this analysis.

The Tramex Moisture Encounter discovered moisture at multiple points on the roof including the west side and around roof penetrations at heating flues and other areas. Deficiencies in roofing are noted in multiple photo reports on pages *, *, *, 8, *, **, **, ** and ** of the */**/** inspection, page * and * of the */**/** report and pages * and * of the */**/** report. Other photos are in the report and */**/** report photos, page *, where water can be seen below the

roofs surface. Tomacor's inspection reports note violations of professional standards and roof problems over many months of inspecting. Photographs are provided which also illustrate that unit owners are experiencing roof and masonry sourced water in their condominiums. The roof remains compromised, significantly deficient and in need of replacement. Budget \$8*,*** - \$***,*** to remove and replace the roof. See budget chart.

When installing a brand new roof and deck for a condominium building, the expected standards of installation and workmanship for moisture control extend beyond a simple moisture content reading. Developers and contractors owe buyers, the architect, and the City of Chicago a professional quality roof that performs and will last. Leaks, sloppy flashing, furnace flue fire hazards, open seams in the roofing, poorly capped roofing, and a failure to follow manufacturers standard is inexcusable. The balcony roofs, upper and lower, have been installed poorly, are leaking, and are creating unsanitary conditions. They need major repairs immediately. A review of the National Roofing Contractors Association manuals will confirm professional standards. The modified bitumen industry standards for this roof are discussed and detailed here. See section *.*.*.* of the Low Sloped Membrane Roofing Guidelines, *th Edition. It is clear about the details. Drawings of these details are attached to this report in the Critical Document Section. Review them.

ABC Report Section * Point * Roof

Tomacor notes the roofing capstones are too short and not deep enough. ABC does not understand Tomacor's point. The existing stone is *-*" too short. This is in reference to the stone, not its overhang. The coping stone should sit over the brick and protect this masonry against water infiltration on both sides. It is required to be wider than the masonry wall in order to shed water away from the porous wall. It is required to be flashed fully (through the wall) below the stone coping to prevent water infiltration. These standards were partially followed for the lower level balcony coping stones (north and south). They were not followed at the top of the building coping stones. The drawing provided by ABC on page *8 of **, illustrates a quality installation of the capstone with flashings and a drip reveal. They prove our point. Tomacor's research in the National Roofing Contractor's Association Manual Volume IV drawing MB-* shows the professional detailing standard for roof flashing. Note it is not extended up entirely over the parapet wall like **** North Street. Complete the required repairs so the roof can meet standard by tearing it off and replacing it. This will require cutting the roof wall flashing down and exposing the masonry wall. If the wall is damaged, it will need repair. The ABC drawing on page *8 imitates the Architects blueprint on page A*. This is the style of construction Tomacor expects in the field. The developer and General Contractor installed coping that is too small. It will not shed water.

The new masonry walls extending above the top floor roofline will rot behind the roof flashing that is trapping water. The installed flashing is full of holes and gaps. See photo page **, upper left shot of the */**/** report. See ABC drawing on page * of ** of their report. This drawing shows what was built on the roof. Tomacor's photo on pages **, ** and ** of the */**/** photos shows how that roof is compromised. See also photos on pages * and * of the */**/** photos and page * of the */**/** photo "Water at Jamb" and page * of the */**/** photos "Brick behind stone sill".

Multiple roof penetrations have been made without using good roofing sense. NRCA drawings are included in the Critical Documents Section of this report that illustrates the proper and professional way to make a roof penetration. The MB roofing drawing #** is the professional standard along with MB #** “Sheet Metal Enclosure for Piping through Roof Deck”. See Tomacor photo and captioned complaint on page ** of the */**/** report at the lower right for the **improper** way to do it.

ABC Report Section * Point * Roof

On June **, ****, Tomacor attempted to inspect portions of the roof before it rained. Unfortunately we had to leave due to a downpour. Tomacor noted that significant portions of the south side roof were extended loose over the wall at the corners. Tom Corbett pointed this area out to the roofer and ABC Engineering who was present for the inspection and taking notes. ABC noted in their December **** report that they “did not see any openings in the roof area”.

ABC Report Section * Point * Roof

Tomacor notes the roof is open and provides photos. ABC disagrees. The professional roofing standards require that a torch down modified bitumen roof must show the required heat welded “bleed out line” (Tomacor quotes) to complete their installation. Please note the Roofing report in the critical documents section of this report. Without it you cannot successfully seal the roof. In the absence of this line the roof is installed improperly and should be considered open. In addition, termination bars are needed at the north and east sides of the roof and other areas (See Roofing report). ABC agrees with Tomacor in Point * that termination bars are to be installed where needed. See photo pages *, **, **, and ** of the July **, **** report.

ABC Report Section * Point * Roof

Tomacor says the sanitary stack flashings are poorly done. ABC partially disagrees. The sanitary stack flashings must be installed to professional standards. See the Chicago Building Code Group ** and NRCA drawing MB *8.

ABC Report Section * Point * Roof

Tomacor discovered moisture below the roof. ABC says it is dry and notes that their testing equipment measures moisture content at the roof surface, not into the roof as Tomacor had done with the Tramex Moisture Encounter. In addition their Testo infrared scanner is not designed to be used in below freezing temperatures; neither is the Sonin Moisture Meter (see earlier discussion of equipment and the Critical Documents section). Their inspection results appear compromised. See photo section, page ** of the */**/** report, lower left. ABC also talks of *% roof moisture content inside the roof yet neither the Sonin device which cannot read subsurface moisture or the Testo device could read below surface moisture saturation. Where does this *% reading come from?

ABC Report Section * Point * Roof

The roof was noted as leaking by Tomacor in multiple areas on the *nd and *rd floors below roof penetrations during the */**/** inspection. ABC also observed the condominiums. Unit owners complained of water problems and in one or more cases a bucket was noted on the floor used to collect leaking roof water. ABC notes no problems

ABC Report Section * Point 8 Roof

Tomacor believes more cant strips are needed. Cant strips are noted in the drawing yet they could not be confirmed under the roof. ABC agrees that there are no roofing cant strips on page ** of their report. The roof flashing requires them and the drawing specifies them. Install them as required.

ABC Report Section * Point * Roof

Tomacor notes roof creep along the outside walls which tears the roof away from them. See photo page ** of the */**/** report, lower left. ABC disagrees. The inspector noted roof creep at the southeast and northeast corner of the roof. This can tear a roof apart that is not properly and mechanically fastened to the masonry or roof deck. ABC disagrees. Tomacor noted a taught pulling roof not a “slack membrane” as ABC claims in their report.

ABC Report Section * Point ** Roof

This point discusses Tomacor’s comment about the collapsed sanitary sewer at the Northeast corner of the building in the street. This sewer was collapsed and photographically noted on page * of the 8/**/** inspection photographs. This collapse could easily contribute to the water problems in the basement.

ABC Report Section * Interior

ABC Report Section * Point * Interior

Tomacor notes that the rear basement door is without a threshold and is taking water into the basement. ABC notes that if a threshold is needed with a door they would be sold with them by the wholesaler.

The way a piece of material is sold, like a door, without a threshold, does not dictate how it is to be installed to meet code or standard. Contractors are to know what type of door is needed before they buy. Developers hire architects for this purpose. Exterior doors require thresholds, especially in areas where the floor drains back up.

