



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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eNewsletters

In homeowner associations, consistent and effective communication is extremely important to build consensus and to keep the gossip mill at bay. Besides the timely distribution of meeting minutes, newsletters are key to this charge. While printed newsletters have been the norm (and local printers thank you), the internet offers a wonderful alternative to publish newsletters online and eliminate printing, mailing, labeling and postage costs.

eNewsletters offer a number of really cool features that printed copy either can't or would be very expensive to duplicate. They can include color for no extra charge so pictures, graphics and fonts can shine with chromatic intensity. The same feature for printed newsletters ratchets up the cost considerably.

Text, graphics and pictures can be hyperlinked to the HOA's website or other internet locations. Newsletter ads can be linked to the vendor's website where the vendor can prattle on endlessly about the benefits of product or service. You can even add sound and video features to really jazz it up!

eNewsletters can be delivered to the reader in a variety of ways:

eNewsletters appear within the email message itself and include all the newsletter bells and whistles like fonts, color and graphics. Internet websites like www.ConstantContact.com offer customizable newsletter templates that are easy to use, track delivery and other ingenious features.

PDF Newsletters convert word processing documents into a Portable Document Format (PDF) using Adobe Acrobat software. A companion software called Adobe Reader is available free at www.adobe.com to enable viewers to open PDF files. PDF newsletters can be mailed as attachments or posted on the HOA's website.

Word Processor or Publisher Software Newsletters. Both Word and WordPerfect have newsletter composing capability. There are also newsletter specific software like Microsoft Publisher that are layman friendly and come with templates and other helpful features. These files can be distributed as email attachments.

When crafting the newsletter itself, there are a number of basic formatting recommendations:

Use of Fonts. Use only a few different fonts and type sizes. Newsletters are commonly done in Times Roman (this article is written in Times Roman) and Arial which are easy to read. Choose one of these for your basic text and several of the thousands of others for titles. Use **bold**, *italics* and color sparingly and for emphasis only.

Use Columns. Follow the example of magazines and newspapers by using two or three columns. Articles are much easier to read in that layout.

Use Pictures & Graphics. Images make the newsletter more eye-catching. But keep the file size small (10-50k) so they don't slow the load time for viewers that are still using dial up connections.

Use Text Boxes. Text boxes are floating fields can be placed anywhere in the newsletter either lining up with columns or straddling them. The background can be shaded with color and the borders have a number of options.

Getting the word out that the eNewsletter is available is a snap. Simply email to a distribution list that it is available either as an attachment or include a link to the newsletter's location. It's helpful to include a brief description of articles to woo better response.

One obstacle to eNewsletters is delivering the goods to computer challenged members. But let's face it, there is a high price associated with printed communications in

both labor and hard costs. These costs often discourage newsletter production or reduce the frequency.

Fortunately, there is no law that says newsletters, meeting minutes and other HOA communications (other than legal notices) need to be snail mailed. To encourage use of email delivery, why not give consenting members a credit of \$25 a year? The HOA will save an unnecessary expense, reduce paper needs and the members that drive the savings enjoy the savings.

If your newsletters are not all they could be, why not explore the fascinating world of online publishing? Dramatically lower the cost and production work while improving the quality of the product. This is good news indeed. 🗺️

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Article Archive
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Ask the HOA Expert

Q The board is considering investment alternatives for our reserve funds. Is it a good idea for an HOA to invest reserve funds in bonds?

A While an HOA can purchase bonds that pay interest tax free, it usually isn't advisable for a few reasons:

1. Bonds aren't FDIC (Federal Deposit Insurance Corporation) insured, so there is a risk of losing principal. Also, bonds do go up and down in value based on the market.
2. Some HOA governing documents don't allow bond purchases. Check yours.
3. Taxes usually aren't an issue for an HOA that doesn't offer for profit amenities like a marina or golf course open to the public. Normal HOAs are allowed to charge expenses against interest and dividend income which

minimizes or eliminates taxes.

