

# Community Associations Network

## In the News Since the Last Issue

### Check your state or region News Feed for more stories

[NC: Condo groups left holding the trash bag](#)  
Many owners of condominiums and town homes in Fayetteville will be paying higher monthly fees after Fayetteville scrapped its subsidies for garbage collection...

[VA: Law could help condo residents resolve disputes](#)  
When disagreements between condominium owners and associations arise, there is little residents can do aside from litigation. But a new law that takes effect July 1 could change that....

[Troubled housing market is causing woes for homeowners associations](#) Here's another consequence of the troubled housing market: Some homeowners associations are running low on money....

[DC: A Garden Haven With a Storied Past](#)  
Situated on 32 carefully landscaped acres just off Wisconsin Avenue NW in busy Tenleytown, the McLean Gardens condominium complex is lovely all year, but certain seasons highlight its best qualities....

[AZ: Scottsdale condo site rife with foreclosures](#)  
Since early 2007, lenders have foreclosed on 33 of the 84 units in downtown's Third Avenue Lofts,...

[FL: Cory Lake Isles residents sue over homeowner fees](#)  
Twenty Cory Lake Isles residents filed a lawsuit in Hillsborough Circuit Court on Friday accusing developer Gene Thomason of using homeowner association fees to pay for items such as a motor for a relative's boat, a well on his property and brick pavers at a...

[IA: Bowles loses condo battle](#)  
The builder on a much-litigated condominium development in Davenport won a breach-of-contract battle in Scott County District Court this week against the property's outspoken owner and her company....

[AR: Bella Vista Getting Help from Geese Peace](#)  
Bella Vista may not be getting rid of 100 geese after all...if a non-profit steps up to the plate....

[ID: Saddlebrook residents will continue lawsuit to stop installation of modular](#) A majority of Saddlebrook subdivision residents in Star voted late Thursday to pitch in about \$100 each to continue a lawsuit to stop the installation of more modular homes in their community....

[CO: New HOA law allows clothes lines in neighborhoods](#)  
Beginning in August, homeowners living in covenant controlled communities will be able to install energy saving devices such as evaporative coolers, wind-electric generators and clothes lines, as long as those devices meet home owner association aesthetic guideli...

[NV: HOAs have recourse in lien times](#)  
Homeowners associations trying to force owners of foreclosed homes to comply with neighborhood rules have at least one safeguard: liens....

[IL: Condo elections not for the faint of heart](#)  
Last week I found myself at the Castleford Hearthstone Condo Association's annual meeting, held at the Hoffman Estates police station. It was condo board election night. I dropped by after receiving complaints from a condo owner that the condo board was up to ...

[FL: Miramar homeowner associations join forces](#)  
Neighborhood leaders in Miramar are banding together to become a more powerful lobbying force in the city and

## New Articles Found on the Web

### Court Decision Upholding "Discriminatory" Rental Ban also Calms Industry Nerves



True or False: 1) Owner-occupants have more invested in the property and will be more concerned about maintaining it. 2) A large concentration of tenants in a common interest ownership community can threaten the value not only of the units they occupy but of the community as a whole. You won't find many owners or professionals in the common interest ownership world who would challenge either assertion. The assumption that owner-occupants are preferable to tenants is reflected both in secondary mortgage market policies that make a high owner-occupancy rate a condition for approving condominium loans and in the rental restrictions (or outright rental bans) that many communities have adopted. But this conventional wisdom was challenged last year when an Indiana Appeals Court ruled that a rental ban in one condominium community violated the federal Fair Housing Act. Although the decision applied only in Indiana, it sent nervous ripples throughout the industry, because with a relatively small number of judicial precedents addressing condominium issues, it is not uncommon for courts in one jurisdiction to rely on the decisions of courts in others. Fortunately, at least in the view of most industry practitioners, the Indiana Supreme Court has reversed this unsettling decision. [Read more](#)

### How to Help Fix HOA Problems, Before They Become Problems

Everyone knows that HOA's and HOA Boards are often in a continual dance for "which one is right." Sometimes that spills over into lawsuits, open revolts by homeowners, or worse. How can HOA Board members act proactively to stop some of that dance of near death? I am a big fan of The Fifth Discipline by Peter Senge. In the Chapter entitled "Does Your Organization Have a Learning Disability?" he mentions three problems I see might affect HOA Boards. Now, before you say, "that isn't us," read the next three paragraphs. [Read more](#)