A lack of familiarity with construction detailing is evident throughout this project. Choosing inadequate underground downspout piping is another example of this naiveté. Omitting the flashing and weep holes is another example. The general contractor should have called the architect if there were questions about the roof drainage, the thresholds and the flashing. The

steel commercial grade doors which the developer installed are routinely sold without attached thresholds to allow the contractor to install them. All exterior doors require a water management threshold or energy saving threshold or both to be installed per industry and professional standards in cold weather climates. They cannot be left without one. See photo section page * at the bottom of the */**/**** photo section of this report. Budget \$*** for door threshold installation. See budget sheet.

ABC Report Section * *City Violations*

ABC Report Section * Point * *City Violations*

Tomacor was presented with a list of City violations that date back to a time when the building was empty and another floor was being added. Other City violations are dated as late as June ****. City violations are noted for electrical, fire safety, mechanical, and other areas. In addition, standing water in the basement area of the building is also considered a building code violation in multiple sections of the CBC. The list of City violations even recommends a meeting between the City, the Developer and the Association. Review the violation from */**/** #*****8* by Inspector #BC*****.

The Chicago Building Department is charged with completing multiple building system inspections yet there is no masonry inspection or foundation inspection required. The City does not perform a quality control function in these areas. It is left to good workmanship. All involved depend on the contractors for that.

The City reviews the blueprint before a permit is issued yet it does not usually follow up. In fact, the City does not compare what “has been built” (Tomacor quotes) to the blueprint. The City will not know about specific problems. Developers are required to file “as built” drawings with the City. They are required to document what has been built. Where are these drawings? These blueprint details are owed to the unit owners, yet they are not critically compared to the originals by the City.

In addition, the City may inspect and call an area “passed”, “failed” or “open”. An “open” violation may be one that failed yet a follow-up inspection has not taken place. A “failed” inspection is one which should be revisited to confirm the City standard before it is marked “closed”, “failed”, or “open”.

Tomacor was given a list of inspection violations in the City of Chicago format that is several pages long. Unless the City of Chicago comes back to inspect each of the “open” or “failed” inspection items they should be considered unresolved. The Developer and General Contractor must provide a full, complete and final list of all City inspection issues with appropriate signatures to confirm that the City has signed off on its inspection work. The Board should participate with the City in this. If not examined now by the City, inspection issues will be left failed or open causing the Association to pay for the repairs.

Tomacor is requesting the final, documented and completed notes from City inspectors after they finish their last, soon to be scheduled, inspection. These notes are due the association (through

the developer) and should include a full set of “as built drawings” required by the City. Change orders signed and initialed by Thomas Architect and others; inspectors from the City should also be given. In addition there should be signatures on the back of the permits from the City inspectors which prove the building has been inspected and passed. ABC and the developer agree that the City has completed all of its inspections, except for the Certificate of Occupancy. A “C of O” is not a substitute for an individual system or compliance inspection by statute (CBC Group *. The developer has not produced the required signatures from the City inspectors or the “status” of each violation as declared by the City and reviewed by City inspectors. The violations should be reexamined and passed or failed by the City.

If the Developer, General Contractor and Architect are firm in their conviction that the property meets all of the City of Chicago standards and manufacturer standards then they should agree to a full and formal review of the building by the City Condominium Task Force members. Tomacor recommends this.

The opinion expressed by ABC in their ***/** and ***/** report regarding these outstanding violations is that they “didn’t see any temporary wires or cables or flaking paint”.

ABC Report Section * Point * *City Violations*

Tomacor noted City citations for the property. ABC responded by stating that Mr. Smith, “did not receive any official violations and he is not aware of any outstanding violations”. Tomacor understands why Mr. Smith did not receive these notices of violations. The City approved permits list _____ as the owner. They would have been sent to him.

ABC Report Section * *Blueprint Assessment*

ABC Report Section * Point * *Blueprint Assessment*

The ABC report lists Mr. Thomas Architect as the architect of the property. His Illinois license number is *-8***. Tomacor notes this assessment.

ABC Report Section * Point * *Blueprint Assessment*

Tomacor notes the need for ejector pumps and vents as drawn in the blueprint. ABC disagrees and states that there is no need for the installation of any ejector pumps in the basement although they are specifically drawn and referenced on page P* of the plumbing drawing. Install the ejectors and vent them per the blueprint schematic and code requirements of the City of Chicago. Review the Chicago Plumbing inspection letter. Also review the difference between sump pumps and ejector pumps. Because the basement floor water is dirty waste, it must be removed with an ejector pump. See the Critical Document section of this report and review sump and ejector standards. Observe the distinction in the Critical Documents sections where there are drawings.

ABC Report Section * Point * *Blueprint Assessment*

Tomacor notes that smoke and carbon monoxide detectors are needed at the stair bottoms per the blueprint. ABC disagrees and states that the basement was sold unfinished and that “unit owners can install smoke or carbon monoxide detectors at their own expense if needed”. The City and State ordinances are demanding about the need for life safety protections from smoke and carbon monoxide poisoning. Install the alarms as required at the bottom of the stairs and throughout. See CBC Group * and Group *. Review the Electrical section of the blueprint, page E*. Life safety standards do not change when a building is sold.

ABC Report Section * Point * *Blueprint Assessment*

ABC confirmed that the blueprint examiner is Mr. Deere. He is listed within the documents. It is important that Mr. Deere provide his opinion regarding the CBC and the blueprints.

ABC Report Section * Point * *Blueprint Assessment*

Tomacor notes the exit stairs to the basement need fire code rating as specified in the blueprint, page A*. ABC Inspections state that the basements were sold unfinished (even though the blueprints specifically call for * hour fire rating to be installed around the basement stairs). The Chicago Building Code standard requires that the basement stairs be fire rated (CBC Group *) and the blueprints are specific in the need for fire rating (blueprint page A*). The standards for public safety should not change because the condominium is being sold. The CBC Standards should apply. This is a life safety issue which should be repaired.

ABC Report Section * Point * *Blueprint Assessment*

As noted earlier in the report, the plumber of record is _____ according to ABC. Tomacor does not dispute this.

ABC Report Section * Point * *Blueprint Assessment*

Tomacor notes the need for the west side ladder as drawn in the prints. ABC Inspection confirms that the west side ladder to the roof has not been installed. It is required according to page M-* of the blueprint and Mr. Deere, a City of Chicago plans examiner. The ABC report notes that the Chicago Department of Construction and Permits told the Developer he does not need a ladder. Without a written waiver from the City it is Tomacor's opinion that the ladder should be installed per blueprint and City of Chicago standard. Please provide the written change order, waiver, or the ladder. Budget \$*,*** for a ladder. See budget chart.

ABC Report Section * Point 8 *Blueprint Assessment*

Florescent lights are drawn in the basement area per Tomacor yet are not installed. See page E* of the blueprint. Install them as soon as possible. ABC notes that the basement areas were sold unfinished and without lighting even though page E* of the blueprints specifies the need for lighting in the basement area. Moving a piece of property from development to sale does not give the developer the license to change the very specific life safety and illumination detailing review by the City’s plans examiner which is required per ordinance. A poorly lit basement, or

even a storage room, is a trip and fall hazard to most people and negatively impacts public health and safety. Complete the installation of the lights per the contract between the architect, the developer, the City of Chicago and homebuyers.

