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Pacific NW

Innovative Homeowner Association Management Strategies

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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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Fixing Your Documents

It's been said, "If you ever truly want to understand something, just try to change it." Making amendments to your homeowner association's governing documents fits this description to a "T". Making changes in one area often has significant ramifications in another area. There are several reasons to *not* amend your documents:

To conform to current state statutes. Your governing documents usually trump state statutes unless they are silent on a topic. The HOA can default to a state statute if necessary. It's not necessary to amend the documents.

To eliminate developer language. After the developer has sold all of the condos, homes or lots, developer language no longer applies. It might make you feel better to make it go away but doing so is unnecessary.

To enact new rules and regulations. The board has authority to make rules that are in keeping with the governing documents. But this can be done without amending the documents. An easier and cheaper way to make rules is the "Resolution Process". Resolutions are designed to address issues like collections, pets, parking and architectural control that need a broader definition and enforcement policy. They can be enacted by the board at a regular board meeting.

There are several good reasons to amend your documents:

To eliminate illegal provisions. Older documents sometimes have illegal language that needs to go.

To eliminate contradictions. You can't have it both ways. Decide which way is best and eliminate the other.

To change owner property rights. Issues like rental restrictions are gaining popularity. The board does not have the authority to restrict rentals on its own. An

appropriate vote of the members is required.

The criteria for amending is found in the governing documents themselves. Look for the following:

1. What percentage of the voting interest is required to amend the documents?
2. Is a meeting required to vote or can a mailed ballot sufficient?
3. If a member does not vote, is it considered a vote against the amendment?

When amending the documents, work with a knowledgeable attorney. (They invented governing documents, right?) Things that will affect the cost are: Will the attorney only review the board's proposed amendments and make suggestions? Or will the attorney draft and record the amendment?

Owner input should be included in the amendment through a meeting or survey. Involved owners are more likely to support it when they understand the goal.

Whether to consider single or multiple amendments simultaneously depends on the complexity of the issues. Too many complex amendments may be confusing. If the amendments are straight forward, include them all and vote on them individually.

Amending the documents can be good IF there is real need. Don't fix them if they aren't broke but if they are, go for broke. ⚠️

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Ask the HOA Expert

Q Many of our residents have dogs but some don't clean up after them. Is there a solution besides hiring someone to clean it up periodically?

A The board should install "pet waste stations" in logical places that serve as reminders and include disposable plastic bags and receptacles just for this purpose. These are used successfully in many HOAs around the country.

Q A unit owner has been setting up a volleyball net in the common area. When it was pointed out that the grass was being damaged, the response was, "The common area is for the unit owners to use as they please."

A The owner's response is incorrect. The common area is subject to reasonable rules and regulations imposed and enforced by the board. Damaging the common area is no resident's right and the board needs to advise this person of that fact in no uncertain terms. All damage can and should be repaired and billed to the offending member.

Q We have a board member who talks to non-board members about delinquencies and other sensitive information. We think that compromises the board's collection function.

A In World War II, there was an expression "Loose lips sink ships". Careless gossip exposes the board to claims of libel and defamation of character. Further, talking about such personal matters unnecessarily embarrasses people that may be in difficult circumstances. When neighbors are treated this way, it can have long and negative impact on neighbor relations. For many reasons, tell this person tactfully to "zip your lip".

Q Our HOA has a very draconian collection policy that includes late fees, interest on past due balances, suspension of voting rights and access to amenities, including interruption of HOA

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provided utilities. Further, liens and foreclosures can be filed. Are these tactics customary in the industry?

A Collection policies should be within the guidance of state statutes and the governing documents, clearly written, reasonable and universally applied. Even though some of the penalties you describe seem excessive to you, the tougher ones are usually not invoked until later on in the collection process to "turn up the heat". The primary goal is to get payment sooner than later without having to pay lawyers. If the debtor pays early, the penalties should be relatively small but as time passes, get progressive bigger and tougher.

