



The Regenesis Report



Pacific NW Innovative Homeowner Association Management Strategies Priceless

Regenesis means making new beginnings using eternal principles in innovative ways.

Regenesis believes that the goal of every homeowner association board should be to promote harmony by effective planning, communication and compassion.

The Regenesis Report provides resources and management tools for just that purpose. Every month, articles of common interest to homeowner associations nationwide are offered along with innovative strategies for addressing common problems.

Managing an HOA can be a lonely and frustrating task. Take heart. Help is on the way.



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Collective Wisdom

Homeowner associations are often portrayed as the detached governed by thankless. It's the blind leading the blind...the clueless in charge of those that could care less. So how should this union of the unwilling go about acquiring the wisdom it needs?

James Surowiecki makes the case that a group is smarter than the smartest individual in his book "Wisdom of Crowds". Surowiecki's research indicates that the wisdom of answers from those with only general life experience exceeds the wisdom of world experts. Here are some excerpts from an interview:

How did you discover the wisdom of crowds? The idea really came out of my writing on how markets work. Markets are made up of diverse people with different levels of information and intelligence, and yet when you put all those people together and they start buying and selling, they come up with generally intelligent decisions. I realized that it wasn't just markets that were smart.

Could you define "the crowd?" A "crowd" is any group which can act collectively to make decisions and solve problems. So, big organizations like a company count as crowds and so do small groups, like a team of scientists working on a problem. But so are groups that aren't really aware of themselves as groups, like investors in the stock market. They make up crowds, too, because they're collectively producing a solution to a complicated problem: the choices of investors determine stock prices.

Under what circumstances is the crowd smarter? There are four qualities that make a crowd smart:

1. **Diversity.** Group members are bringing different pieces of information to the table.
2. **Decentralized.** No one at the top is dictating the crowd's answer.
3. **Summarizes Answers.** Combines all member answers into one collective verdict.

4. **Independent.** Individual answers are independently arrived at without worrying about what others think.


And what circumstances can lead the crowd to make bad decisions? Bad answers are more likely when most of the group are biased in the same direction. When diverse opinions are squelched, groups tend to be dumb. It usually spells disaster when too much attention is paid to what others think. Stock market bubbles are a classic example of group stupidity: instead of worrying about how much a company is really worth, investors start worrying about how much other people think the company is worth. The wisdom of crowds is that the best decisions come from independent individual decisions.

What kind of problems are crowds good at solving and what kind are they not good at solving? Crowds are best when there's a "right" answer to a problem. If there is a factual question, groups consistently provide the correct answer. Groups aren't good at problems of skill—for instance, don't ask a group to perform surgery or fly a plane.

Why are we not better off finding an expert to make all the hard decisions? Experts, no matter how smart, only have limited amounts of information. They also have biases. It's very rare that one person can know more than a large group of people, and almost never does that same person know more about a whole series of questions. It's actually hard to identify true experts.

How can the crowd's collective wisdom help an individual? The principle works for individuals as long as the groups are diverse and individuals try to be as independent as possible.

Is the wisdom of crowds about consensus? No. The wisdom of crowds emerges from disagreement. It's the "average" opinion of the group, but not an opinion that every one in the group can agree on. Collective wisdom **does not result from compromise.**

In the final analysis, while it's common to rely on the wisdom of experts or leaders when making difficult decisions, it's more effective to rely on the wisdom of the group. Together all of us know more than any one of us does. The Board of a homeowner association can draw wisdom from its members by involving them in policy and rule formation, the annual budget exercise, architectural design and a host of other decisions. Involving the members adds another bonus. Compliance is more likely when the governed are involved in the governance. (Remember the Boston Tea Party?) *For more, see www.Regensis.net* 

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Ask the HOA Expert

Q Can a board require unit owners to have background check conducted on their renters and control the tenant approval process?

