

FACTS

Neptune's flood elevation is 12.00. (Decimal feet - 0.01 feet is considered to be 1/8-inch). All materials located at or below the flood elevation must be preservative treated, e.g. sawn lumber, engineered lumber, sheathing, or material that will not be damaged by contaminated, salt water immersion, e.g. concrete block, concrete, plastics. Federal guidelines exist that further define the required materials.

The Contract stated that the house would be lifted and built according to the approved plans.

THE APPROVED DESIGN - HIGH & DRY

EL.(feet)

- 13.25 The approved Plans specified the Finished Floor Elevation ("FFE").
- 0.06 *less* the 3/4-inch subfloor.
- 0.76 *less* the 9-1/2 inches tall engineered wood floor joists that are *not treated*.
- 0.12 *less* the 2nd 1-1/2 inch thick sill plate.
- 0.12 *less* the 1st 1-1/2 inch thick sill plate.
- 12.19 Top of Foundation Block. All wood construction is above flood water. HVAC was not designed, flood proof installation always a contractor obligation.
- 12.00 Neptune flood elevation.
- 0.67 *less* the *treated* engineered lumber parallam beams.
- 11.52 Bottom of *treated* wood construction. Design anticipated *treated* beam getting wet.

AS BUILT - FLOOD WATER DAMAGES WOOD CONSTRUCTION

EL.(feet)

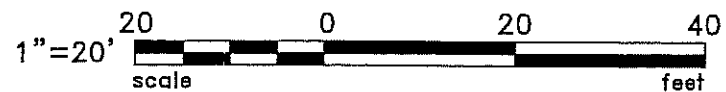
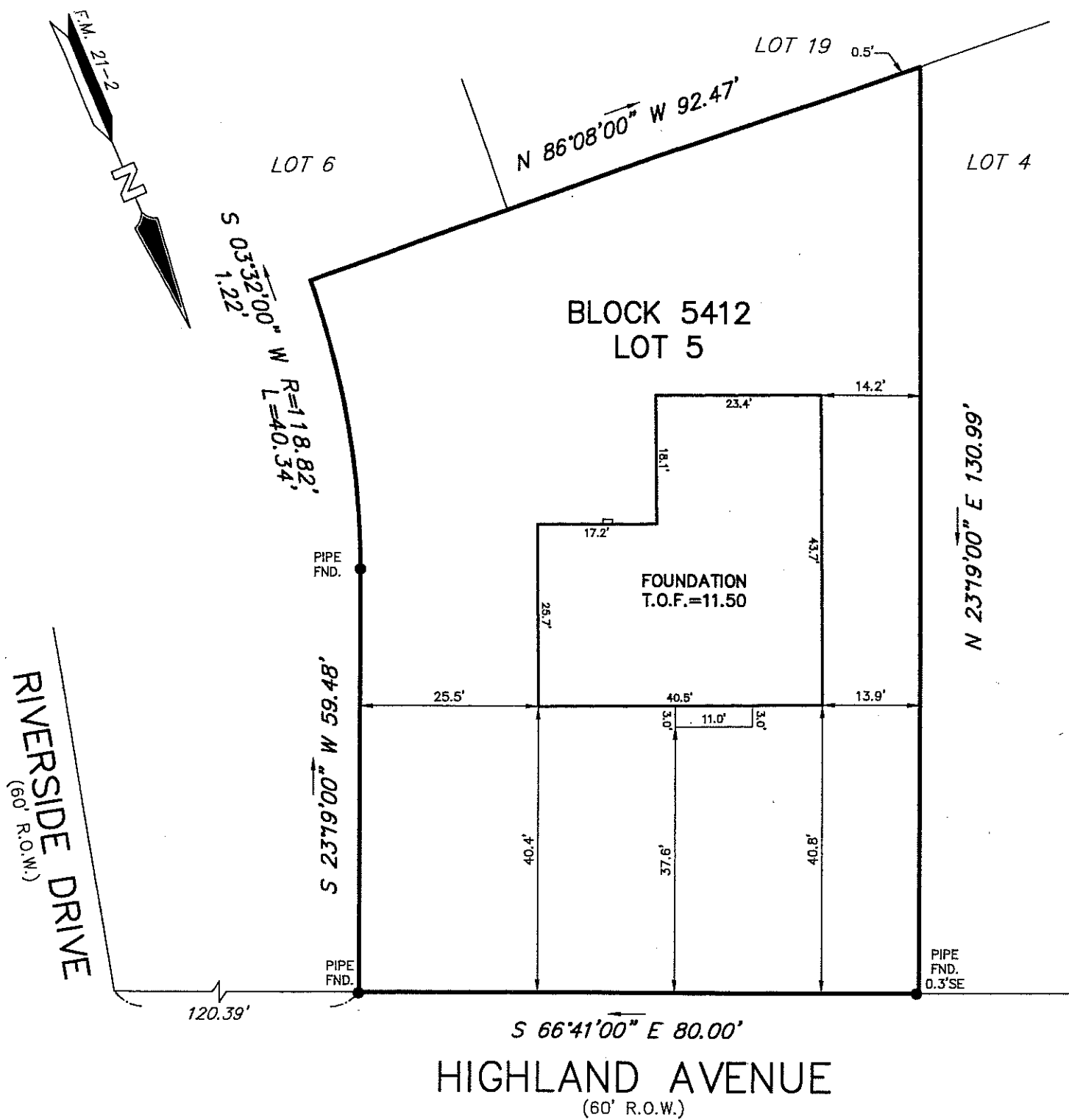
- 13.25 The approved Plans specified the Finished Floor Elevation ("FFE").
- 12.50 FFE from Flood Certificate.
- 12.44 Finished floor elevation, as calculated based on existing construction and the Surmonte 04/06/16 Foundation As-Built Survey [$11.50 + 0.12 + 0.76 + 0.06 = 12.44$].
- +0.06 *plus* the 3/4-inch subfloor.
- 12.00 Neptune flood elevation. Half of the floor joist height and the floor insulation is in the flood water.
- +0.76 *plus* the 9-1/2 inches tall engineered wood floor joists that are *not treated*. Half the joist is in the flood water.
- +0.12 *plus* the only 1-1/2 inch thick sill plate.
- 11.50 Surmonte 04/06/16 Foundation As-Built Survey and top of block elevation.

