East Jasper Residential HOA Sues Metro Builders and Apex Engineering Over Alleged Breach of Contract and Fiduciary Duty.

During an intense two-hour trial on February 28th, East Jasper Residential HOA president Reed Alvarez testifies in court on the accusations posed against Metro Builders LLC and Apex Engineering Inc. The lawsuit was filed following a memo that was received by Mr. Alvarez on November 19th, 2015, detailing possible structural deformities to the building. Although the HOA was made aware of these deformities, no action was taken by the East Jasper HOA.

In August 2014, the East Jasper Residential Tower began operating their Homeowners Association in Taylor County, South Carolina. August 18th marked the end of construction and the Certificate of Occupancy going into effect, resulting in residents purchasing units and moving into the building. Apex Engineering Inc designed the building with Metro Builders LLC conducting construction. The allegations arose due to an employee of Apex Engineering sending a whistleblower memo to the Apex Engineering leadership team detailing information about structural deformities of the building, which was then sent to the HOA president, Reed Alvarez. Although no action was taken by the HOA, they allege that these defects were due to the defendant's failure to comply with building protocols and safety standards.

Metro Builders and Apex Engineering brought in a multitude of witnesses to testify during this trial, with witnesses Cam Martinez, Ash Forrester, and Whitely Carter testifying on the building’s strength and capability, having withstood two hurricane

seasons. The plaintiff argued that even if the building is still standing, the defendant completely ignored the contract detailing construction protocols, and safety standards must be followed. “Just okay is not okay.” stated the prosecution attorney during the closing argument. The prosecution argued that regardless of the current state of the building and whether it was assumed to be safe to live in and withstood severe weather, the safety standards of the contract were broken, potentially putting many residents at risk. As a result of the breach of contract, the plaintiff has sustained damages, including loss of income and property damages resulting in fiscal distress. The East Jasper Residential tower also spent 22 million dollars in retrofits to ensure that the building was safe to inhabit following the allegations. Whitley Carter, a City Certified Building Inspector and a witness for the defense, claimed that the tower was safe, having inspected it himself. This resulted in him recommending the building to his own sister, Kate Carter. The defense claims that proper protocols were followed by both Metro Builder LLC and Apex Engineering Inc.

The trial ended with tense interactions between the attorneys and witnesses testifying in this case. Although a verdict has not been reached, the judge will later schedule a hearing for the final decision that will ultimately determine the fate of Metro Builders and Apex Engineering.