A The board does not have the authority to screen renters or prospective purchasers unless there is specific authority to do so in the governing documents (very rare). Even if that authority exists, the board needs to be very careful not to violate federal fair housing laws which prohibit discrimination based on race, color, national origin, religion, sex, familial status or handicap. Essentially, financial criteria needs to be the main basis for screening although criminal history and physical abuse of previous rentals is a valid basis. But the unit owner is the one that is responsible for checking these things out and to decide what criteria a renter should have.

The board has the right to require that all rental agreements are subject to the HOA's rules and regulations and that the landlord be responsible for enforcing renter violations. If the

landlord fails to enforce the HOA rules on his tenant(s), the board can invoke whatever penalty the written policy describes as if he violated the rule himself. The board has no direct authority over renters.

Q The directors of our board serve as unpaid volunteers. It's difficult to get others to volunteer for these positions, so the current board has been there for years. Are there any rules or guidelines for compensating board members?

A Most governing documents prohibit compensation for the board and committees. Even if not prohibited (rare), it's strongly recommended not to due to an unavoidable conflict of interest.

While volunteer work can be taxing at times, the "volunteer" aspect is extremely important to the outcome. Once the board is paid, outcomes will change and not necessarily for the better. Self compensation has a way of growing over time. If the board needs help to run the HOA, it should hire a management company and have all members share in the cost.

Q Our bylaws state that if an owner wishes to rent their unit, they must first obtain written permission from the board. We have two units that, as it turns out, are unauthorized rental units. What is the best way to proceed?

A if you don't have accurate owner information, a title insurance company can provide you the names and mailing addresses of the unit owners of record so you can inform them of the illegal rentals. But since the tenants have already moved in, I'm not sure what you can do to the owners now other than threaten legal action. The tenants probably have a written leases and are protected under state Landlord Tenant law.

If the board feels strongly about controlling rentals, there needs to be a comprehensive Rental Policy enacted which outlines the procedure for getting permission, the penalty for

violation and an appeal process. Restricting rentals is a highly controversial issue in HOAs and the board cannot enforce any policy that has not been formally voted on by an appropriate majority of the members. To ensure it complies with state and federal fair housing laws, run any proposed policy passed a knowledge HOA attorney.

Q The board recently had a beautiful large flowering tree cut down behind my unit and never informed anyone of the plan. When I inquired about it, I was told that it blocked a sprinkler head. It seems to me that sprinkler heads are easy to move but growing trees are not. I'm distressed about this.

A From what you describe, the board acted rashly. Tree removal is a highly political issue. Unless there is immediate danger posed like with storm damage, residents (especially those directly impacted) should always be informed and given a chance for input.

While the board does have the authority to make tree removal decisions, this board needs a big lesson in common sense.

There are several things you can do:

1. Get a petition signed by as many unit owners as possible. The petition should state that non-emergency tree removals must be noticed to all owners within, say, 100 feet, and they must be given 30 days to give input prior to the board finalizing a decision. Since this approach is entirely reasonable and virtually all non-board members are likely to support it, you should have little problem getting most unit owners to sign the petition.
2. Offer to form and serve on a Grounds Committee. The board can then assign special landscaping and tree issues to the committee for review and recommendations.
3. Run for the board. If successful, you can bring common sense to the board and hopefully derail rash decisions like this one.

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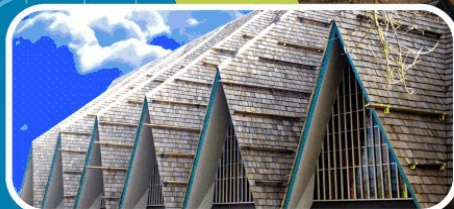
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Q Our board is concerned about some of the structural changes made by owners like solar panels on the roof and interior changes like cutting concrete, moving walls and plumbing modifications that tie into the main lines. Is there a statute of limitations to bring action against an owner for illegal or unapproved modifications?