HOA budgets are typically very tight. Every penny is needed to pay expenses. If one or more owners fail to pay, either services must be cut or the other members will have to make up the deficit. Since HOAs have sweeping collection powers, it's important that they are used in a reasonable way to encourage timely payment. While your penalties seem onerous, they are sometimes necessary to get the job done. The board needs to apply them wisely.

Q From time to time, our condominium has suffered damage due to a unit water leak flooding units below. We are considering an inspection of all unit plumbing by a licensed plumber, followed by replacement of all hoses, valves, etc that need it. We're also considering water leak sensors and washing machine hoses that have a 20 year guarantee.

A Rather than getting involved in unit plumbing repairs, the HOA should adopt a policy of making unit owners responsible for damage to common area and other units caused by unit plumbing failure. This kind of policy puts all unit owners and their insurance carriers on notice of their responsibility and limits the financial exposure to the HOA for something it has no control over.

The board should adopt an **Areas of Responsibility Policy** which clarifies for the unit owner and their insurance

carrier which party, unit owner or HOA, is responsible for maintenance, repairs and insurance. There is a sample in the Policy Samples section of www.Regensis.net available to Gold Subscribers.

Q Our board received a complaint about a resident parking junk vehicles in the driveway. We have a rule about using the garage for vehicle storage only and he is currently using it for personal storage.

A There are several issues: The number of vehicles being parked as well as condition of the vehicles. Since the board has the right to restrict unsightly vehicles, use this authority first. Don't be surprised if he raises the argument that other vehicles in the neighborhood aren't too pretty either. This isn't a justification for violating the rules but if he has a point, you'll need to notice other offenders as well. Rules need to be uniformly applied.

If parking is tight, the board might want to expand the parking policy to restrict the number of resident vehicles to two.

Q Is the board allowed to make decisions without having a meeting and without homeowners present?

A All non-emergency board meetings should be noticed to the members. Members have the right to attend the meetings so they should be held in a place that allows a reasonable number. ☹

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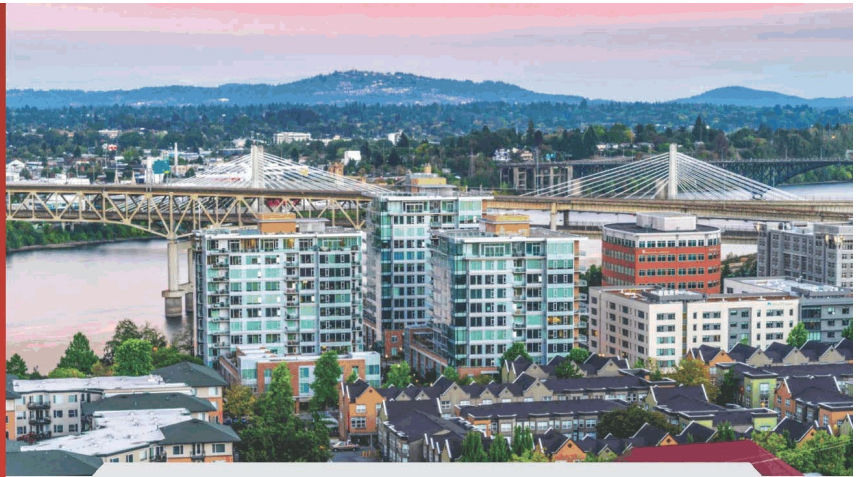
Board Blitzkrieg

From time to time, a member will launch a take-no-prisoners war against the board because of some deeply felt issue. To these folks, the board represents the Devil Incarnate and is untrustworthy, domineering, irresponsible and worst of all, in

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control. This is intolerable to someone that wants what they want and they want it NOW! Sometimes, the individual is actually serving on the board which makes matters considerably more onerous.

The blitzkrieg tactics can be relentless. They harangue at board meetings, are personally abusive, write poison pen letters to other members which detail the board's "crimes" in great detail. They are unyielding and uncompromising. Their objective is clear: to get rid of the board so that "something better" (them) will take its place.

