



The Regenesi Report



National Edition

Innovative Homeowner Association Management Strategies

Priceless

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

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

The Regenesi 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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Trips and Slips

Tripping and slipping can involve both embarrassment and serious injury. The ubiquitous banana peel slip always gets a chuckle but too often the gravity (both the law and seriousness) of the situation can cause real and lasting injury. Then there is the issue of blame. In most of the world, the policy of Always Look Down (ALD) is essential to avoid injury. 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 limits, 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:

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

The following conditions create conditions ripe for trip and slip:

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 tall versus normal steps which 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. Use Ice Melt or pressure wash when needed.
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). Add walk off mats at the entrances to absorb moisture.

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 replace 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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Ask the HOA Expert

Q Our board has decided to waive a member's annual assessment due to hardship. I believe this is setting a really bad precedent.

A Since there is no government bail-out for homeowner associations, the board waiving one member's financial obligation causes the cost to be placed on the other members. This essentially is a reallocation of the expense formula. The board does not have the authority to change how expenses are allocated.

It is not unusual for someone to get caught in a financial crunch due to employment, disability, divorce, etc. So the question is the situation a temporary or permanent financial condition? If temporary, the board can establish a repayment plan. If permanent, the member needs to face the facts and divest himself of the property. In other words, if the ship is going down, it's time to abandon ship.

The board can make reasonable concessions based on the facts. If this member is going bankrupt or into foreclosure, reasonable concessions are called for. But usually that means, waiving or reducing late fees and interest, not the HOA fees themselves. Any reasonable deal struck should include a written agreement between the HOA and member defining the terms.

Q Our 25 year roof is now 16 years old. The past two years, 10 units have had roof wind damage which required large sections of shingles to be replaced. The same units tend to be the ones hit worse by the wind. Both incidents were submitted as insurance claims and we received payment. We have since lost a few shingles with the wind. Unfortunately, the last patch job was done with shingles that do not match at all since the shingle color is no longer available. Also, various units have had other roofing problems that include leaking. The board believes replacing the roofs now with 30 year shingles and 100 mph wind resistance will eliminate this unsightly and costly, cyclical problem.

Since the HOA has inadequate reserves, the board tried and failed to get the members to approve a special assessment. Our governing documents require a 2/3 approval by a quorum of the membership. What now?

A Your roofing problem comes from the use of improperly installed lightweight shingles. In high wind areas, a 40 or 50 year shingle is recommended due to its increased weight and sturdiness. Using proper roofing fasteners is very important as well. If shingles are installed with staples, they will not hold as well as with nails. Since you don't have the money to replace, I suggest you make needed repairs and establish a reserve fund to replace of all roofs in 9 years. (Hopefully, the roof will last that long.)

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From the sounds of it, you do not have a proper reserve study. A Reserve Study will identify all the components you should be reserving for, provide a funding plan and a schedule to follow. Additional information is available to Gold Subscribers of www.Regenesis.net in the Reserve Planning section.

You need this information to speak intelligently with your members about providing funds. If after providing the Big Picture, they still won't provide the

funds the board needs to properly care for the property, you may need to consider whether rearranging the deck chairs on the Titanic is a worthwhile use of your time.

Q Our condominium has very limited parking. Each unit has a one car garage and one additional assigned parking space in the common area. We also have guest parking. Do residents have the right to use these spots?

A Guest parking is just that. No resident should be allowed to commandeer it nor can the board assign it unless the bylaws are amended to convert it to resident parking.

Q One of our directors recently resigned. There has been a member that has expressed an interest in serving and has attended several board meetings. Should we go ahead and appoint or circulate a notice requesting candidates?

A The board is under no obligation to go on a search if you have a ready, willing and able candidate. That said, if sending a notice is easily done and there is no particular urgency, why not do it? You may discover several volunteers that would be willing to serve on the Grounds Committee or some such.

Q Our governing documents indicate that we need an audit of the HOA's books done every year. What exactly does that mean?

A CPAs perform several levels of financial records inspection which are designed to test the adequacy of the record keeping and reporting:

Audit: The highest level of service. An audit is a methodical and objective examination of accounts and items that support the financial statements.

Review: The second highest form of service. A review is a report of limited assurance stating that the accountant is



Things break down. Wouldn't it be better to stop a problem before it starts?



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not aware of any material modifications that need to be made to the financial statements in order for them to conform with Generally Accepted Accounting Principles (GAAP). The accountant must perform sufficient inquiry and procedures to give a reasonable basis for that conclusion.

Compilation: The lowest form of service. An accountant reviews financial statements without expressing any assurances.

When governing documents talk about “audit”, it means the highest form of service. Depending on the size and financial complexity of your HOA, this may be overkill. Audits are not cheap. It may make sense to amend the governing documents to add something like “...unless a majority of the owners vote at the Annual Meeting to not have an audit done in that year.” This still holds the board and management accountable to an audit unless the members say otherwise.

Q Due to deferred maintenance, we are facing a large special assessment. Most owners are able to pay in full but some don't have enough home equity to borrow against. Should the HOA finance those folks?

A The HOA is not responsible for owner personal finances. Most homeowners have financing alternatives beyond home equity loans. While it's possible for the HOA to accept a payment plan for special assessments, collecting multiple payments is time consuming and expensive. Also, there is always a risk that some owners may default on any or several payments. Then, the HOA must engage in lengthy and expensive collection efforts.

Ask yourself this: If you owned a single family home and had to pony up big money for urgent repairs, what would you do? Answer: One way or another, you'd raise the money even if it meant borrowing from friends or relatives. The HOA should stay out of the banking business.

But the bigger question is why is there so much deferred maintenance?