A Every HOA needs a policy for architectural changes. That policy should require proper engineering and permitting. If your HOA is comprised of single family homes, the HOA's concern is curb appeal. In common wall HOAs like condominiums, improper structural changes may degrade the structure which is the HOA's responsibility to maintain. Check for state legislation that prohibits or limits restrictions on solar panels.

Structural changes can create life safety issues. So in condominiums, the stakes are much higher and the HOA needs to be much more vigilant and aggressive in controlling outcomes. There is a sample Architectural Design Policy in the www.Regensis.net Policy Samples section which can be adapted to your HOA's use.

Whether the HOA should get involved in retroactively enforcing violations depends on how long the feature has been in place and if it is something that affects structural integrity. If the latter, the board should act and bring the building department into the mix if necessary.

Q Our board is debating the value of installing an entry monument in our HOA. I don't see it as a worthwhile expense. What is your experience?

A It is a good idea to have an entry monument or sign since HOAs have rules and regulations that single family subdivision homeowners do not have. The sign will help identify that fact to prospective buyers, real estate agents, contractors and others that may be thinking of getting involved is some way. It's also useful to include contact

information (website, mail, phone) since finding the proper source of information is a major problem in the HOA world.

Q Should the board require that a member's account be current before they approving an Architectural Review Application?

A Timely collections are an essential for all HOAs. The board should enact an aggressive collection policy that includes filing liens and anything else the governing documents and law allows. Denying an architectural design request is permissible as long as your approved collection policy states it is. As with any board policy, it should be reviewed prior to enactment by a knowledgeable attorney that specializes in homeowner association law.

There is a sample Collection Policy in the www.Regensis.net Policy Samples section which can be adapted to your HOA's use. 🏠

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Meeting Mechanics

Meetings are the mechanism for formalizing homeowner association business. They should be properly choreographed to ensure that real business gets done. While HOA meetings are typically less formal than those of Congress (and thankfully shorter), using parliamentary procedure goes a long way to turning endless discussion into done deals. Here are a few mechanisms on how to run an effective board meeting:

Schedule & Publicize the Meetings. Board meetings should be scheduled and noticed well in advance to avoid conflicts. Rather than schedule them on the fly, set dates, times and locations *a year in advance*. Schedule them

consistently (like the second Tuesday of January, April, July and October, 6:30-8:30 pm at the Clubhouse). Post the schedule on the HOA's website, newsletters and common area postings. Distribute the schedule to all member by e-mail.

Distribute Agendas & Supporting Material in Advance. Directors should receive the agenda and related information at least one week in advance. Include the most recent financial report, manager's report (if applies), details of delinquencies (amounts owed, how long, action taken to date), minutes of last meeting, requests by members (architectural modification, petitions) and committee reports. Directors should review the information *before* the meeting and come prepared to discuss it.

No Alcohol. Social events are great but HOA meetings are not social events and getting real business done requires clear headed focus. Save the wine tasting for after the meeting or for another time and place altogether.

Use a Location Conducive to Business. While meeting in someone's home may be cheap, it is generally not conducive to meetings or large enough for guests. Homes often have disruptions like phones, kids and pets. If your HOA doesn't have a meeting room or clubhouse, use a local church, library or community center which are often cheap or free. The facility should have a table large enough for the board and additional room and seating for a reasonable number of guests. The room should be well lit and temperature controlled for comfort.

Set a Time Limit. Most meetings should be limited to no more than two hours. Using a "timed" agenda actually puts time limits on each agenda item (like Review & Approve Minutes: 5 minutes, Landscape Contractor Review & Approval: 15 minutes, etc.).

Follow Parliamentary Procedure. Parliamentary procedure is designed so that business is handled systematically and to avoid rambling discussions. If a director wants to discuss something new, it should be proposed as a motion,

seconded and approved by a majority of the directors. If the motion fails, move on. Parliamentary procedure allows discussion as long as it presents new information for consideration. If a discussion of a motion is clearly headed for pass or fail, the Chair can terminate the discussion by asking for a vote. At times it's like herding cats but in the long run, getting business done within a set time frame will reward accomplishment, not talk. (For a simplified version of Parliamentary Procedure, see www.Regensis.net Meetings section.)