Boards under such attack get understandably apprehensive. (Hey, I'm a volunteer...I don't need this kind of grief!) Most folks so attacked either flee from confrontation, despair or react angrily. Since this is war and not a simple difference of opinion, there are a variety of retaliations boards under attack may take:

Appeasement. Even though the attacker's demands may be unreasonable, there may be an inclination to give him what he wants so he'll go away. Remember when England and France gave Hitler Czechoslovakia's Sudetenland to make him go away? It's important to consider the consequences. Know who you're dealing with and whether this is a one issue or a multi-pronged attack. By appeasement, the board may well open the door for future assaults.

Accommodation. An accommodation is different than appeasement. It recognizes give and take within issues without running roughshod over principles. When accommodating, the board should get written agreement on the terms. An example would be allowing a special exception architectural change like a ramp for disability access. The accommodation is granted only until the resident moves.

Compromise. When an issue is viewed in extremes, there is room in the middle for both sides to "save face". Compromise may require mediation when emotions are running high. Mediation is also useful for defusing

vendettas (revenge for a perceived wrong). Professional mediators can assist warring factions to "make nice". This is extremely important considering neighbors are involved. While you may not end up friends, establishing mutual respect is essential.

Don't Return the Volley. One strategy is to refuse to fight. After trying reason, stop responding to inflammatory comments. Fight fire with silence or a statement like, "We obviously disagree on this matter but the board has voted and we intend to move on to other matters. We hope you will as well" pretty much says it all. Prepare to ride out the storm. Most typhoons blow themselves out.

Responding to Threats. Depending on whether a threat is legal (I'm gonna sue) or physical (I'm gonna punch your lights out), the response is different. An owner or director suing the board is like shooting yourself in the foot. Assuming that the HOA has Director & Officers Liability Insurance (which it should), the coverage will pay for a lawyer to defend the board. The appropriate response might be, "Sue if you must, but insurance covers our legal defense. Who pays for yours?" When it comes to physical threats, waste no time. Call the police. This kind of behavior needs to be stopped cold.

Fire When Ready. Sometimes, reason "took the last train to the coast" and ain't comin' back. If the attack is coming from a director of the board, the board majority may need to consider stronger alternatives. A renegade director can virtually destroy the board with ongoing strife and conflict. While all directors need not agree on every issue, it is important to yield to the majority opinion. If a director gets "stuck" and refuses to move on, he may need to be encouraged to resign. The resignation must be voluntary since the directors have no authority to remove other directors. This must be done by an appropriate number of members. But once the deed is done, it's important to communicate to the remaining members about the reason for the resignation. Spinning the response is perfectly okay. There is nothing to be

gained by smearing a reputation.

Call the Bluff. If the attack persists, call a special owner meeting to get it all out in the open. The purpose of the meeting should not be to humiliate or point fingers. Often the attacker is shown to be a Lone Ranger and not supported by the majority. Ask for a vote of confidence.

Bailing Out. Boards under attack may feel the urge to cut and run...resigning "en masse". Sometimes this may be a strategic move to get an owner show of confidence. However, wholesale resignation generally plays right into the attacker's hand and opens the door for all kinds of radicals to jump on the board. The welfare of the HOA depends on level headed and concerned volunteers. Letting a tyrant take control is the last thing you want. Resist the temptation to take the easy way out. Remember your property value is at stake. Hold the high ground.

Regardless how you respond, strive for compassion, as difficult as it may be. A compassionate attitude will usually lead to the best resolution for all concerned. In this battle, kill them with kindness.☺

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Squeak Relief

With the advent of condo conversions comes a number of older building structural issues that must be dealt with. One of the most annoying is sound transmission. While modern construction offers a myriad of sound blocking alternatives like concrete floors and double separation walls, older construction comes with all the foibles it was born with and noise is usually one of them.

While wood flooring is popular among condo buyers, it often causes annoying squeaks in older buildings which drive downstairs residents to distraction. Since the problem is within the units, many HOA boards are reluctant to

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interfere but, let's face it, even though the noise may not be malicious, it does disturb the neighbor and the HOA has an *obligation* to force action if necessary. That said, here's some helpful advice to deal with this particular problem:

The source of creaky floors is usually loose nails. In buildings over 20 years old, it's likely that the subfloor is plywood which is nailed to the floor joists. To avoid squeaky floors, construction adhesive should be applied along with nails. When there is squeaking, the adhesive was probably not used. Foot traffic causes the plywood to flex and loosen the nails holding the subfloor in place. In time, the subfloor will squeak with each step.