4. The extra administration costs for an HOA to buy and trade bonds usually eliminates any gain.

5. Investing activities can have unintended tax consequences, like requiring the HOA to file a Form 1120, which puts all the association revenue at risk of being taxed.

To keep the HOA funds as secure as possible, ladder CD (Certificate of Deposit) maturities to coincide with your reserve study expense needs.

By Doug McLain CPA.

Q I live in a condo and have suffered with water leaking into my unit from the ceiling. The condo association has attempted to fix it and charged it to another owner who paid. It has been eight years and it still leaks during heavy rains. They tell me it is not their problem and I should sue the owner of the unit that is on the next level up. Only his patio and a small limited common area is above my condo.

The HOA owns the floor and ceiling. I maintain that the condo also owns the infrastructure above my ceiling and that is where the water is rusting out the steel beams that support the drywall on my ceiling. I fear that more ceiling is going to fall because it has inadequate support to hold up the drywall. The owner of the above unit feels that he paid the association to fix the leak and they need to correct the repair. Please shed some light on this matter.

A Since the leak is related to rain, the source of the water intrusion is something the HOA is responsible to repair. Failure by the HOA to mitigate the leak has caused damage to your unit and possible structural damage to the building. I suggest you engage an attorney to inform the board of its obligations along with a demand for immediate action.

Q We want to amend our declaration to include a restriction on rentals. Other than a vote by the owners and

filing it on the public record, are their any government agencies that need to review or approve it?

A Government review is not (yet) required of rental restriction policies in HOAs. But proceed with caution on this and work with a knowledgeable attorney. Restricting rentals affects a basic property ownership right. If it is to be done, it should apply to one and all. Getting such passed is very difficult. That said, there are several sample rental restriction policies in the Policy Samples section of www.Regenesi.s.net

Q I just listed my unit and my agent gave me a Seller's Disclosure to complete. It has some questions that, when answered truthfully, will lower the value of my home or, worse, kill the sale. For example, the board is planning to repair dryrot, redo the stucco siding and eradicate termites. I know for a fact that it will require a significant special assessment to accomplish this. Should I ask the board to fill this out? How should I respond?

A Since you are not calling the shots, only answer what you know for sure. Whether the board will provide the answers may or may not happen. Maybe they don't even know themselves how much it will cost. But presumably there is some forecasted range of cost. If so, you can build it into the price as a buyer's credit instead of lowering the price.

Do not conceal relevant information. You would not like it done to yourself. The good news is that the board is facing deferred maintenance which will certainly cost money. It always does, no surprise. The question is how much? If you know, you must divulge it. If it is "yet to be determined", that too can be divulged.

One thing the homeowner association should have, if it doesn't already, is a comprehensive reserve study to forecast these and other major expenses like roofing, painting, paving, siding, etc. Special assessments are the result of poor or no planning and dryrot is

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usually the result of failure to perform regular maintenance inspections and repairs. Planning for known events is absolutely essential to maintain the property in its best condition. A reserve study should provide a funding plan that is fair to everyone and does not penalize those that happen to own when the special assessment ax falls. For more on reserves, go to www.regenesis.net/reserves-study-service.htm We also have an excellent video on the subject in the Videos section.

Q Our HOA is going to have our annual meeting soon. The board sent out a ballot requesting homeowners to circle the names of the directors that the Nominating Committee decided would be on the ballot. This precludes nominations at the annual meeting. Any thoughts?

A Since nominations are possible at the meeting, pre-voting by mail eliminates the possibility for this. The normal procedure is for owners that can't attend to designate a proxy to vote on their behalf at the meeting. There is something called a "directed" proxy which instructs the appointee how to vote but normally the proxy allows the appointee to vote as he sees fits.

Q We have serious termite problems in our townhouses. A termite inspector told us that the entire building (6 units) have to be fumigated. The president told us that the homeowner association funds do not cover termite control.