Start on Time. Waiting for chronically late directors shortens available meeting time and encourages tardiness. If the meeting is scheduled for 6:30, start at that time. Avoid the temptation to bring straggling directors up on what they missed. This too encourages tardiness.

Start with an Member Forum. Let the members have their say, ask questions and criticize if they must. Limit the forum to 15 minutes or less. Ask how many want to speak, do the math and limit each to a set time limit. If only one wants to speak, five minutes is usually enough and move on to the agenda. This is not a time for members to ask for board action on any complex topics. If the topic requires research, board response should be delayed until adequate information is received upon which to make an informed decision.

Follow the Agenda. The agenda is the meeting road map. Stray too far from it and you may not find your way back. The chair should monitor discussions carefully and rein it in when it drifts too far afield.

Adding impromptu agenda items is rarely productive because they rob time from the set agenda and usually produce a rambling and uninformed discussion.

Directors and members will appreciate the results of productive meetings. Meeting mechanisms like these are designed to get business accomplished so volunteers can get back to their lives. Gear up and gitter done!🔥

Self Management Blues

Whether due to rugged individualism or perceived lack of viable alternatives, many homeowner associations are self-managed. One might suspect that most self-directed associations are small or lacking in common area amenities. Actually, many are quite large, complex and the kind that would typically have professional management.

According to **The Owner's and Manager's Guide to Condominium Management**: "For self-management to be successful, unit owners must have plenty of time and experience, and a professional attitude toward their work for the association. For example, the treasurer must understand accounting and be willing to devote a significant amount of time to the maintenance of proper financial records and timely collections. The chair of the landscape committee should have gardening experience so that either a landscape contractor or a gardener can be properly supervised. If the association is fortunate enough to have members who have the three main attributes--talent, time and concern--self-management may be the best choice."

Size of the homeowner association is an important factor. Although it should not be the ultimate factor in deciding to self-manage, a sound case can be made for limiting self-management to HOAs of fewer than 10 units with limited common area space and no recreational facilities.

The main advantage of self-management is cost. However, if the motivation for adopting self-management is purely economic, the board should scrutinize that decision closely. It makes little sense to save each unit owner a few dollars a month in management fees when the value of their property many decrease by tens of thousands of dollars as a result of that decision.

From a volunteer's point of few, the cost savings only comes because volunteers are doing the work for free. Volunteerism often has a problem with continuity. Today's "house-afire" is tomorrow's "burn-out". Volunteers

tend to like to go on vacation and not be bothered after hours with emergencies.

The board must consider the legal implications of self-management, since the board itself is liable for its good or bad decisions or non-decisions. The board's responsibility is to both fellow unit owners and the general public. Although many governing documents contain a hold harmless clause that seeks to protect board members from legal repercussions for their actions, this does not prevent their being sued for mismanagement.

Member enthusiasm may be high enough to make self management successful. However, that enthusiasm usually decreases as the demands on volunteers increase. A breakdown in the system can spell disaster for the entire HOA. Consider the nasty aspects like having to enforce rules or collection on your neighbors. This situation will happen in every HOA at some point. No volunteer should be put in the position of lording over neighbors.

Self managing a homeowner association can work under the right set of circumstances as long as the approach is professional. If it isn't clicking, consider the alternatives that professionals can offer.🔥

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Parliamentary Procedure 101

Running a successful HOA meeting involves orderly communication and getting business done. While large assemblies like Congress use involved parliamentary procedures to keep business orderly (some say "confused") HOAs are encouraged to use a simplified version.

Parliamentary Procedure provides a mechanism to transact business, to

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protect the free speech rights of all attendees and to promote harmony. It is based on common sense and custom.