ABC Report Section * Point * *Blueprint Assessment*

Tomacor could not confirm exit and safety lighting. ABC believes that required exit lights and emergency lights were installed per plan.

Tomacor’s Rebuttal of ABC Home Inspection Report Section * (starting on page ** of ** of their report)

Tomacor observed the permit numbers for construction are presented in this section and that the permit was issued on **/**/****. Mr. _____ is the owner while _____ Remodeling and Construction was the contractor. A partial Certificate of Occupancy was issued by the City of Chicago on **/**/****8. Homeowners moved in March of ****8 and earlier with developer approval. There are no paved parking spaces.

The ABC report misquoted the Chicago Building Code on page ** of ** of their report. They quote the City of Chicago as stating on lines * and * that, “...allowed by permit number *** issued on **/**/**** conform to the general, *SPECIFIC*, and structural requirements...” In fact, the Code states that the “building conforms to the general, *SPECIAL* and structural requirements of this Code”. (Group * of the Code) The City of Chicago accepts responsibility, somewhat, for the “general and special requirements” not the “general and specific requirements” of occupancy.**

This typographical error is extremely important. Homeowners at ** North Street are suffering due to specific systems and components of construction that are failing and causing water damage. They are not suffering from any special Code standard deficiency. One such special standard may be in place for the rear elevator that did not get installed even though it was on the blueprint. Ultimately specific standards are not examined under the Certificate of Occupancy.**

In addition, the City approved Certificate of Occupancy was issued on **/**/****8. This was months after homeowners had taken occupancy of these condominiums. The developer let buyers take possession of their condominiums in disregard of the law. We remain grateful that the City did not evict these owners. The building was not ready for partial occupancy prior to **/**/****8.

The ABC report on page ** of ** notes that multiple deficiencies discovered by Tomacor along the buildings exterior do not exist. They do not exist at the north, south, east, or west elevation. They note, “no proper access” regarding the north elevation. Tomacor was able to obtain access and reference the problems.

Tomacor Follow up Inspection Findings *//******

On April **, **** Tomacor completed a follow-up inspection of the buildings condominium units with the specific intention to observe any sources of water infiltration throughout these areas and determine why the building was leaking. Specific areas were viewed, including the mechanical rooms, masonry, and furnace installation, so that our inspection reports could reflect the deficiencies discovered in the units. We compared what we observed with our Level I and II training by Peoples Gas in Chicago.

The April **, **** inspection revealed that most of the furnaces and water heaters installed in this building fail to meet Peoples Gas or the Chicago Building Codes standard for installation. Many of the furnaces and water heaters are unsafe and installed in a confined space. This is hazardous. The following summary represents the deficiencies discovered during the course of the inspection on April **, ****. The condominiums will be represented in this memo in the order that they were inspected. Budget \$*,*** to correct the confined space problem. See budget chart.

Unit ***

Tomacor has inspected the mechanical room in this unit three times since we were originally retained. The inspection completed on April **, **** revealed that the wet and swollen drywall, from previous inspections, around the furnace and water heater penetrations of the ceiling appeared drier and in better shape than earlier noted. The drywall appeared dry and the swollen gypsum and leaking were gone. It was noted further that the mechanical room did not have adequate combustion air according to the standards set by Peoples Gas and their Construction Guide. These standards are on page ** of the Peoples Gas Construction Guide. The mechanical room in this unit is a Confined Space and is a life safety hazard to the inhabitants with the furnace and water heater installed. The half louver door at the entrance to the mechanical room fails to provide the required combustion and make-up air needed by the equipment. The installed “B” vent must be repaired to provide one inch clearance to combustibles in this room. The current installation is a fire hazard according to the manufacturer of the vent and Peoples Gas. See photo page * of the */**/** inspection report.

Unit ***

In this condominium the developer has extended a single wall mechanical flue into direct contact with the drywall and wood frame of the building. See Chicago Building Code Group *8. This is a serious fire hazard requiring that the flue be change and a “B” vent installed to meet professional standards. Once the “B” vent is installed there should be a one inch clearance between it and any combustible material, including the drywall (other manufacturer standards may apply). See photo section page * and * of the */**/** report.

Unit ***

Tomacor discovered a leaking cold water pipe in this condominium. Hazardous mechanical equipment with a single wall flue extended through the ceiling was also noted. This is a clear, specific Code and fire safety hazard which needs to be repaired immediately. See CBC Group *8. There were complaints about roof leaks in the bedroom of this condominium while the ABC

inspector and Tomacor were present. We were told that water gets in over the windows and Tomacor saw evidence of water damage over the window yet the ABC inspector did not test the area. See photo section of */**/** report page * “Water at jamb”. The inspection of the mechanical room and the bedroom revealed evidence of significant water penetration through the roof and masonry.

Unit ***

The gas burning appliances in this mechanical room have been installed in a confined space creating a hazardous condition for the homeowner. See the Peoples Gas Construction Guide (www.peoplesgasdelivery.com). Because the equipment is being provided with inadequate combustion air (one square inch per thousand btu derated **% with a wooden, louver door) it is installed in a confined space where there is a significant possibility that carbon monoxide will be produced. A simple review of the Peoples Gas Construction Guide will confirm this assessment. They are available online.

A significant roof leak was discovered at the top floor of this duplex condominium just north of the east side sliding patio door. ABC was present during the inspection when the homeowner pointed out the area of leakage. There was a large visible area of leakage including efflorescence and water stains yet this area was not tested by ABC Inspection Service.

Unit ***

The inspectors were met by Unit Owner in this unit where she pointed out the obvious water infiltration stains from around the flue in her mechanical room. In fact there was a bucket which Unit Owner noted was used for collecting water from a dripping flue. In addition, the floors were severely warped from water infiltration and she noted that her east side balcony was taking water above the sliding patio doors in the second bedroom. Tomacor’s observation revealed that the sliding patio doors were installed unprofessionally (improper sills) with large gaps below the patio door thresholds at the building’s exterior above her.

The patio doors are required to be installed over a continuous and solid, water proof assembly in order to prevent the build up of mold or mildew in the building. See photo section page * and * of the */**/** report. Instead, common brick and caulk were used below the door threshold leaving large gaps where water, snow, or ice will collect and leak into the condominium units below. This poor quality construction detailing was discovered in multiple condominiums at the east elevation. Finally, it was noted that the dryer was installed with a foil flue, not the required smooth flue per the Chicago Building Code standards. This installation is a fire hazard because lint and heat will collect in the flue. Budget \$*** to change this. See budget chart.

Unit ***

A locking mechanism is needed for the balcony exit in unit ***. These condominiums (***, *** and ***) have small balconies whose roofs were holed with fasteners driven through them by the developer. These roofs were not located by the ABC Inspection team, as noted in their report. They remain open and are sending some water down into the doctor’s office and creating unsanitary conditions. The mechanical equipment in this condominium needs combustion air. It is in a confined space and is hazardous. Budget \$*** for a locking mechanism here. See budget chart.