### Condo Insurance Requirements Not Cookie-Cutter

"Given the great interdependence of the unit owners in the stacked unit condominium situation, mandating property insurance for the entire building is the preferable approach." This one explanatory sentence from the Uniform Condominium Act of 1980 forever transformed condominium association insurance programs. Prior to the National Conference of Commissioners on Uniform State Laws' ("National Conference") adoption of this act, condominium associations customarily insured only a building's common elements and limited common elements; unit owners were charged with insuring real property unique to and within the individual unit. Beginning with the Uniform Condominium Act and continuing today in the Uniform Common Interest Act, condominium associations are advised by the National Conference to insure all real property regardless of location or classification, whether considered a common element, limited common element or part of the defined "unit." [Read more](#)



### HOA Turnover Showtime

Homeowner association managers are a critical part of the turnover process from developer to elected homeowner board. But the devil is in the details and there are plenty of them to get this process right. Developers, in their role as pre-turnover board president often hire homeowner association management companies to handle HOA business like collecting fees, paying bills, processing maintenance requests, enforcing rules and architectural restrictions. These tasks will continue after turnover so getting the routine down as early as possible is in the best interest of the HOA. [Read more](#)

### Minimize Your Community Risk Against Current Housing Trends

When the housing market encounters a downward trend, and most recently

## Sponsored Links

[NCB FSB](#)

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[Reserve Fund Essentials](#)

A refreshingly readable and levelheaded 17-chapter book on related how-to's and must-do's to balances healthy. [Check it Out](#)

[HOATalk.com](#)

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Four hot topics on a two-disc DVD: The Board, Meetings, Insurance, Reserves. CAI members get 40%

## Editor's Notes

Vacation! Vacation! Sort of... In a couple of weeks I travel to Ireland 10-day excursion. Someplace I have been and have wanted to visit. However, the trip is a family one, my in-laws. They're exploring their Irish roots. I think I'm going to be exploring how Guinness and Jameson are made. In any event, the next newsletter will be delayed until my return. Look for it around July 24-;

Joe

## New Audio/Video

[MN: Minnesota City Kicks Out Goo Street View](#) The private city of N Oaks, Minnesota -- home to more

to become a more powerful lobbying force in the city and to voice common concerns....

[SC: Cedar Grove Plantation group fights developer's plans](#) At issue is a long-standing feud between Cedar Grove developer Steve Vaughn and the Cedar Grove Homeowners Association....

[MI: Longer subdivision construction time frames force shift in expenses](#) Residential construction slowdowns that extend subdivision build-outs are forcing developers to absorb expenses typically turned over to homeowner associations....

[VA: No Decision in Neighborhood Court Battle](#) The court battle between a neighborhood association and some homeowners has dissolved into a legal mess. There's no decision yet in the Dogwood Valley Subdivision case....

[MD: Cameron Grove condo officials charged with housing discrimination](#) The leadership of a condominium in Cameron Grove and its management company have been charged with housing discrimination following complaints by two disabled owners...

[IN: Tax refund OK'd for Lakes of the Four Seasons](#) This gated community can expect a hefty tax refund from Lake County officials....

[Green Condos Coming to a City Near You](#) Do you long to live in an attractive green home with the latest and greatest in green building technologies, but know you can't afford to build one? Then you and I have something in common...

[RI: Bills on foreclosures await governor's approval](#) Banks that repossess foreclosed properties in Rhode Island will have to pay the properties' tax and utility bills in a more timely fashion and post bonds for the properties' upkeep if legislation approved by the General Assembly over the weekend is signed into...

[IA: Idyllwild residents push harder for buyouts](#) Idyllwild is made up of townhomes, and resident Jessica McAllister suggested the homeowner's association send a letter to the City Council expressing the neighborhood's interest in buyouts to help get the process rolling....

[FL: Condos upping fees to cope with downturn](#) The souring economy has condo and homeowner associations facing the same problem as many owners: less money. Throughout South Florida, boards are grappling with how to keep up property values as fewer owners pay their assessments...

[SC: Family trying to "live green" runs into red tape](#) But becoming environmentally friendly has not come without obstacles. Several of the Puzerewski's "green" ideas were in violation of the property owners association and had to be removed....