1. What are some of the fundamentals of Parliamentary Procedure?

- Only one motion may be considered at a time.
- Majority vote decides.
- Every member has a right to understand a motion before voting.
- Each member has the right to speak freely without interruption.
- Voting by secret ballot is a right.
- The presiding officer should be impartial and should act to protect the members' rights and privileges.
- Until the vote is announced, every member has the right to voice opposition or approval.

2. What is a quorum? Quorum is defined as the number of members in good standing who must be present to transact business. If not defined in the bylaws, a quorum is considered to be a simple majority (51%).

3. May a motion already voted on be changed? Yes, a motion may:

- Be "reconsidered" at the same meeting
- Be "rescinded" at a subsequent meeting
- Be reintroduced as an entirely new motion

4. What does "to table" a motion mean? Tabling simply defers a motion until later.

5. What does "call the question" mean? This is usually an attempt to close debate. The appropriate motion is to "close debate" which requires a 2/3 vote.

6. What is a "point of order"? The purpose of a "point of order" is to call to attention a violation of the rules, an omission, a mistake, or an error in procedure.

7. What does it mean to "abstain" when a vote has been called? To abstain means to relinquish one's vote. While this is appropriate when there is a conflict of interest by a voting member, the right to vote is an obligation of membership; abstentions should not be

encouraged.

Meetings using Parliamentary Procedure are designed to protect the right of free speech and to get business done. All HOAs need to use it.

Excerpts from an article by parliamentarian Alice Sturgis. 🗳️

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Calling It

If you don't know what it is, call it an 'issue'.

If you don't know how it works, call it a 'process'.

If you don't know whether its worth doing, call it an 'option'.

If you don't know how it could possibly be done call it a 'challenge' or an 'exciting opportunity'.

If you don't know how to do something, 'empower' someone to do it for you.

If you need a decision, call a 'workshop' to 'network' and 'ground the issue', followed by an 'away day' to 'position the elephant in the room' and achieve 'buy-in'.

Never criticize or boast, call it 'information sharing'.

Never call something a failure or mistake, it's a 'positive learning experience'.

Never argue. Have an 'adult conversation'. 🗳️

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Legal Issues
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Trips & Slips

Tripping and slipping can involve both embarrassment and serious injury. The banana peel slip always gets a chuckle but too often the gravity (both the law and seriousness) of the situation can cause real injury. Then there is the issue of blame. In the Third World, if you trip or slip, you have no one to blame but yourself. But in the Land O' Plenty of lawyers and insurance, the blame often gets hung on the homeowner association.

HOAs have the duty to maintain trip and slip-free conditions in the common area. These conditions can be triggered by a number of causes:

- ◆ Weather (snow and ice)
- ◆ Landscape (overgrown bushes, moss, tree roots)
- ◆ Poor Construction (lack of handrails, improper material and design)
- ◆ Mechanical Failures (car oil leaks)
- ◆ Normal wear and tear (raised or sunken concrete slabs, potholes, etc.).

These conditions create conditions ripe for trip and slip such as:

1. Raised edges over 3/8 inches. Driveways, patios, sidewalks and parking lots crack and move, sometime up and sometimes down. Tree roots or inadequate compaction are usually the culprits. Raised concrete can often be ground down without having to replace it. Sometimes it requires removal and replacement.

2. Step of unusual height, like 3-4 inches. Normal steps are 6-8 inches tall. These kind of steps benefit from yellow edges which can be easily seen.

3. Walkway slopes that are slippery when wet, icy or mossy. Consider installing non-skid surfaces.

4. Inadequate lighting (too dim, too few fixtures, improper placement). Increase lumen output, add or move fixtures.

5. Overgrown landscaping that conceals or overshadows hazards. Prune bushes and trees to allow light through.

6. Lack of stairway handrails. Install on both sides.

7. Oil spots in the parking areas. Pressure wash or use oil absorbing material to remove.

8. Potholes. Fill them to level.

9. Naturally slick surfaces (like polished marble in entry foyers)

10. Lack of non-skid surfaces where appropriate (stairs, entries, slopes). Add skid resistance runners, carpet or adhesive strips. Replace slick material with skid resistant materials like wood stair treads with concrete.