Unit ***

During the inspection of unit *** Unit Owner showed us through the condominium and pointed out the leaks she was experiencing at the east side of the building in the spare bedroom. Again, these leaks were coming from specific areas above the sliding patio door and along the jambs. ABC Home Inspection did not use their Sonin Moisture Meter to test the specific areas she pointed out. The inspection also revealed the poor quality of the patio door installation where common brick and caulking were substituted for the required stone below the patio door. The sill was leaking in the master bedroom requiring additional repairs to stop the water infiltration. Some repair work had been completed in this area by 123 roofing and the problem areas appear to be better off according to Unit Owner. In addition, the flashing was noted as open at the siding section of the balcony area. This open detail will send water into the building. See photo page * of the */**/**** inspection photo section.

Unit ** A & B**

Mr. Unit Owner met the inspection team and led the review of Doctor Unit Owner's office in the building. Tomacor inspected the east elevation windows and noted evidence of large amounts of water. Water has penetrated the windows and walls since the renovation and addition of the top floor to the building. See photo section page * of the */**/** report. Tomacor was also shown a series of photographs illustrating the collecting and pooling of water at these windows during an ice, rain, or snow event. The pooling of water is consistent with the absence of flashing and weep holes noted throughout this report and with the absence of door sills of full length above. The developer used common brick and caulking. Water is cascading down through the wall and originating from the open gaps between the common bricks beneath the sliding patio doors above. Extend the sills below the doors. The ceiling tile has been replaced in the waiting room here several times according to Mr. Unit Owner.

Tomacor also observed the conference room where large amounts of water have collected and fallen into the condominium since the time of Doctor and Mr. Unit Owner's purchase. Tomacor could see the evidence, including efflorescing brick and stains from ponding water, throughout this room along the east wall. Repairs should be initiated immediately. See photos on page * of the */**/** report photo section.

Water and/or sewage are also entering into this dental office from one or more locations at the ceiling line, possibly the condominium above. The Doctor has had to fix interior components of her office while the association has assumed responsibility for repairing poor quality plumbing above the ceiling. These problems should be fixed by the developer.

Multiple deficiencies were discovered with the installed furnace and humidifier in this commercial area. The horizontal furnace sits directly on top of wood framing. This is a fire hazard and should be repaired with a base of fire retardant treated material or similar product. See page ** of the ABC report.

Conclusion

It is Tomacor's opinion that significant, life threatening liberties were taken with the public health and safety as the Developer and General Contractor built this building. Specific Life Safety issues, such as the burning of the wood framing (which occurs when flues are too close to

wood) which creates a carbon monoxide poisoning hazard, were accepted by the developer in known jeopardy to the unit owners.

The specific result of these short cuts in construction is an increased risk of fire and disease. The hazards associated with inadequate combustion air, in many condominiums, and the production of carbon monoxide are well known throughout the United States and the City of Chicago. The National Fuel Gas code and Peoples Gas standards mimic each other. Chicago is very proud of its Fire Safety and Carbon Monoxide Standards which appear to have been completely ignored during the construction of this building.

Finally, Tomacor observed very clean and well kept condominium units consistent with owners who are concerned with maintenance, cleanliness, and healthy living. These are not people who ignore required maintenance or their housekeeping.

Specific standards were clearly drawn in the blueprints for roofing, plumbing, heating, electrical, and other areas, and these blueprints were reproduced in multiple sets and distributed to the subcontractors so they could prepare bids to complete the work. Under these circumstances Tomacor expects the developer, general contractor, subcontractors, and laborers to follow the drawings. There is no other way.

Multiple representations about change orders, omissions, and possible errors in judgment are explained away by ABC yet these changes need written documents to support their installation and ABC's point of view. Tomacor is left with the sense that the general contractor and subcontractors were simply making decisions in the field as they felt they should without City, architect, or engineering scrutiny and approval. This is not the standard that Tomacor expects to be in place within the City of Chicago as multiple condominiums and commercial storefronts are being built. Where are the written documents?

It is clear from the changes made in the construction of the building when compared to the blueprint that many thousands of dollars have been saved. These changes, once approved in writing, should be passed along to the new condominium owners in some fashion. In other instances, such as the keeping of the basement sewer line, the developer appears to have saved tens of thousands of dollars without passing any of the savings on to the homeowners. Instead, the homeowners have been burdened with an incredible public health problem that continues to flood their basement with rain water and human excrement beneath the concrete floor.

Tomacor has cited numerous Chicago Building Code violations, some of which date back to the period in which the building was under construction. There is no evidence that the City has approved any of the changes or repairs made by the developer. In fact, there is no evidence that the developer has made necessary repairs, only that he has created additional Building Code violations. Until the City of Chicago Condominium Task Force comes out and fully evaluates the building and notes Code violations all of the earlier represented Code violations contained in the Critical Documents section of this report should be considered open and viable and threatening the new board with huge financial expenses.

It is critical in this discussion to remember that any Certificate of Occupancy does not include "specific analysis of the property or comparison to the Chicago Building Code standards" the "C of O" only compares the "General Conditions" (Tomacor's quotes) of the building to the "General Terms" (Tomacor's quotes) of the Chicago Building Code. Tomacor's experience is that the "C of O" is very narrow in its scope and can be granted even with significant Building

Code violations in place in the building. The homeowners deserve a full and complete inspection by the Task Force and it is expected that the developer will fulfill on all of his obligations to the City and to the condominium unit owners. Homeowners should not have to pay for Code Violations created by the developer which may show up over the next * or ** years. If those problems exist now, they should be fixed now

Recent Tomacor Inspection Findings *//****

On Saturday June **, ****, Tomacor arrived to **** North Street at **:**am to meet with XYZ Roofing and a member of the ABC Inspection team. Tomacor inspected the roof with XYZ Roofing and Engineer of ABC. It was Tomacor's intention to locate additional roofing deficiencies not noted in their earlier inspections. Tomacor was successful. Review the attached photographs for help in understanding the problems noted.

The inspection proceeded and covered all areas of the roof. Tomacor was looking for water and poor construction detailing. We were forced to rely on industry standards not manufacturer standards because we do not have the roofing manufacturer's name or the unique product's name made by the roofing manufacturing company. Several observations are in order.

Observations by Tomacor

1. The roof is wet below its surface along the west end. Tomacor began the roof inspection on **/**/** by laying the Tramex Moisture Encounter down on the roof to test for water at the west elevation. The equipment noted that the roof was dry at this point. As Tomacor began to read the roof the Roofing roofing inspector began to walk the west side of the roof and look for water trapped below the roof's surface. At this point, Tomacor put the Tramex Moisture Encounter away because the roofer noted water which began to squirt out from under the roof. Tomacor asked the roofer to cut a core in the "wet area" which he did. The roof and flashing immediately began to leak into the core in the roof. Tomacor photographed the water collection and both the roofer and Tomacor stood on the roof and walked around the core cut to see if other water would migrate into the hole. It did. The ABC inspector stood nearby. At this point, there was no need for the Tramex Moisture Encounter, the roof was wet. This process, without the moisture meter, was repeated at several other areas of the roof based upon the roofer's findings. Another core was taken by the northwest section of the roof and, once walked, water immediately began to fill the hole.

While walking ahead of the cored roof Tomacor noted water oozing out from under the flashings at multiple locations. These areas were not cored, the roof was wet. Finally, the inspector noted a large water blister at the northwest corner of the roof within ten feet of the north side of the building which should be opened up and the roof repaired immediately.

