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Gresham homeowners sue developer

By: **Eli Segall** (<https://djcoregon.com/news/author/elisegall/>) // December 23, 2009 // **3 Minute Read**

[✉ \(mailto:?subject=Gresham homeowners sue developer&body=A Gresham homeowners' association has sued its complex's developer for \\$4.55 million, alleging in the lawsuit that dozens of construction defects caused severe water damage and made the homes "imminently,... You can read the content in details following link https%3A%2F%2Fdjcoregon.com%2Fnews%2F2009%2F12%2F23%2Fgresham-homeowners-sue-developer%2F\)](mailto:?subject=Gresham%20homeowners%20sue%20developer&body=A%20Gresham%20homeowners%20association%20has%20sued%20its%20complex%20s%20developer%20for%20$4.55%20million%2C%20alleging%20in%20the%20lawsuit%20that%20dozens%20of%20construction%20defects%20caused%20severe%20water%20damage%20and%20made%20the%20homes%20%22imminently...%20You%20can%20read%20the%20content%20in%20details%20following%20link%20https%3A%2F%2Fdjcoregon.com%2Fnews%2F2009%2F12%2F23%2Fgresham-homeowners-sue-developer%2F)



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A Gresham homeowners' association has sued its complex's developer for \$4.55 million, alleging in the lawsuit that dozens of construction defects caused severe water damage and made the homes "imminently, inherently, and unreasonably dangerous."

The **Gresham Station Townhomes Owners' Association**, which represents all 60 homeowners in its namesake complex near the intersection of Northwest Burnside Road and Northwest Civic Drive, claims the project's developer and general contractor, **Persimmon Development Group Inc.**, violated building code, manufacturer and trade group installation instructions, and industry standards.

Filed Dec. 10 in Multnomah County Circuit Court, the association's 32-page complaint says the defendants' "noncompliance" with those benchmarks resulted in multiple water stains and leaks.

According to the complaint, high moisture content "is causing mold, fungus, and mildew, and odors to spread throughout" the homes.

The complaint lists 34 alleged construction shortfalls, ranging from the general ("Wood trim was not properly primed and/or painted,") to the more technical ("Required flashing is omitted below the brick veneer sill row-lock to vertical transition of the brick veneer wainscot, in violation of 2004 OSSC Section 1405.3").

W. Frank Elsasser, the association's attorney, said the list of alleged defects was compiled by Western Architectural, a Portland-based firm that investigates water intrusion and leaks. He said the association hired the firm to assess the property's condition and look for construction shortfalls.

Elsasser said another firm, **RDH Group**, was brought in as a neutral third party to assess the property and recommend repairs. He said the association and Persimmon disagreed on which repairs should be made, which lead to the litigation.

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Persimmon's president, **Brian A. Lessler**, said Monday that the association wanted "significant betterments"

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that neither Persimmon nor its insurance company was willing to build.

Lessler also said he had not seen any of the alleged water damage.

“We have not observed significant damage at all, actually,” he said.

Completed in spring 2006, the Gresham Station Townhomes development has 60 townhouses spread among 18, two-to-three-story buildings. The gated, multi-colored complex is on a 3.5-acre site, with garden walkways between buildings.

According to Persimmons’ Web site, site development and vertical construction cost roughly \$7.5 million.

The association’s lawsuit does not say when the water damage began. But it says the estimated future cost of repairs is \$3.3 million, and “the amount attributable to the stigma caused by the existence of construction defects” is \$600,000, or \$10,000 per unit.

Elsasser said the stigma would result in the homeowners getting less money when they try to sell their homes. He said it’s similar to a car owner trying to sell a vehicle that had previously been in an accident.

“Someone’s gonna give you less for the exact same car that wasn’t in a wreck,” he said.

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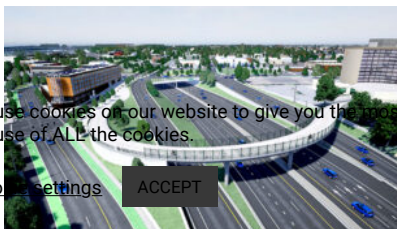


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