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STATEMENT OF:

**FRANK LaCONTE
FORMER PRESIDENT,
LA POSADA
HOMEOWNERS ASSOCIATION**

**ASSEMBLY JUDICIARY COMMITTEE
APRIL 8, 2003**

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ASSEMBLY JUDICIARY

DATE: 4/8/03 ROOM: 3138 EXHIBIT

SUBMITTED BY: Frank La Conte

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ASSEMBLY JUDICIARY COMMITTEE
April 8, 2003

Statement of Frank LaConte

My name is Frank LaConte, and I am the Vice President of Safe Homes Nevada. I am a veteran of World War II, and moved to Las Vegas with my wife of 55 years from Wisconsin in 1994. I also served as the President of the La Posada Homeowners Association for 8 years. La Posada consists of 332 condominium homes in Summerlin.

When we moved to Las Vegas we bought a condominium home at La Posada. We didn't want all of the hassle that comes along with maintaining a home, so we thought that a condominium would be perfect for us.

After moving in and becoming involved with the Board of Directors, I started receiving numerous complaints from homeowners about leaking windows and roofs, cracked stucco, and many other construction defect problems. When we first raised these problems with our builder, we were promised that repairs would be made. We literally tried to work with our builder for several years to get all of the problems fixed, but finally we were forced to hire a lawyer because the builder kept dragging his feet. When the architects and engineers inspected our homes, they discovered serious Code violations and other construction defects that we didn't even know about. Faulty electrical wiring, bad plumbing, missing or incomplete firewalls, and structural defects are just a few of the problems that we had no idea existed.

After all of the problems were identified, our attorneys sent a list of the problems to the builder and gave them an opportunity to repair them. We hoped a lawsuit would not become necessary. Unfortunately, the builder didn't offer to fix any of our problems, and instead turned the matter over to its insurance company. The insurance company seemed more interested in suing the subcontractors than quickly resolving our claim. It took 4 years before we finally reached a settlement on the courthouse steps.

After the settlement, we interviewed several contractors to repair our community. Finally, we were able to select one that we felt comfortable with. Repairs are presently underway.

I encourage all of you to support laws that give homeowners the benefit of the doubt when it comes to construction defects. After all, homeowners aren't construction experts, builders are, and when things go wrong homeowners should be treated right.

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