In all areas but one where the instrument said the roof was wet, the Tramex did locate water below the roofs surface. One area was noted as wet yet when it was cut open it was dry and a nail with a flat washer was observed. All other areas noted as wet were in fact running with water when the roof was opened. These observations help confirm the quality of our instrument. It is critical to complete invasive testing in order to prove preliminary observations when an expensive repair or roof replacement is involved. See multiple photos in Tomacor's photo section of this report.

2. Tomacor noted what appeared to be recent roofing and masonry repairs undertaken by someone other than an association member. Loose tape around flues and additional caulking that is not needed and was not there during the **/**/** inspection were obvious. The Board representative said they did not do these repairs. The developer should not continue to make these repairs.
3. Tomacor took additional photos showing poor installation, poor “bleed out” at seams, open seams, loose flashing, and a roofing product used improperly to cover masonry ledges, parapet walls and exterior walls. The roof remains open in multiple areas. It is taking water. See photo section. See pages *, 8, and * of the **/**/** report.
4. A large amount of what appears to be water is trapped behind the northwest corner roof at the interior flashing membrane. Repairs are in order here after the source of water is discovered and repaired. It is not acceptable to allow large amounts of water behind or below the roof membrane where it will rot building materials. Repair as needed now.

Observations by XYZ Roofing

A representative of XYZ Roofing accompanied Tomacor during the June **, **** inspection. It was Roofing’s job to core the roof and patch it after the core was complete. Roofing made multiple cuts or cores and discovered water emanating from beneath the surface of the roof. The following observations are critical when you examine their report:

1. Roofing noticed water coming out from under the roof and flashings where it was collecting on the roof surface.
2. Termination bars were not present on the flashings.
3. The flashings were * to * feet tall.
4. The torched down modified roof was not sealed properly causing “fishmouths”.

The observations made by Roofing are consistent with the observations made by Tomacor. The roof product is poorly installed and collecting water while some of the water is working its way into the living space below.

The summary of all of the roof’s problems is clear. The roof remains poorly installed and open to the weather in multiple areas. In addition, the west end of the roof is wet in multiple locations with a large amount of water collecting at the northwest corner. The roof should be removed and replaced as soon as possible and before the winter of ****. Professional standards must be followed with the installation of the new roof. Termination bars must be added and the roof sealed as required per the manufacturer and industry standards. Review the attached XYZ Roofing report dated July *, ****.

Concluding Comments regarding the */** Inspection**

The inspection on ***/** confirmed that the roof is compromised. The workmanship is poor and defective. It is letting large amounts of water into the roof and between roof layers. Some of this water leaks through the roof to the areas below. See photo section.

In addition it appears that the roof and roof's surface is changing as repairs are made that are not authorized. These repairs could be damaging the common areas. The developer or his agents must stay off the roof.

Mr. Engineer was courteous and helpful during the inspection. Ms. Attorney, the attorney for the developer, asked that Mr. Corbett identify his equipment make and model numbers for Mr. Engineer which he did.

A Summary of Photographs produced by A & H, Tomacor's Photographs, and Tomacor's Observations

During the review of the photographs presented by ABC Tomacor noted in the first four photographs regarding the masonry elevation that the photographs do not show close up detail work. By its nature, water seeks small cracks and holes and does not enter into the building all at once through a two or three thousand square foot wall. Close ups for the masonry work would help. (See Tomacor's photos) In addition, ABC photograph * shows the south elevation where the second floor south side roof exists, a roof that was damaged and causing leaks into the Doctor's office below. This roof was not located by ABC Inspection.

Photograph #* from ABC shows an extended downspout which 123 Roofing ran into the cast iron hub behind it. The current or final installation does not have the downspout splashing onto the ground. It discharges into the hub. In addition, the downspout drainage pipes below the ground are too small per the Chicago Building Code and report prepared by Chicago Plumbing. See Chicago Building Code *8-**-****.* These pipes represent hazards which have encouraged major water presence below the slab in the basement of **** North Street.

Photograph #** on page * from ABC notes that water will discharge by gravity into the roof drain. The new larger downspout more professionally imitates the proper size for the roof drainage assembly below the ground than the pipe installed by the developer. It is too small. These below ground calculations for pipe sizes were not completed by ABC or by their plumber who should have known the risks of flooding when he installed poorly sized roof drains below the ground. See CBC *8-**-****.*

Photograph #** from ABC shows an attempt to repair leaking by 123 Roofing. The repairs were imperfect yet they helped to limit water infiltration where requests by unit owners for help from others were denied.

Photograph #** from ABC shows the originally installed downspout which actually appears to back pitch the angle needed to remove the roof storm water. This is a poor quality installation and was done by someone unfamiliar with roof and gutter work. See the CBC ** (*8-**). ABC is mistaken.

Photograph #** from ABC illustrates the need for painting the lintels and shows the developer's omission in failing to provide flashing and weep holes over the lintels and below the limestone sills above and next to the railing. Without flashing and weep holes in renovation and new construction the buildings will leak, creating a mold or mildew hazard. See the Chicago Building Code **(**-***). ABC is mistaken.

Photograph #** from ABC shows the failure on the part of the developer to maintain the manufacturer required fire safety distance of * inches between a single wall flue and combustible materials. This is a major fire hazard which should be addressed in all units affected. Also note the failure of the developer to install drywall or fire code rated material behind the plenum of the furnace in the photograph. This is not the quality expected. Review the Chicago Building Code *8(*8-*8-8**, ** etc inclusive). ABC makes some false assumptions.

Regarding ABC Photograph #**, page A* of the blueprint notes that the basement stairs are to be enclosed “*hr Enclosure required” (page A* of the print), yet this was not done. The constructed stairs were cheaper and non code compliant. They are also hazardous. Were these savings passed onto the purchaser? Does the purchaser know they are a fire hazard and out of code? The included ABC photo proves Tomacor’s point. The stairs must be replaced and or rebuilt immediately. See page A* of the blueprint. Their assumptions about not having to follow Code or blueprint after a sale are inaccurate. They should have made the stairs safe.

In ABC Photograph #** the wall under the stairs is required to be fire code rated per blueprint and should therefore be covered. It has not been. During the covering the receptacle would be repaired. The Developer installed it and therefore is required to make it safe.

In ABC Photograph #** the threshold should have been installed before possession. The inspector tripped over these brackets. They are hazardous. Note the darker stained wet concrete to the left of the door and left of the crack. It is water trying to get up.

In ABC Photograph #** the horizontal crack is troublesome because it is horizontal. These are typically professionally filled with epoxy and monitored. The crack is part of the common area. All unit owners will have to pay for this should it fail.

In ABC Photograph #** the floor hole is filled with very old wood. It’s a very old hole and not one Dr. Unit Owner created. It is however, full of water. The basement is wet and needs a sump pump assembly with drain tile. See the Chicago Building Code **(*8-**-****)
It is clear in ABC Photograph #** that this ceiling hole is not fresh. It is age stained and was created a while ago. It is not Dr. Unit Owner’s doing.

In ABC Photograph #**, the blueprint on page P* of the drawings calls for an ejector system not a sump pump. An ejector system needs two pipes to remove gas and effluent yet this equipment has one pipe. It is a sump pit and pump. This photograph confirms that the developer installed the wrong equipment. A review of his documentation and notes about sump pumps and ejector pumps are in order. See the Critical Documents section of this report.