A Wood boring insect control is logically the responsibility of the HOA since individual owners cannot eradicate them. They just move next door.

While it may be true that the homeowner association has not budgeted money for this work, it needs to raise the money to do it and quickly. Every day delayed creates larger and costlier structural repairs which definitely are the HOA's responsibility.☹

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Best Practices
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Cut Management Costs

Homeowner association management companies work by contract for a monthly fee. But how is that amount computed? Few management companies have detailed time reporting systems to calculate costs accurately. But a management company sells its time and the more time spent on your homeowner association business, the greater the cost. The management fee is often a "SWAG" estimate of what it's going to take to manage your account and make a profit.

So what goes into the management fee? There are fixed costs like rent, phones, copier, insurance, computers and fax...the standard modern office expenses. Then, there are labor costs which vary according how many HOAs managed and the time needed to handle each account. Then there is a funny notion called "profit". Total fixed and labor costs plus profit margin divided by the total number of units managed yields the company's charge "per door" which can range on average from \$20-30/door. Small communities will pay more and larger communities will pay less than this. Costs per door vary by region.

Typically, a management company will assign a manager, a bookkeeper, a support staff person and possibly an administrative assistant to the account. All will handle multiple HOAs. The manager may handle 8-12 associations, the administrative assistant may be shared by two managers and may handle 16-24, the bookkeeper may handle 10-14 and the receptionist gets them all and is often put on the "firing line" by disgruntled callers.

The salaries, benefits, taxes and expenses of these people are allocated to the homeowner associations they deal with. Staff costs are directly related to how many HOAs the staff manages. The more they can handle,

the more cost efficient and, theoretically, the cheaper for you.

The salary levels of the staff can have a major impact on the management fees. If an HOA wants experienced professionals, there is a price to be paid. A professional manager should attend seminars, have professional designations and focus exclusively on this form of management. This is one of the most challenging forms of management there is and a jack-of-all-trades just won't do. The association will benefit from proper training and experience. Expect to pay accordingly.

Managers spend sometimes as much as 80% of their time preparing for and following up on board meetings. For a typical board meeting, the manager gathers the information and prepares a management report, reviews the financial statement, attaches relevant correspondence, puts board packets together and mails them to individual directors. That could leave just 20% of the total schedule for inspections, supervising contractors, responding to owners, processing collections, reviewing contracts and other important things a manager is supposed to be doing.

Most board meetings are held on weekday evenings at the community or by Zoom. The manager is then required to work after hours and sometimes travel, both of which cost the HOA money. (It's built into the management contract.) After the meeting, the manager usually has a laundry list to follow up on that occupies most the following week. A manager can easily spend from 14 to 20 hours on board meeting related business.

What can you do to reduce management costs?

- 1. Limit board meetings to 2 hours.** Rarely will more time be needed and if a deadline is known, the agenda will get done. Less talk, more action.
- 2. Hold daytime, weekday meetings** to avoid manager overtime costs.
- 3. Move board meetings to the**

management office to save manager travel time and mileage.

4. Reduce number of meetings. With a good budget and management plan, the manager should be able to handle most issues with only occasional input from the board. Board meetings can be scheduled quarterly.

5. Let the manager manage. Board micromanagement duplicates effort and inevitably runs up costs. If your management company is incompetent, get a new one. If qualified, let it do its job. This may be your single biggest cost saver.

6. Insurance claims. Insurance claims can take many hours of a manager's time. If the management agreement specifically states that insurance claim work is an extra billable cost to the client, the management company can bill the insurance company for the time it takes to administrate a claim.

7. Collection Activity. Management time for collections should be billed to and recouped from the delinquent owner.

8. Disclosure Information. Manager time and costs to compile disclosure information for owner unit/home sales should be charged to the selling owner.

9. Special Projects. When managers are asked to get bids and/or oversee renovation projects, expect either a percentage or hourly fee to compensate them. If the scope of work is within volunteer skills, the HOA can save money.