[RI: City says all decks at condo complex appear to be unsafe](#) A deck collapse at the Greenbrier Condominiums that badly injured several women on Saturday led to the city's discovery that all of the decks at the 20-year-old complex appeared to be unsafe....

[MN: Condo resident can't find relief with garbage problem](#) Donkena's beef with the association running the southeast Rochester condominium development, The Willows, has reached the city council's ears....

[FL: Fumes sicken several at Lauderdale condo](#) Fumes from a condo renovation project in Fort Lauderdale made several residents of the Tennis Club II ill over the weekend, sending one woman to the hospital....

[VA: Neighbors Scorn Those Who Don't Clean Up After Pets](#) One complaint often brought up by residents in

accelerated by the rapid decline of the mortgage industry, cash-strapped homeowners must balance whom to pay, whom not to pay, and what to pay for. Sadly, many have decided to relinquish the maintenance on their homes. In some cases, owners are abandoning their home, awaiting foreclosure. An abandoned home can directly impact the association and its members. Owners with no means of financial support are not able or willing to spend money on what they consider low priority – maintenance on their homes, which they do not expect to own much longer. Homes with pools are left without regular services, resulting in major health issues. Unkept lawns can result in brown grass, overgrown shrubbery, and trees untrimmed for many months. At times newspapers and junk mail accumulate on the property. A home in foreclosure can mean an empty house, which can then be a target for vandals. Owners, hoping to keep their property, may consider renters, who may not have the same sense of ownership and pride in the community. Some renters can make it harder to enforce the rules and comply with community standards. Not only are maintenance problems an issue, but association dues may drop low on the priority ladder, maybe even being totally ignored. [Read more](#)

### Comparing Apples to Oranges?

Co-op apartment buildings were originally formed in New York City to allow building residents to buy into and have a say in how their building was administered, as well as who their neighbors were, and what those neighbors were allowed to do within the building. This is in contrast to condos, which are real property. As such, their owners are typically not subject to the intense scrutiny and regulation co-op shareholders can be. That being said however, some condo boards in the city have begun adopting more co-op-like rules and regulations in an attempt to exert more control over their building communities. This has caused some friction in certain building communities, and raised legal questions about just how much control a condo board can wield over its residents. [Read more](#)

### Cats! The Non Musical

Let's assume that a Cat Committee (Cecy, Abe and Bea) was formed by a community association's board of directors to review the association's policy on the proper handling of cats in the residences and in the common area... and let's look at cats through the eyes of the Committee:

Cecy: "I love cats. I love everything about cats. Cats are as good as people, and they have the same constitutional right to live happy, fulfilling lives."

Abe: "I hate cats. I don't ever want to see a cat anywhere near my home... or anywhere else...except under my tires."

Bea: "I love cats. They should be protected and fed. But I hate cat screeches; I hate cat claw marks; I hate cat smells; I hate cat droppings; and I hate cat dander." [Read more](#)

### The Ten Commandments of Internal Control for Associations

1. Thou shalt not sign blank checks, nor leave blank check stock unsecured.
2. Thou shalt deposit all checks in a timely manner (preferably daily). If a deposit is not made daily, then the undeposited funds should be adequately secured.
3. Thou shalt not accept cash. If absolutely necessary to accept cash, then do so only with 2 witnesses, and then generate a receipt for the files.
4. Thou shalt not make checks payable to "Cash".

[Read more](#)

### Building "Community" Within Your Community

Community spirit means pride in a community. Building community spirit creates an emotional equity allowing residents to have an invested interest in their community. The key to having a spirited community doesn't rest in the size or the wealth of the association, but rather the enthusiasm and

than 4,500 people -- has demanded that Google remove all images of their community from the compar Street View feature....

[TX: Escaping an HOA isn't easy \(Video\)](#) Yet even in this remote enclave, Lee still managed to land fight with his homeowners' association, which started protesting when he started building a barn on property....

[CA: Resident Learn to Use Fire Ho \(Video\)](#) Fire hydrants in the Oak Hills are ready to go and be used, only if you know how to properly use them. On Saturday, we met mem of the Rockridge Terrace Homeow Association who just learned how to do it....