In both Photographs #** and #**, mold growth can be seen as a horizontal line on the walls in the photos. These photos confirm the water and mold presence in the basement. The basement is wet and moldy, not dry.

In the ABC Photograph #*8 these stairs are to be fire closed. (“* hour enclosure required” page A-* of blueprints) The photos show the blueprint deviation creating a hazardous, unsafe condition.

In ABC Photograph #** this installation is hazardous. The carpet covers up a man hole in the lid of their sump pit requiring a custom sealed lid as noted in Tomacor’s reports. The blueprints call for “Workmanship shall be done in a first class manner”. See page M-* of the print. This is not “the finest manner”.

Photograph #** notes old plumbing as a supposedly new rehab project. It is not. See page M-* for the “first class manner” in workmanship notes.

In ABC Photograph #*8 the membrane is Modified Bitumen not rubber as they state. The roof cap is also improperly installed leading to water infiltration.

Regarding Photograph #** there is a boot around the “vent pipe” (ABC quote). This is a fire hazard and encourages water into the building through the open seam in the sheet metal. See the Chicago Building Code *8(*8-*8 inclusive)

In Photograph #** these stairs are inconsistent in height and are a tripping hazard.

Budget Chart

Tomacor is including budget figures for repairs in this section of our report. Budgets for repairs are appropriate because cost of repair can vary so much from contractor to contractor or union versus nonunion labor etc. Tomacor provides broad based budget figures because we are not licensed plumbers or electricians and therefore do not calculate specific industry cost figures. When appropriate, we have requested that others prepare more precise budget figures or estimates as we did with Chicago Plumbing. They are specialists in the industry with many years of experience who maintain Chicago and Illinois licenses. Dollar amounts in the following chart are to be construed as budget figures only which can change by **%, or more, one way or another, depending upon your contractor of choice etc.

Tomacor's Rebuttal Report Page Number	Section of the ABC Report, Topic	Point Number in ABC Report	Budget Figures For Repair
*	Section * <i>Raise Sewers</i>	Point *.*	\$*,***.**
**	Section * <i>Concrete Stairs</i>	Point *.*	\$*,***.**
**	Section * <i>Tuckpoint Interior</i>	Point *.*	\$**,***.**
**	Section * <i>Wall Cracks</i>	Point *.*	\$*,***.**
**	Section* <i>Lights and Door</i>	Point *.*	\$*,***.**
**	Section * <i>Storage Room Access</i>	Point *.*	\$***.**
**	Section * <i>Wooden Stairs</i>	Point *.*	\$*,***.**
**	Section * <i>Sills and Flashings</i>	Point *.8	\$**,***.**
**	Section * <i>Lintel Painting</i>	Point *.8	\$*,***.**
**	Section * <i>Capstone</i>	Point *.8	\$**,***.**

**	Section * <i>Structural Lintel</i>	Point *.8 (redundant)	\$*,***.**
**	Section * <i>“B” vents</i>	Point *.8(redundant)	\$*,***.**
**	Section * <i>Rear Sidewalk</i>	Point *.*	\$**,***.**
**	Section * <i>Storm Sewer and Basin</i>	Point *	\$**,***.**
**	Section * <i>Grey Water Waste</i>	Point *	\$**,***.**
**	Section * <i>Underground Downspouts</i>	Point *:West Elevation	\$**,***.**
**	Section * <i>Fire Exist Windows</i>	Point *:West Elevation	\$***.**
**	Section * <i>Paint Rear Iron Work</i>	Point *: West Elevation	\$**,***.**
**	Section * <i>North and South Roofs</i>	(numbers omitted)	\$*,***.**
*8	Section * <i>Flat Roof</i>	Point *: Roof	\$***,***.**
**	Section * <i>Exterior Door Threshold</i>	Point *: Interior	\$***.**
**	Section * <i>Rear Ladder</i>	Point *: Blueprint Assessment	\$*,***.**
**	Tomacor Follow-Up Inspection *_**_**** <i>Combustion Air</i>	Introduction	\$*,***.**
**	Tomacor Follow-Up Inspection *_**_**** <i>Foil Dryer Line</i>	Unit ***	\$***.**

**	Tomacor Follow-Up Inspection *_**_**** <i>Locking door</i>	Unit ***	\$***.**
		Total	\$**8,***.**

Employment

****_**8* General Contractor, Chicago, Illinois

Specialized in historically accurate, energy efficient design and renovation. Competed for work on a bid basis as well as for time and materials. Also bought, managed and sold small residential properties.

**8*-Present President, Tomacor, Inc., Chicago, Illinois

Responsible for founding, administering and promoting a real property inspection company providing complete inspection and consulting services for purchasers of residential, commercial and industrial structures. Personally completed over **,*** inspections and consulting assignments.

Other experiences include serving as Chairperson of the American Society of Home Inspectors Committee on Ethical Practices and Procedures; teaching construction and inspection fundamentals at Truman College, Chicago; *contributing articles to many publications including the Chicago Sun Times, Chicago Tribune, New Homes Magazine, and the ASHI Reporter, an international trade magazine; has written a monthly column in the Chicago Sun Times real estate section; appearing as guest host on local radio and TV shows; providing expert witness testimony for the City of Chicago Landmarks Commission and the State of Illinois; arbitrating and resolving residential construction disputes for the Better Business Bureau of Chicago; founding the Illinois Society of Professional Home Inspectors to provide local professional education; providing marketing and professional consulting to home inspectors across the nation.*

Mr. Corbett is a licensed Home Inspector (Office of Banks and Real Estate #*****) and owner of the Illinois Inspector Training Institute home inspector training facility (Office of Banks and Real Estate #***.*****). All of his courses are approved by the Office of Banks and Real Estate.

Education

**** B.S., Business Marketing; St. Joseph's College, Rensselaer, Indiana

****_** Completed course work required for elementary teacher certification in Illinois; Northeastern Illinois University, Chicago, Illinois

- **8* Home Inspector Coursework; Training Learning Certification, Inc., Falls Church, Virginia
- **88 Professional Inspection Techniques and Procedures Seminar; American Society of Home Inspectors, Chicago, Illinois
- **8* Professional Inspection Techniques and Procedures Seminar; American Society of Home Inspectors, Nashville, Tennessee
- **** Fluid Handling Service and Maintenance for Hydronic Heating Systems; ITT and Bell & Gossett, Chicago, Illinois
- ****_**** Seminars in Hot Water Heating Systems, Compressor Technology; Refrigeration Engineers Society, Chicago, Illinois
- **** Arbitrator Training; Better Business Bureau, Chicago, Illinois
- **** Environmental Risk Assessment; American Society of Home Inspectors, Great Lakes Chapter, Indianapolis, Indiana
- **** Furnaces, Chimneys, Windows, and Sealants Seminar; American Society of Home Inspectors, Great Lakes Chapter, Milwaukee, Wisconsin
- **** Radon Professional Measurement Training; Midwest Environmental Training Center, Chicago, Illinois. Certificate awarded. RMP certified. Federal and state license.
- ****_**** Seminars in Plumbing, Sewers, Environmental Issues, Steam Heating, Lead Awareness, Indoor Air Quality, Pest Control, Roofing and Window Installations, etc.; Illinois Society of Professional Home Inspectors, Chicago, Illinois. Organized, planned and taught construction and inspection seminars.
- **** Professional Inspection Techniques and Procedures Seminar; American Society of Home Inspectors, San Antonio, Texas
- **** Lead Inspector Training; Midwest Environmental Training Center, Chicago, Illinois Certificate awarded. Illinois Lead Risk Assessor License #L-*****.
 - **** Electrical Systems and Hydronic Heating; American Society of Home Inspectors, Great Lakes Chapter, Schaumburg, Illinois
- **** CABO Residential Building Inspection and Residential Mechanical Inspection Seminars; BOCA International, Country Club Hills, Illinois
 - **** Wood Framing, Roof Framing, Air Conditioning & Heat Pumps, Carbon Monoxide Detection & Marketing; American Society of Home Inspectors, Great Lakes Chapter