FILE

- 10.83 The bottom of the 9-1/2 inch deep engineered lumber beams that are set one course of block below the top of wall. There is no evidence that the engineered beam is *treated*.
- 10.50 Bottom of insulated HVAC main duct, flex lines droop lower.

REASONS FOR CODE COMPLIANCE AND LIFT TO EL 13.25

1. Quality was contractually obligated to build from the approved plans, see Page 1, Item 1 of the Quality Construction Enterprises, LLC "Remodeling/New Home Agreement" (the "Contract"). The Rheume architectural plans and the Lortech Engineering plans specified EL 13.25 for the FFE.
2. Changes to the Contract "must be agreed upon by the parties in writing.". There is no writing that evidences any request or approval of a deviation from the design FFE of 13.25.
3. Contract Schedule C, the Payment Schedule, established the \$309,000 contract cost for construction that complied with the approved plans and applicable code. Hemmer has paid \$300,000 towards the contract plus an additional \$7,856.38 for owner authorized extras.
4. As built, the wood floor joists and insulation are in the flood water.
5. As-Built, the HVAC main duct and plastic flex duct hangs below the floor joists in the flood water.
6. As-built, electrical wiring, receptacles, and lighting fixtures that are in the flood water.
7. The foundation walls leak.
 - a. The main building walls leak.
 - b. The sunroom walls leak.
 - c. Foundation block was not waterproofed.
 - d. See Dixon Field Notes.
8. No vapor barrier
 - a. Although specified, no vapor barrier was installed below the sunroom because the original exterior slab-on-grade Patio slab was left in place, Burke purposefully avoiding the cost of the proper foundation wall construction shown on the Lortech plan.
 - b. No Strip footing or Foundation wall was built.
 - i. No Lortech Engineering inspection or certification of the sunroom concrete / CMU work.
 - ii. Lortech plans did not authorize the use of the patio slab as part of any foundation system.



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NOTE: ELEVATIONS BASED ON NAVD'88 DATUM 20160242 5412/5

FOUNDATION AS-BUILT SURVEY 102 HIGHLAND AVENUE LOT 5 BLOCK 5412			FILE
TOWNSHIP OF NEPTUNE MONMOUTH COUNTY		NEW JERSEY	
Charles Surmonte P.E. & P.L.S. New Jersey Professional Engineer and Land Surveyor License No. 35885			301 Main Street, 2nd Floor Allenhurst, New Jersey, 07711 Phone 732-660-0606 Fax 732-660-0404
PROJECT No.	DATE:	SCALE:	SHEET:
15-1515	04-06-16	1"=20'	1 OF 1

NO ATTEMPT WAS MADE TO DETERMINE IF ANY PORTION OF THE PROPERTY IS CLAIMED BY THE STATE OF NEW JERSEY AS TIDELANDS, ENVIRONMENTALLY SENSITIVE AREAS, IF ANY ARE NOT LOCATED BY THIS SURVEY. THIS SURVEY IS SUBJECT TO CONDITIONS WHICH MIGHT BE DISCLOSED BY AN ACCURATE TITLE SEARCH. OFFSETS AS SHOWN HEREON ARE NOT TO BE USED TO ESTABLISH PROPERTY LINES.