[ME: Civil Suit Claims Rules Are Excessive \(Video\)](#) The Fox Run Residential Community Residents Association says new rules outlining the Park Owners are excessive....

[Talk With CAM 045: Emergency # SHOW NOTES](#) This podcast will discuss the creation of an emergency plan of action. We will discuss five emergencies that associations may face. Next week we will discuss six other emergency situations in podc 046. The ...

[Talk With CAM 043: News Articles SHOW NOTES](#) Today I decided to about news articles that come acn my desk concerning condominium and homeowner association. Each week, I receive well over 50 differ newspaper articles and these are a fe...

### What's New in the Blogs

[Vendors & Technology](#) Last week, I talked about Minutes my process for recording them in a specific and repetitive format for consistency and effectiveness. This week, I want to talk about working with vendors and the ...

[LIMITING RENTALS IN CIDS - MOF ON THIS SUBJECT](#) There are some lease limitation cases going on he California and also in other states I am watching. I am in the process rewriting my article on m...

[Requests of the Disabled](#) Many HC Boards are confronted with special requests of the disabled. Sometimes they are justified, sometimes not. Here are some requests that I four be ...

[Economy May Lead to Increased Claims of Discrimination](#) Most associations are being affected by economy in one way or another. The biggest consequence is an increase in account receivables. As associations struggle w...

[Tax Credit for Wildfire Mitigation Measures](#) Beginning with taxes for 2009, Colorado landowners are entitled to subtract 50% of the cos

planned communities is the unwillingness of some homeowners to clean up after their pets....

[FL: Deputies Can't Stop Animal Sacrifices Inside Waterford Lakes Home](#) Because it's considered a religious act, sheriff deputies say they can't do anything about the issue. Now the homeowner's association is trying to find a way to resolve it....

[PA: Philly condo owners see red over skyscraper signs](#) A corporation's plan to put its name up in red lights on a landmark downtown skyscraper is generating howls of protest from luxury condo owners who have only recently begun moving into the building....

[AZ: HOA fees go unpaid](#) Despite its crisp appearance, including lavish water fountains and well-kept greens, the Villages at Rancho El Dorado Homeowners Association in Maricopa struggles to pay its bills....

[FL: Utility, Estates Settle Lawsuit](#) Nearly a decade after they filed suit, the developer and residents of Saddlewood Estates have reached a settlement with Tampa Bay Water over repeated flooding in the community off Old Pasco Road....

[VA: When Condo Wars Heat Up, Common Sense Can Evaporate](#) Let me tell you a story about a game of hardball played over a hot, summery weekend. It happened not at Nationals Park but in a well-kept condominium complex in Reston just a few weeks ago....

[CA: Be proactive when you want change in community](#) Community associations are governed by a board of directors. The board is made up of people who own within the community. They volunteer their time to guide, protect, maintain and enhance the community....

[CO: HOAs, officials team up on issues](#) For Lone Tree officials, communicating with the city's 15 homeowners associations is a vital piece of the puzzle to make residents happy....

[CA: Leisure World residents win legal battle to see books](#) Residents of Seal Beach Leisure World celebrate appellate court's decision to make board reveal finances....

[TX: HOA Threatens Foreclosure On Couple Stationed Overseas](#) A San Antonio couple, serving in the military overseas, almost loses their home. Not because they failed to make their mortgage payments, but because they were behind on their homeowners association fees. This military couple was fighting a losing battle....

[FL: Key Biscayne condo's occupancy rule remains despite lawsuit](#) A woman who sued her Key Biscayne condominium association settled last year, but she says the case is still unresolved...

[FL: Condo bust draws scams and squatters](#) Property managers at condos are coping with new schemes -- some criminal, others plain irritating -- arising from foreclosures....

[MD: The Inalienable Right to Dry](#) "I would like to see the State of Maryland pass a law that forbids HOAs from preventing people from hanging laundry outside as soon as possible," Wang said. "It is long overdue. It's time that the state recognized something that should be a matter of common ...

[MA: Resident blames condo for health issues](#) Parise, who is handicapped and battling diabetes, asthma, bronchial issues and vision and hearing loss, said her biggest health problem is her breathing - which she claims has been worsened to such a degree by the building's poor circulation that she "legitim...