Brick Veneer & Construction, Concrete Block Foundations, Masonry Chimneys, West Basements, Polybutylene Piping, Electrical Heating & A/C, Structure; American Society of Home Inspectors, Great Lakes Chapter

- **** Steam Heating Seminar; Affiliated Steam, Alsip, Illinois
- E.I.F.S., Foundation Failures, Energy Efficient Buildings; American Society of Home Inspectors, Great Lakes Chapter.
- **** Moisture & Marketing, Carbon Monoxide, Plumbing, Arbitration, Concrete & Marketing Seminars; American Society of Home Inspectors, Great Lakes Chapter. Formed the Tomacor Midwest Training Institute, trained ** plus home inspectors. Later became Illinois Inspector Training Institute.
- ***8 Chimney masonry and wood restoration, mock trial; Great Lakes Chapter of the American Society of Home Inspectors.
- ***8 Radon certificate and Lead certificate, training **/**-**/**; Great Lakes Chapter, School of Public Health.
- ***8 Southern Pine Council Permanent Wood Foundation seminar; Chicago, IL
- **** Building Products University Roofing Standards Seminar-Indianapolis, Indiana
- **** Building Products University Roofing Standards Seminar-Indianapolis, Indiana
- **** Baseline Property Condition Assessment. ASTM E ***8 format. ASTM Seminar, Chicago, IL.
- **** State of Illinois Lead Risk Assessors license renewal (June). License current L-*****.
- **** International Energy Conservation Code seminar. BOCA (July)
- **** International Property Maintenance Code seminar. BOCA (August)
- **** Energy Conservation and Solid Fuel Burning Appliances seminar. BOCA (September)

Professional Affiliations

- ***8*-Present Founder and Member, Illinois Society of Professional Home Inspectors (ISPFI). Illinois' first professional Home Inspection Association.
- ****-Present Member, American Society of Home Inspectors #*****, Great Lakes Chapter (GLC) Master Inspector designation

- ****_**** Member, Ad Hoc Committee -- Complaints against candidates for the American Society of Home Inspectors
- **** Member, Better Business Bureau CARE Program
- ***8 Licensed home inspector, State of Wisconsin.

Chairman Great Lakes Chapter of American Society of Home Inspectors, Ad hoc committee on licensing.
- ****_**** Uptown Habitat for Humanity Home Owner Advisory Board.
- ****-Current Illinois Inspector Training Institute licensed by OBRE (#****-*****).
- ****_**** Chairperson, American Society of Home Inspectors, Committee on Ethical Practices and Procedures (CEPP).
- **** Licensed Lead Risk Assessor, State of Illinois Department of Public Health (#L*****)
- ****- Present Licensed home inspector in Illinois (#*****)

Teaching / Training / Leadership

- **8* Red Flags: Fundamentals of Home Inspection; Chicago Board of Realtors (* hours)
- **8*, **** Residential & Commercial Space Construction Seminar; Appraisal Institute (* hours)
- **8*_**** Founding member of Illinois Society of Professional Home Inspectors (ISPHI)
- **** Home Inspection Fundamentals; Northwest Real Estate Board
- ****_**** Basics of Home Inspection and Rehab; Truman College (** hours, * times a year)
- **** Environmental Wellness; Latin School's Live and Learn adult education program
- ****-Present Home Inspector Training; Illinois Inspector Training Institute. State of Illinois Licensed education Provider #***** (****) (** plus contact hours of pre-license education under the State of Illinois guidelines License awarded in ****).
- ***8 Home maintenance seminar; Uptown Habitat for Humanity Community Economic Development Law project speaker, "Home Buying." Peer Review; Great Lakes Chapter of American Society of Home Inspectors.
- */**/** "Values Based Business"; American Society of Home Inspectors International Conference, Lake Buena Vista, Florida. One of several Primary Core Curriculum.

- */*/*/* "Capital Reserve Studies". "Expanding your Business in the year ****"; Great Lakes Chapter American Society of Home Inspectors, Schaumburg, IL
- **** Home Maintenance seminar; Uptown Habitat for Humanity, Home Owner Institute.
- **** Home Buyer Protection Seminars; Chicago Public Libraries. Consumer Protection seminars taught throughout Chicago
- *8/*8/* Home Buying, Buyer Protection & Foreclosure Prevention Seminar; Spanish Coalition for Housing Seminar and Tomacor, Inc. Saint Augustine College, Chicago, IL.
- **/*/*/* Home Buying, Buyer Protection & Foreclosure Prevention Seminar; Spanish Coalition for Housing Seminar and Tomacor, Inc. Saint Augustine College.
- **/*/*/* Speech: "Millennium Business Building Tips;" American Society of Home Inspectors Annual Conference, San Diego, CA.
- **/*/*/* Speech: "Old and New Housing Stock in Chicago, Where are we Going?" Chicago school of Architecture Foundation, Chicago, IL
- ****, **** Speaker "Getting Into the Booming Home Inspection Industry," Chicago Creative Investors Association, Hillside, IL
- **** Speaker "Models of Business Ethics and How to Apply Them;" American Society of Home Inspectors Annual Conference, New Orleans, LA. One of several key speakers at International Conference.
- **/***** Co-author with Dr. Arthur Stawinski and Ms. Joy Fischer, JD "Ethics and the Home Inspection Industry" for the *th Annual International Conference Promoting Business Ethics, Niagara University, Niagara Falls, NY
- **** Chicago Magazine, "The Home Reckoner." Critical acclaim for service and business practices. Four page article promoting Tomacor.
- **** WGN Channel * News */**/**** special report "City Building Permits." Aired during piece called "Obtaining Building Permits in Chicago." News piece after Chicago porch collapse killing many Chicagoans.
- **** Anna Davlantes news anchor Channel * News aired at **:** PM on May ****. Discussed simple home repairs that homeowners can make to help their health.
- **** Chicago Tribune June **, **** front page of the Business Section , "Looking for Trouble". A Chicago Home Inspector with a reputation for finding problems teaches his students the finer points of spotting flaws in dwellings, by Rob Kaiser.
- **** WGN Channel * News June **, **** interview with WGN News and Mr. Mark Lamet regarding recent porch failures in the City of Chicago. Aired on the *:** PM news.