These are but a few ways that management costs can be trimmed. Be sensitive to your manager's time and don't pile on unnecessary tasks that ultimately will raise the cost. While it's important to get what you pay for it's equally important to pay for what you get. Sit down with your management company annually to count the cost and work together to improve your partnership. 🌱

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Reserve Planning
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Ignoring the Obvious

Reserve studies recommend scheduling and funding models to keep building and grounds components like roofing, painting, fencing and paving in good repair. Unfortunately, the study recommendations are often being ignored by HOA boards, or only partially implemented. As HOAs reach around 20 years old, many of the most expensive repairs come due. HOAs that are not prepared face unpopular and unfair special assessments.

The natural consequence of this kind of unpopular action is for most boards to dodge and weave, defer and delay. What's a year or two more going to matter? And, by next year, the directors might be able to sell their units and avoid the unpleasantness altogether. Hmmm.

Deferring maintenance always costs more money and dampens home sales. When your HOA is caught in this kind of quagmire, it's best to hire a credentialed Professional Reserve Analyst (PRA) member of the Association of Professional Reserve Analysts (APRA) that can prepare a proper reserve study and the case for urgency. A PRA doesn't have the political problem that board members do of being neighbors. A PRA can explain the hard realities of raising the funds and getting the job done or the dire consequences for failing to do so.

A PRA can also recommend material and design upgrades to reduce repair and replacement costs plus interval maintenance that will significantly extend the useful lives of some components. With longer lives, comes reduced owner contributions.

One oft overlooked advantage of effective reserve planning is strategic investing of the funds. The study reveals when funds will be needed and

thus allows available funds to be invested for longer terms and higher yields. An increase of only 1-2% in investment yield can often lead to hundreds of thousands of dollars in additional interest earnings over the projection period. Every dollar of interest earned is one dollar less of owner contribution. It's like having someone else pay the freight.

One option that HOAs consider to finance urgent repairs is bank loans. When an HOA borrows money, it's considered a commercial loan and both the rate and loan fees are considerably higher than home equity loans. The loans are typically short term (five to ten years) and HOA loans require monthly payments just like any other. The lenders require much hoop jumping to get them. There are only a few lenders that will do them at all. There are situations when borrowing money is called for (like unanticipated and hugely expensive urgent repairs) but there's simply no free lunch and this one comes at a premium price. If certain owners lack the cash to fund an urgent special assessment, it's much cheaper to get a home equity loan or even draw on a credit card. Home equity loan interest is deductible for this purpose.

For a variety of reasons including disability, divorce, retirement and long term unemployment, some HOA members may not be able to fulfill their financial obligations to the HOA. But consider this: shelter is only trumped by food as a life priority. If a member is unable to afford HOA expenses, it may be time for a lifestyle adjustment. The HOA simply cannot fulfill its financial obligations when it plans around or concedes to the weakest link. While this sounds cruel, remember that there is no government bail-out for HOAs.

And here's the ugly bottom line: If some don't pay, the rest must. If the board can convince **all** the members to subsidize someone down on their luck, well and good. Otherwise, the Board should press for collection just like the IRS, and the sooner the better. Most members can come up with their share of cash when pressed. For the rest, it

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may be time for a heart to heart about downsizing.

All things wear out sooner or later. A reserve study analyzes those assets that the HOA is responsible for, projects future costs, current funding needs and a schedule for keeping the assets in good repair. The approach is fair to all owners, now and in the future, and ensures repairs are done when needed. Result: happy members with sustainable home values.

Ignoring the obvious has obvious pitfalls. Sooner or latter, the inevitable becomes unavoidable. As the saying goes, "If you find yourself in a hole, stop digging."

For more on Reserve Planning, see www.Regensis.net 🐾

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Ask the HOA Expert
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Catastrophic Results

At times, it can appear that trying to unify a homeowner association board is like herding cats. Freedom of expression is what America is all about, right? While it's true each citizen is allowed freedom of thought and expression, having a group of special interests fighting over the same turf is contrary to the interests of an HOA. It is up to the president to build a team, a coalition that can prioritize and get the job done.