The noise factor is further compounded because the upstairs floor and the downstairs ceiling are attached to the same joist system which actually amplifies the sound. Fortunately, there is a relatively inexpensive way to solve the squeaking: Renail the floor with 8 penny finishing nails.

Finishing nails have very small heads allowing them to be countersunk and filled. If the offending floor is carpeted, the small head will allow the nail to be driven home through the carpeting, carpet pad and plywood flush with the face of the plywood subfloor. **IMPORTANT:** The nails must be driven into the floor joists. Insert a nail every six inches along the joist. This should eliminate the creaks in the floor.

If your HOA is experiencing this kind of noise transmission, run, don't walk to distribute this fix. The life you save may be your upstairs neighbor's. (Squeak, squeak, squeak, squeak...BE QUIET!!!)🔇

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It's Not About You

Homeowner association managers exist to serve the needs of their clients. That

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being the case, how does service become leadership and how do actions bring about a positive result to those served?

Author Rick Warren in *The Purpose-Driven Life*, starts with a simple, yet profound statement: "It's not about you."

In the 1960s, Robert Greenleaf wrestled with similar issues. He observed the great institutions of our country – businesses, governments, universities and churches – and noticed a disconnect between service and those being served.

The culmination of his soul searching was an essay entitled *The Servant as Leader*. "The servant-leader is servant first... It begins with the natural feeling that one wants to serve, to serve first," explained Greenleaf. "Then conscious choice brings one to aspire to lead."

He offered the following test to determine whether leaders are operating as servants first: Do those served grow as persons? Do they, while being served, become healthier, wiser, freer, more autonomous, and more likely themselves to become servants?

What does all of this have to do with the HOA industry? Everything.

Servant Leadership addresses two key issues that exist in homeowner associations - motive and intent. Motive often has its first thought toward "me", self-interest and expediency while intent, if misguided benevolence, may actually harm those served. How each of us approaches motive and intent are colored by genetics, upbringing, life experience, cultural and gender differences. So, what can we do? In a world where "what's in it for me?" rules, it's unlikely that the resulting actions will effect positive change for those served.

Insanity has been defined as doing the same thing again and again expecting a different result. Different outcomes require different approaches. The simple statement "to lead, serve first" points HOA managers in the proper direction.

When positive behavioral change is undertaken, it affects everyone around us, helping focus on true servant leadership. The true test of this change is whether our service results in the betterment of those being served.

The HOA management industry's ability to serve can only be manifested through participating board members, vendors and others – who are willing to check egos and personal agendas at the door and say, "What can I do to make this a more serving institution?" This requires enormous courage, vulnerability, discipline and sacrifice. Remember: "It's not about you"🔇.

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Reserve Planning
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Water Water Everywhere

A verse from *The Rhyme of the Ancient Mariner* reveals a man surrounded by water that he needs but can't drink. Areas like the Pacific Northwest have lots of water in the wrong places and drainage is a common problem. Drainage falls into two categories: structural, which involves buildings, and topographical, which involves surfaces.

All buildings have a structural drainage system: Roofs capture the water, gutters manage it and down spouts and ground drains dispose of it. 90% of structural drainage problems start with the system design. When gutter size is determined by aesthetics, downspout placement by convenience and little thought given to carrying capacity, poor drainage is the result. If overflowing is occurring, design corrections are in order.

Ground drains receive water from roofs, gutters and down spouts. They also accept leaves, twigs, nails and pieces of shingles that create blockage. Regular gutter and downspout cleaning helps maintain healthy ground drains. Periodically, however, a pipe rooting service is called for. As the name implies, many of the blockages can be attributable to roots getting in the

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pipes. This is particularly common in older systems that have cracked pipes or unsealed joints. If ground drain backups are frequent, it's wise to have a preventive pre-winter rooting done to the system. If you forget, the flooding will remind you.