- **** Aired on Fox News New York June **, **** consulted as an expert in building construction as to reasons explaining the fatal porch collapse in Chicago.
- **/**** Presented “Home Inspector Standards in the State of Illinois” for the Chicago Bar Association Real Property Committee. Committee Chair Jim Weston
- */**** The Buyer’s Home Inspector; Latin School’s Live and Learn adult education program
- **/**** Alternate Dispute Resolution. Appointed arbitrator in binding arbitration with Better Business Bureau
- *8/**** Quoted in Northwest Herald article about home inspectors.
- **** *Article in ASHI Reporter, “Pushing the Boundaries of Our Profession: Consulting, Construction, Courtroom, and Classroom”, June *****
- */**/****8 Presented “Home Inspections: ***8 and Beyond” to the American Society of Home Inspector, Great Lakes Chapter.

Expert Witness Experience

- **** Application for Economic Hardship Exception for the John Wingert House, **** North Canfield, Chicago -- Hearing before the Commission on Chicago Landmarks; Expert Witness
- **** Edward & Daryl Robinson, Plaintiffs v. Crafter Corp., and Home Owners Security Corp., Defendants, No. ** M* *****; Witness for Plaintiffs
- **** W.B. Malugen & Ethel Malenius, Plaintiffs, v. Richard Marubio & John Rogers, Defendant. No. ** M* *****; Witness for Plaintiffs
- **** John Mann, Plaintiff v. Stuart Silver, individually, and d/b/a Esco Builders, Defendant, Court file No. ** M* *****; Witness for Plaintiff
- **** Charles Hill & Lisa Green, M.D., Plaintiffs v. Henry Famula & Henry & Sons Construction Co., Inc. Defendants. No. ** *** ***** **; Witness for Plaintiffs
- **** Carson’s Shop at Home, Plaintiff v. Harriette Johnson, Defendant. No. *8 M* *** **8; Witness for Defendant
- **** Chicago Lawyers Committee for Civil Rights Under the Law, Honorable, et al v. Easy Life Real Estate Systems, Inc., et al; Expert Witness for Plaintiff. This was a RICOH case. Federal Statutes. Decision for plaintiff. **Court testimony lead to standards used in Illinois’s new predatory lending law.**
- **** Betty Beard v. Home Makers Remodeling Inc, No. ** M* *****; Witness for Plaintiff.

- **** Victoria Salazar v. Chester Hornowski, Juan Carlos Flores, Thomas Flossi, Carlos Verduusco, et al., No. ** L *****; Witness for Plaintiff
- **** Legal Assistance Foundation of Metropolitan Chicago, Odelia Meredith Case No. **M*_***; Expert Witness for Plaintiff.
- **** Gail Isaacson, Plaintiff, v. Lois Dalton, Successor of Cimoch Trust, Defendant, No. **L *****; Expert Witness for Plaintiff
- **** Elton Tinsley and Yvonne Davila, Plaintiff, v. Robert Blackwell, Individual Defendant, and Urban Fishing Community and Development Corporation, No. ** L *****; Expert Witness for Defendant
- ****_**** Richard Hoffman, Plaintiff, v. Timberline, Gen. No. *8 CH **8; Expert Witness for Plaintiff. Case involved alleged poor quality hardwood floor and drywall installation. Case decided in plaintiff favor. Tomacor testimony critical.
- **** Glendora Wooton, Plaintiff, v. Phillip Goulet and Leslie Goulet, Defendants, No. ** L *****; Expert Witness for Plaintiff
- **** The Ethel Condominium Association and Michelle Hicks, Plaintiffs, v. Urban Fishing Community Development Corporation, Defendant, No. ** CH *****8; Expert Witness for the Defendant
- ****_** Christine Bullock, Plaintiff, v. Marvin Jones Company, No. **E-8*****; Expert Witness for Plaintiff. Legal Assistance Foundation of Chicago
- **** Anne Bergl, Plaintiff, v. F.E.L. Services; Expert Witness for Plaintiff
- **** Krueger vs. Hewbrough, No.**L*** ** Judicial Circuit; Expert Witness for Plaintiff
- **** Marketa Kristofek, Plaintiff, vs. First Union Home Equity Bank, Defendant, Case #** CH *****; Expert Witness for Defendant.
- **** McGuire Woods LLP, Porter vs. The Peoples Gas Light and Coke Company, No. **L*****, Expert Witness for Defendant involving dispute causing whole sale damage to multiple floors of single family home. Complaint alleged frozen plumbing which defense experts were able to prove did not take place. Case decided in favor of defendant.
- **** ***Architectural Woodworkers and Remodelers, Inc. vs. Donald G. Pydo et. al.; Case No. **** CH ****, Expert Witness for Defendant. (Pydo was on here already). Case involved the renovation of an historic property in Glen Ellyn, Illinois. In addition multiple charges alleged through late change orders without signatures. Defendants countersued. Case decided in favor of plaintiff. Tomacor testimony singled out in decision as being important by the judge.***
- **** Schmidt vs. Richard Nelson; Amerispec Home Inspection Service; and Robert Bourdage, Case No. ** LK **, Expert Witness for Defendant
- **** Jena Savic Morrison vs. Daniel R.F. Rakoski and Francisco Dizon Jr. Case No. **H**8*8; Expert witness for the defendant. Case pending.

- **** Member of the Peer Review Committee for Master Inspector Designation at the
**** Great Lakes Chapter ASHI conference.
- **** *Margaret Horowitz vs. City of Chicago Case No. ** L **8***; Expert Witness
for the plaintiff*
- ****8 Member of the Peer Review Committee for Master Inspector Designation at the
****8 Great Lakes Chapter ASHI conference.
- **** Miguel and Martha Valdes vs. Rite-Way Tile and Carpet Company, Case No. *8
M* *****. Expert witness for the plaintiff. Case involved contractor's
installation of floor tile and sub floor. Alleged poor quality work. Case decided in
favor of plaintiff. Expert witness testimony critical.
- **** Scott Glazer and Meredith Glazer vs. Janus Development Group, LLC; Indymac
Bank, F.S.B., A&A Sprinkler Co., Inc.; Unknown Owners and Non-Record
Claimants; Antonio Torres; Joe Baldo; and Blackberry Custom Homes, Inc. Case
No. ** CH **8**; Expert witness for the plaintiff. Case involved faulty
workmanship on the part of the builder. Decision rendered April **, **** for
plaintiff.
- **** The Board of Managers of the **** North Street Condominium Association, Inc.,
an Illinois not-for-profit corporation, Plaintiff versus Street Tower, LLC, an
Illinois limited liability company, Smith Ghanimah, and Mario Aissy, Defendants.
Mr. Corbett is working for the Plaintiff.
- **** United States of American v. Richard Lisnek, et al.; Case No. ** CR **; Expert
witness for the plaintiff in a criminal case. Case pending regarding breach of
contract.

Professional References

Richard Shopiro
Sulzer & Shopiro
** South LaSalle, Suite ****
Chicago, Illinois *****
__****

Tracey Meares
Yale Law School, Professor
*** Wall Street
New Haven, CT *****
(***) ***_****

Brian Sedlak
Jones, Day, Reavis & Pogue
** West Wacker Drive
Chicago, Illinois *****
__****/*8*_****

Peter Cantwell
Cantwell & Cantwell
** North La Salle, Suite *8**
Chicago, Illinois *****
__****

Steve Bernas
Better Business Bureau of Chicago
*** North Wabash, Suite ****
Chicago, Illinois *****
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