[GA: Feds indict seven in metro Atlanta mortgage fraud ring](#) Atlanta federal prosecutors have indicted seven metro Atlanta residents in alleged straw-buyer

energy of the residents. Community associations throughout the country rely on resident volunteers who exhibit these traits to bring their community together. [Read more](#)

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### Roof Warranties: Advice for Managers

More than anyone else in facilities, maintenance and engineering managers understand the importance of roofing systems. Their departments receive the first call if a leak develops, their staffs inspect and maintain the systems, and they are key players when organizations must decide whether to repair or replace a roofing system. So why, roofing systems manufacturers wonder, do so few managers — and even fewer owners — seem to understand the warranties that dictate everything to do with installing, inspecting, repairing, and replacing this most vital building component? [Read more](#)

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### Let's Talk About Sex: Do Women Make Better Managers?

Typically, when comparing managers, men have a command-and-control style approach, and women tend to have a more team-building or consensus approach. It is extremely clear that there is an increase in the number of women managing community associations who are very successful professionals. There is a popular saying, "Women have to work twice as hard to be considered half as good". [Read more](#) (PDF)

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### A Fine Mess: When Boards Try to Fine You Without Authority

The Landmark Colony at Oyster Bay condominium complex is comprised 33 units in eight buildings. According to Blumberg vs. Albicocco, decided June 13, 2006, the plaintiff Blumberg and her husband had conducted a two-day garage sale at their 14 Adams Court condo in 1999. The Landmark Colony Homeowners Association (HOA), fined Blumberg \$250 for each day of the sale for violating the association's "Declaration of Covenants, Restrictions, Easements, Charges, and Liens." That provision stated: "No nuisance shall be allowed upon the property, nor shall any use or practice be allowed which is a source of annoyance to residents or which interferes with the peaceful possession and proper use of the property by its residents." Blumberg refused to pay the fine, and sought declarations that the imposition of a fine was null and void. (Her lawsuit also sought unrelated relief for HOA's alleged failure to maintain and repair the common areas associated with the Blumberg unit.) The HOA, in addition to denials and defenses, included a counterclaim for \$4,237.60 for homeowners' dues, common charges and late fees. [Read more](#)

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### Going Green – What Can We Do and Why We Should Do It?

It seems as if every time we turn on the TV or radio, or open our newspaper or a magazine, there are stories encouraging us to "go green". Al Gore has warned us about global warming and most of us think we should do something. But we don't know where to start. In 2007, there were almost 300,000 community associations in the United States, representing more than 20 million homes. If each of our associations encouraged their owners to take some minor steps to conserve energy, the impact would be substantial. If we start with the common areas of a community and initiate some of the suggestions below, think of the impact it would have. Not only would the community save energy by going green, it would save money. For starters, we can have an energy evaluation performed by the energy provider. These are usually offered free of charge and the results can be amazing. Following are some ideas for savings at the clubhouse and around the common area. [Read more](#)



### Grill Burgers, Not Your Home

For years, New York City has prohibited propane barbecue grilling on a balcony, terrace or roof. Residents can barbecue with charcoal on a balcony or terrace provided there's sufficient clearance and a source of water to douse any flare-ups. Last year, Washington State began banning open-flame gas or charcoal barbecues on certain multifamily housing balconies where there's no overhead sprinkler. And beginning this year, Silicon Valley placed a permanent ban on charcoal and gas fired grills on multi-family housing

wildfire mitigation measures, up to \$2500, from federal taxable income. T...

[New Jersey's Municipal Services Act Becomes an Adult: Only act in the union that requires municipalities provide services to private communities](#)

David J. Byrne, Shareholder and Chair of Stark & Stark's Community Associations group, authored the article New Jersey's Municipal Services Act Becomes an Adult: Only act in

[Pennsylvania's House Bill 2295 Move to Senate](#) HB 2295 will provide a condominium association with a "super-priority" lien for assessments payable by unit owners. This means that an association will be able to collect up to...

[Analysis of House Bill 516](#) Virginia passes manager licensing

[Imposing Fines](#) QUESTION: I live in a town home community wherein we are assessed monthly assessment. I have been told that because my payment was received late that the town now wan...

[Proposed New ADA Regulations](#) On June 17, 2008, the U.S. Justice Department ("DOJ") published a notice of proposed rulemaking on the Americans with Disabilities Act ("ADA"). Title III ...