Some areas are blessed with a high clay content soil which "sponges" water. Positive grading is critical to move water downstream because clay won't allow water to "percolate" out quickly enough to prevent ground saturation. Ground saturation creates swampy, soft areas and puts enormous pressure on building foundations. If the foundation has cracks, the water will find them, flooding crawlspaces and basements. If there are no cracks, the pressure will cause a weakness in the concrete and crack it. If these conditions exist, excavating around the foundation and installing a perforated drain system to carry the water away is a solution.

Perforated pipe systems are a good solution as well for swampy landscaped areas where regrading isn't possible. Another solution is a french drain system like an underground perforated 55 gallon drum set in the low or swampy area. Ground water accumulates in the drum and either slowly percolates out or is removed by drainage pipe system.

While winter rains will pass, poor drainage will continue to damage the landscaping and buildings if not corrected. Take the time to consult with a qualified soils engineer who can design long term corrections. You'll still have water here and there but not everywhere. 🌧️

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Magic of Listening

There are four major steps to effective listening, and each one requires effort on the listener's part. Review these steps and start practicing, because listening is the best way to show

another person you care.

1. Focus on the Speaker. Make a conscious decision to listen. Remember, you can't listen when you're talking, so control your urge to speak.

Don't just act like you're listening; really process what they are saying. Give visual and verbal feedback - make eye contact with the speaker, turn your body toward the speaker and show by your physical behavior that you are listening such as nodding your head even if you don't agree. Nodding will encourage the speaker to elaborate.

2. Understand. Try not to judge, and avoid jumping to conclusions - even if they are favorable ones. Listen first, make sure you understand, and *then* evaluate or argue what the speaker has said.

Try to find value in what you're hearing, even if you consider what's being said as foolish. Look for the most important ideas in the speaker's message.

Pay attention to body language as well - the speaker may be saying one thing, but their facial expression could be shouting something else.

3. Clarity. Ask questions - it shows the speaker that you care about what they said. If you're unclear on something a speaker says, ask for clarification.

Mirror back what was said - restate in your own words the speaker's message. For example, "You said 'forget it' but it sounds like you're angry. Are you?"

4. Remembering. Try to create associations between what the speaker is saying and things that are important to you. Write it down. Take notes, especially when in an important meeting. Jot down ideas that you'll be asked to remember later.

There is magic in listening. Master these listening techniques and you could be the master magician. 🌟

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The Death Spiral

There is a term for homeowner associations that don't plan for major renovation. It's called: "The Death Spiral". This applies to HOAs that have neither a plan nor money to properly maintain the property. These folks have a kind of myopia...an inability to see their assets deteriorate right before their eyes complicated further by the belief that someone else will pay for the problem in the future.

In recent years, a tool has been developed that reverses The Death Spiral, or better yet, prevents it to begin with called the "Reserve Study". The reserve study identifies major repair and replacements like painting, roofing and fencing that happen between 2 and 30 year intervals. For example, paint lasts about 6-8 years on average, while asphalt shingles last 20-30 years. The study provides the board with a schedule of events and a funding recommendation which, if followed, will ensure enough money is there when these events come due.

Reserve planning gets to the essence of the shared destiny of homeowner association living. Homeowners that choose common wall living assign exterior maintenance responsibilities of their home and other commonly held assets to the HOA. Since owners buy and sell and come and go at different times, a special system is required to address maintenance of major expenses and to balance out the costs fairly.

A long range reserve plan projects maintenance requirements and costs over a thirty year period and divides the costs up monthly so that each owner pays a fair share of the expenses. By paying monthly each owner only pays for the exact time and benefit he received. What could be more fair?

Moreover, the reserve plan provides

present and future boards with a sensible roadmap to handle major maintenance. It makes the board's job a whole bunch simpler.