Regardless of the cause, the HOA should have a budget and plan to deal with slip and trip hazards before someone and his lawyer discover them and the HOA's liability insurance policy. The plan to detect and correct should be consistent and adequate. The program should be even more aggressive in HOAs with senior residents whose injuries are likely to be more serious.

So the next time you hear, "Have a nice trip" or "See you next fall", make sure they refer to holiday travel plans and not a trip or slip. 🚧

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Balance Grasshopper

There is a saying "Winners owe their success to luck. Just ask any loser." But too often, winners are measured by material wealth. True winners have balance and peace regardless of wealth. There are a number of things we can do to achieve those things.

- ▶ Identify worthy short and long term goals and put them in writing. Worthy goals are those that improve your character as well as lifestyle. Avoid money centered goals. The Bible says, "The love of money is the root of all evil." Goals should be

specific, measurable and compatible with where you want to be.

- ▶ Write a To Do List every day and be specific, like "Do report spreadsheet", rather than "Work on report". Or "Take kids to park" rather than "Spend quality time with kids".
- ▶ Prioritizing is essential. Separate your To Do List into A, B and C priorities. "A" items are important to long term success, "B" are housekeeping tasks and "C" those things that would be nice to do if you get the time. Begin with the "A" List and check off items as you complete them to foster a sense of accomplishment.
- ▶ Use only one calendar/planner to keep track of both business and personal issues. Both are part of a balanced life.
- ▶ When told "Call me next week and we'll book an appointment" respond, "Let's book it now." It will save time unless you really don't want to meet at all. Then, the proper response is "How about never? Does never work for you?" 8:)
- ▶ Block out adequate time for major tasks. Make an appointment with yourself and write it in your planner. Then you can honestly say "Sorry, I have an appointment then. How about (fill in an alternative date and time)?"
- ▶ Don't jam your day with activities. Leave time for reflection and rest.
- ▶ Review progress on short and long term goals regularly. Change course if conditions dictate.

Without balance, you're headed for a fall. Some have been off balance for so long it's tough to know where to start. Just say "No" until balance returns. You'll know it when you feel it. Most importantly, make ample time for family, friends, recreational, social and spiritual activities. 🚧

Murphy's Laws of Golf

1. If you really want to get better at golf, take it up at a much earlier age.

2. The game of golf is 90% mental and 10% physical.

3. Since bad shots come in groups of three, a fourth bad shot is actually the beginning of the next group of three.

4. Any change works for a maximum of three holes - - or at a minimum of not at all.

5. No matter how bad you are playing, it is always possible to play worse.

6. When your shot has to carry over a water hazard, you can either hit one more club or two more balls.

7. The less skilled the player, the more likely he is to share his ideas about the golf swing.

8. If it ain't broke, try changing your grip.

9. Golfers who claim they don't cheat, also lie.

10. A golf match is a test of your skill against your opponent's luck.

11. It's surprisingly easy to hole a 50-foot putt when you lie 8.

12. Counting on your opponent to inform you when he breaks a rule is like expecting him to make fun of his own haircut.

13. It's not a "gimme" if you're still away.

14. The shortest distance between two points is a straight line that passes through the center of a large tree.

15. There are two kinds of bounces: unfair bounces, and bounces just the way you meant to play it.

16. You can hit a 2-acre fairway 10% of the time, and a 2-inch branch 90% of the time.

17. Every time a golfer makes a birdie, he must make two triple bogeys to restore the equilibrium of the universe.

18. Hazards attract; fairways repel. 🚧

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