[Condominium Special Meeting Law Changed](#) I realize that I've been remiss in posting anything for this legislative session. We've been extremely busy, but we'll be making up for that by posting some of ...

[Water Damage & Insurance](#) Several readers asked about insurance related to the washing machine flood. Manager: What if the owner who caused the flood does not have insurance...

[Will Condo Deposit Lawsuits Slow Down In The Wake Of The Marina Grande Decision? The Answer Is No](#) There is no doubt that the recent Marina Grande opinion from the Fourth District Court of Appeal in Florida is a key decision and, as I've written about here, it is an important object of analysis on...

[Score A Win For The Developer In Marina Grande "Material And Adverse Battle: But Is It Really A Victory For Developers In The Long Run?"](#) The Fourth District Court of Appeal has spoken in likely the most watched condominium contract case in recent memory, D & T Properties v. Marir Grande, and the Court has sided with the developer again...

[Should Builders Be Required to Pay Assessments on Lots Without Houses?](#)

[Community Association Strategy: Deal with Renters](#)

[A small act of kindness goes a long way](#) Sometimes it is the smallest

more Florida residents in alleged scam buy mortgage fraud scam, centered around an East Lake condominium complex....

[FL: Condo Company Plans Clothing-Optional Pool](#)

Swimmers will have the option of wearing nothing at all at the Arbors at Branch Creek, a complex of 390 homes that landed on the idea to help move units in a down market....

[NY: State bill could end tax breaks for condos, coops](#)

After years of pleas from frustrated local officials about New York State's rules for taxing condominiums, state lawmakers in the waning days of the current session hope to give them the power to at least put the brakes on building any more homes with tax brea...

[OH: Gristmill Condominiums closer to buyouts](#)

The city of Painesville is moving closer to being able to offer buyouts to property owners of the former Gristmill Condominiums in Painesville....

[MN: Mortgage scam snagged scores](#)

More than half of River Ridge's 45 units were auctioned off in sheriff's sales between last October and March, Dakota County foreclosure records show. Nearly all the foreclosed units were owned by investor-buyers arranged through Blackstone, according to peopl...

[FL: Margate man to battle condo over right to run toy motorboat in lake](#)

John M. Madden will give up playing with his noisy 22-inch motorboat in the lake behind his Margate condominium, but that might not be enough to keep him afloat. That's because the retired Boston police officer and great-grandfather plans to continue taking ou...

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balconies made of wood or other combustible materials, if there is no sprinkler overhead. Propane tanks heavier than one pound are forbidden on such balconies -- sprinkler or not. Residential barbecue bans amount to gustatory purgatory for a growing number of barbecue fans who have to wait get their thrill from a grill away from home [Read more](#)

**Keeping on Their Toes**

If a unit owner has trouble making mortgage payments, can non-payment of condo fees be far behind? In what feels almost like a "tough love" scenario, experts are encouraging condo boards to be proactive about collecting late fees, even though New England communities have not been hit as hard as those in other parts of the country. David A. Levy, CPA, of Brookline, Massachusetts, advises condo boards to "keep a close eye on 'aging reports'" that reveal how long it is taking to collect the revenue needed for regular maintenance as well as long-term, capital expenditures. He is personally observing situations where "an association may be on-budget, but receivables are growing... from 30 - 60 days out to 60 - 90 days." This trend has not been as severe in New England as in other regions, he says. "I'm reading about it [foreclosures] but I'm not seeing it first-hand." He contends that condominium communities in this area may be more well-established, and notes that, "owners with a lot of equity are not going to default on their mortgages." [Read more](#)

gestures that make the biggest difference. With gas prices at an a time high everyone is feeling the pinch. The cost of just ...

[The Scope of a Property Manager's Authority](#)

By: David M. Peters, Esq.  
It is often said, that the sole duty of Board of Directors is to protect, maintain and enhance the value of project. The vast ...

[Enforce or Amend - Nuestra Mantra Mantra](#)

[Predicting the Future of Community Associations](#)

An Outline for the Next 50 Years  
Cooperative, private maintenance of commonly owned land and structure in small villages and towns has been around ...



Contact CAN at: [webmaster@communityassociations.net](mailto:webmaster@communityassociations.net)

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