If your homeowner association is in a Death Spiral, reverse the avoidable with a reserve study today. Don't die a slow death. Reserve and keep your assets alive! *By Robert Nordlund* 🌱

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Accounting Issues
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10 Newsletter Tips

There are only two kinds of HOA newsletters: those that get read and those that get tossed. Through its design and content, a good newsletter captures and holds the attention of the reader. Here are ten tips to make sure your newsletter gets read:

1. Write your articles objectively. A newsletter should provide useful information to readers. A newsletter that's full of propaganda will get tossed.

2. Write to express, not to impress. The purpose of a newsletter is to communicate, not to see how many times you can send readers scrambling for a dictionary. Don't use big words when smaller words will do. Keep your writing casual and conversational. When using acronyms like CC&Rs, write them out in the first reference, for instance, Covenants, Conditions & Restrictions (CC&Rs) and then use the acronym.

3. Proofread. You probably wouldn't dream of sending out a resume that is full of typos and grammatical errors. Make sure your newsletter has polished writing. Proofreading is tedious but absolutely necessary. A second pair of eyes sees things you miss.

4. Use front page articles to draw in readers. If the front page doesn't contain interesting articles, most people will glance at it and throw it away without even reading one story.

5. Use graphics like photos, artwork, charts, pull quotes or colored or shaded boxes behind an article. Graphics are important because they are the first things that readers' eyes are drawn to

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when they turn to a new page. Secondly, graphics are important because they provide visual breaks from solid blocks of text.

6. Use software like Adobe Photoshop to sharpen and adjust the contrast, color and brightness levels of photos.

7. Use accent colors and tints to make your newsletter more eye-catching. A black and white newsletter is better than no newsletter at all but if your budget allows, add an accent color to your newsletter's design. This is called a "two-color" or "two-ink" (black plus your accent color) newsletter. Another technique is to use different shades of an ink color. For instance, if you use dark blue as its accent color, using a 50% shade of that ink which would appear medium blue and a 25% shade would appear light blue.

8. Email the newsletter to the printer in Portable Document Format (PDF) rather than delivering paper originals to copy. The results are vastly superior and you save time and gas.

9. Use recycled paper. There's very little cost difference today between recycled and virgin paper. Recycled paper generally range between 10-50% post consumer fiber, the higher, the better. If you do use it, be sure to include "Printed on Recycled Paper"

10. Use no paper at all. Almost everyone has an email address so newsletters can either emailed or posted on the HOA's website. Save a time, postage and printing costs. It's the message not the medium. 🌱

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Seasons & Reasons

People come into your life for a reason, a season or a lifetime. When you know which one it is, you will better understand how to benefit from the experience.

When someone is in your life for a reason, it is usually to meet a need you have expressed. They have come to help you through a difficult time, to

provide you with guidance, to support you physically, emotionally or spiritually. They are there for the reason you need them to be. Then, the relationship comes to an end. Sometimes they die. Sometimes they move. Sometimes they force you to take a stand. Regardless of the reason, their work is done.

Some people come into your life for a season to help you grow or learn. They bring you peace, make you laugh and usually give you joy. Believe it, it is real. But only for a season.

Lifetime relationships teach you life lessons, things you must build upon in order to have a solid emotional foundation. Your job is to accept the lesson and put what you have learned into practice and other relationships.

Friends made for seasons and reasons help guide us to good and Godly ends. When they knock at your door, answer the call. 🌱

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Massive Fee Increase Rocks HOA

The Stone Age Condominium board of directors announced the largest fee increase in the HOA's history. Members will be required to pay an additional \$10 per month. Protest marches have been reported and the smell of tar and feathers has begun to waft through the common area.

The embattled board, in a hastily called news conference at the clubhouse, defended the action, saying "If we don't raise the fees, we are heading straight to insolvency. If the banks foreclose, we will all have to live in a van down by the river."

Board President Buck N. Tradition further pointed out over the derisive shouts of the crowd that the only other fee increase was \$3 per month several years ago. He had hoped that the members had recovered from that one, or at least forgotten about it. He added that members will simply have to tighten their belts and come up with the money as he sidled nervously toward a side exit door. 🌱

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