Coalitions take the strengths of differing viewpoints to accomplish a unified result by focusing on a common objective. In the case of homeowner associations, the primary objective should be to sustain and protect owners' property values. This object is the "filter" by which decisions are made.

So what does it take to build a coalition of cats? For this, we turn to the supreme artists of change, politicians. Here's what successful politicians do:

Don't Wait for Crisis. Like the Boy Scouts, "Be Prepared" by getting to know your board members personally. Understand their motives for serving. There may be more to it than you imagine. This information could be very useful in the future.

Establish a Filter. A filter is the philosophy by which all issues must pass. For example, a good basic filter could be that creating harmony by sustaining property values should drive board's decisions. This filter allows disagreement on priorities but forces all issues to answer the question: Will this action sustain our property values and increase harmony?

Partner with the Opposition. Look for someone that wouldn't be a natural partner. Be prepared to support some of their issues with the expectation that they will do the same for you. Those in the middle will be naturally drawn into the cooperative spirit.

Focus on Consensus. When divisive issues begin to take center stage, it's time to refocus the group on the priorities which hold clear consensus. This may require diversionary tactics. For example, if a director or homeowner demands satisfaction on some divisive issue, appoint that person chair of a committee to "research" the issue. Ask for a written report with recommendations. This method shows clear concern for the divisive issue without endorsing it. And, in the vast majority of cases, the issue will vanish when the committee chair is actually faced with the prospect of building real work.

Sell the Vision Thing. Create some bigger than life goals for the board to accomplish. Instead of just sustaining property values, cast a vision that will *increase* them. For example, in older communities, signage gets tired, building colors become dated and newspaper boxes and illegal signs leer like ugly weeds.

Suggest bringing in a color consultant from the local paint supplier to provide contemporary color combination alternatives. Have color boards prepared and get the owners to vote on

their favorite. Declare war on the trashy signs and rid them from your HOA. Vow to unclutter and bring a fresh clean look to the HOA and set a timetable to do it. The Vision Thing is contagious, especially when folks begin to see results.

Herding cats and coalition building has everything to do with moving forward, not merely treading water. Cats stay interested when there is movement. Be a lion tamer. Round up those cats, crack the whip and watch them purrrrrrrrrrr. 🐾

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Legal Issues
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Hammer Time

Why is it taking so long to collect delinquencies? Can we close the pool to the deadbeat? Why can't we collect on that judgment? These are questions that too many board members and managers ask...mainly because there is no collection policy.

A clearly worded, communicated and enforced collection policy is the solution to collections. A collection policy simplifies one of the board's most disagreeable tasks: collecting money from neighbors. Since the course of action is predetermined, the board doesn't need to wring its hands over each case. Here are some of the essential components:

- ✓ Payment Date: ___ of the month
- ✓ Payment Late: ___ of the month
- ✓ Late Fee: \$ ___
- ✓ Finance Charge: ___% per month
- ✓ Payments applied to oldest balance first
- ✓ Type of notices (10 Day Notice to Pay, Notice of Intent to Lien, etc.)
- ✓ Who provides the notice (association, attorney)
- ✓ When account is referred to an attorney
- ✓ Collection costs paid by the debtor
- ✓ HOA has right to obtain a personal judgment (garnish wages, attach personal property, etc.)

- ✓ Amenities (pool, tennis court, clubhouse) are suspended for delinquencies of a certain dollar amount

Copy Assessment Payment Checks

For the record, photocopy a check from each owner when received, whether delinquent or not. The information will be valuable if collection is necessary and may save a \$100 - \$200 "skip trace" cost later.

Get Work Phone Numbers. Getting a judgment or lien doesn't guarantee payment. In most jurisdictions, a collection can receive up to 25% of a debtor's "disposable" wages (after withholding). Ask all owners for work phone numbers for "emergencies" with a pool or car registration form.

Give Notice to All Legal Owners.

There may be more than one owner on each unit title. Make sure all applicable names are on the notices. A title company can assist with this information. All owners are equally responsible for the entire debt.

Checks Marked "Paid in Full".

Cashing checks so marked could be considered binding. Make sure the amount truly is "paid in full" before depositing.

Record Liens. Liens alert lenders, purchasers and title companies of a "cloud on title" that needs to be cleared up. For this reason, long standing delinquencies often get cleared up at refinancing or sale closings. A recorded lien improves the odds of collecting even if an owner files bankruptcy or a lender forecloses. If the lender forecloses, the association can collect if there are surplus proceeds. If there is no lien and the property is sold, the association has no claim.

Let the Attorney Handle It. After several rounds of written notices and 60 days have passed, turn the matter over to the HOA's attorney. Cease communications with the debtor. Referring all calls to the attorney will expedite the process. One attorney letter often does the trick.

Take Away Privileges. Many homeowner association governing documents allow the association to withhold access to amenities like pool and parking. If allowable, do it.

Shut Off HOA Provided Utilities

Sometimes, drastic action is called for. Your collection policy can call for shutting off utilities like water. This may require a plumber. Make sure that your governing documents and state statute do not prohibit such actions.

There's no magic money tree for HOAs. If one member doesn't pay, the rest have to ante up. When you are an anvil, bear. When you are a hammer, strike. Make it hammer time!

For a sample Collection Policy, go to www.Regensis.net 🗺️

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Accounting Issues
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Duty, Honor & Country

Those three hallowed words reverently dictate what you ought to be, what you can be, what you will be. They are your rallying points: to build courage when courage seems to fail; to regain faith when there seems to be little cause for faith; to create hope when hope becomes forlorn...

These are some of the things they do. They build your basic character. They mold you for your future roles as the custodians of the nation's defense. They make you strong enough to know when you are weak, and brave enough to face yourself when you are afraid.

They teach you to be proud and unbending in honest failure, but humble and gentle in success; not to substitute words for actions, not to seek the path of comfort, but to face the stress and spur of difficulty and challenge; to learn to stand up in the storm but to have compassion on those who fall; to master yourself before you seek to master others; to have a heart that is clean, a goal that is high; to learn to laugh, yet never forget how to weep; to

reach into the future yet never neglect the past; to be serious yet never to take yourself too seriously; to be modest so that you will remember the simplicity of true greatness, the open mind of true wisdom, the meekness of true strength.

They give you a temper of the will, a quality of the imagination, a vigor of the emotions, a freshness of the deep springs of life, a temperamental predominance of courage over timidity, of an appetite for adventure over love of ease. They create in your heart the sense of wonder, the unfailing hope of what next, and the joy and inspiration of life. *General Douglas McArthur* 🗺️

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Cost Cutting
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Word Ploy

- ☺ **Intoxication.** Euphoria at getting a tax refund, which lasts until you realize it was your money to start with.
- ☺ **Reintarnation.** Coming back to life as a hillbilly.
- ☺ **Bozone.** The substance surrounding stupid people that stops bright ideas from penetrating. The bozone layer, unfortunately, shows little sign of breaking down in the near future.
- ☺ **Giraffiti.** Vandalism spray-painted very, very high.
- ☺ **Sarchasm.** The gulf between the author of sarcastic wit and the person who doesn't get it.
- ☺ **Inoculate.** To take coffee intravenously when you are running late.
- ☺ **Osteopornosis.** A degenerate disease.
- ☺ **Dopeler Effect.** The tendency of stupid ideas to seem smarter when they come at you rapidly.
- ☺ **Arachnoleptic Fit.** The frantic dance performed just after you've accidentally walked through a spider web.
- ☺ **Caterpallor.** The color you turn after finding half a worm in the fruit you're eating.
- ☺ **Ignoranus.** A person who's both stupid and a butthead. 🗺️

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