Usually it happens due to failure to plan for predictable events. It sounds like your HOA desperately needs a professional Reserve Study so major renovations can be scheduled well in advance and funds collected systematically so special assessments can be avoided altogether.

For more, see www.Regensis.net “Reserve Planning”. 🗺

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10 Effective Meeting Tips

Because of his busy work schedule, the HOA board president can't give much thought to board meetings until he gets to one. He typically arrives at the meeting just in time. That's not a problem because the board meets nearby at another board member's home. Members visit over snacks before moving to the living room for their meeting.

To accommodate latecomers, John starts the meeting about 15 minutes late. "So what do we need to do next?" he asks the manager. He keeps asking this question throughout the meeting.

He is a real stickler for procedure and requires a motion, a second and a vote for all issues before the board, even routine matters. Meetings can last up to three hours, depending on what new issues board members raise and how long or how many times they want to talk.

What's wrong with this scenario? If you are content with long, disorganized and unproductive meetings, stop reading now. If you prefer shorter, more effective board meetings, here are 10 tips for doing better than this board president.

1. Plan the meeting. No single effort saves more time during meetings than planning ahead. What needs to be accomplished at the meeting? Who is responsible for each item? Have minutes of the previous meeting, the

agenda and other necessary documents been provided to each board member?

At a minimum, a president should have a general outline of a meeting. Parliamentary books such as Robert's Rules of Order Newly Revised recognize a standard order of business, which includes:

Opening the meeting. The president should officially call the meeting to order by saying, "The meeting will come to order."

Approving the Minutes from the last meeting. If the minutes have been circulated in advance for review (which they should be), the President can ask for “additions and corrections”. If there are none, the President can ask for a “motion to approve the minutes as distributed”.

Reports. The manager or committee chairs should only be called on if they have something to report. No vote is needed unless action is recommended.

Unfinished Business. Unfinished business includes any motion that was not resolved at the previous meeting.

New Business. Members can introduce new items for consideration.

Closing the Meeting. In most bodies, the President can adjourn the meeting by asking, "Is there any objection to adjourning the meeting? Hearing no objection, the meeting is adjourned."

2. Pick the right location. Typically, meetings in a relaxed setting tend to be relaxed about everything, including the meeting's length. But does meeting in a board member's living room give the right impression to a homeowner appealing a rules violation? If you don't have an on-site meeting room, you can find free or low cost rooms at a library or place of worship.

A room's layout also should be considered. Auditorium seating usually leads to less participation by board members. In contrast, a circle of chairs can invite too much discussion. Some boards prefer U-shaped seating, which encourages participation, but acknowledges the president is running

the meeting.

3. Start on time. The president should arrive early to be better prepared to tackle the evening's business. Delaying a meeting encourages board members to arrive late and punishes those who are on time.

4. Prepare an agenda. An agenda is more detailed than an "order of business" and lists the specific items that will be discussed during the meeting. Well-planned agendas make for shorter meetings that seem effortless. At a minimum, an agenda should list the order in which items will be discussed. If there are several important items, prioritize them. It is usually best to prepare and circular the agenda and related material in advance.

Boards needing serious intervention may wish to consider a timed agenda, which gives a start and end time for each item. Such scheduling helps rein in long discussions, allowing several controversial items to be addressed. The president should announce when time has expired and wrap up the matter.

5. Set an adjournment time. At a minimum, an agenda should list the time the meeting will adjourn. This will force the board to use its time more efficiently. Some boards plan their meetings to fit a set time, such as 90 minutes. They cover more important issues first and carry over items not addressed to the next meeting.

6. Use informal procedures when you can. Robert's Rules notes that strict procedures can actually hinder business for boards with fewer than 12 members. For example, it recommends smaller boards not require a second on each motion and allow the chair to make motions.

Even during informal meetings, boards may wish to be more formal on matters of great importance or controversy. For example, they may want to observe limits on debate to keep the meeting on schedule or vote formally to help avoid legal challenges.

7. Use unanimous consent. A great

time-saver for routine items is unanimous consent. Boards often use it to adopt routine reports, approve minutes or end debate. On noncontroversial matters, the president can ask if there is any objection to approving the item. If no one objects, it is approved. If a member objects, the president can ask for a motion and a vote.

Some boards even use a "consent agenda" at the beginning of a meeting that includes all noncontroversial items, such as approving minutes. Any board member can remove an item and place it on the regular agenda for consideration and a vote. The board then approves the remaining items on the consent agenda unanimously without discussion.

8. Require new business in advance. If board members never know how long meetings will last, it's probably because they don't know what issues will be raised. Require them to submit their new business items in advance. Allowing members to bring up issues at the meeting can lead to poorly thought-out motions. The board can allow new business to be brought up for the first time at the meeting by suspending the rule and carry it over to the next meeting if the item requires research.

9. Manage discussion. Encourage new discussion and prevent repetition by asking for comments from directors who have not spoken. Seek alternative views. After hearing from a proponent, ask if anyone opposed to the motion would like to speak. When members digress, note that their comments aren't relevant to the discussion.

10. Limit discussion. Set the discussion time prior to addressing any potentially controversial or important issues. You can do this with a motion to limit total debate to a specified number of minutes. Such a motion generally requires a two-thirds vote. When discussion is no longer fruitful, ask for a motion to close the debate.

By following these simple suggestions, you can help keep your board on track, making meetings shorter, more effective and less burdensome. ☺

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Dealing with Difficult People

Difficult people in any setting can be a real challenge. But in volunteer-based homeowner associations, where there is none of the leverage managers have with employees, there is an entirely new level of difficulty. And, believe it or not, a new level of opportunity. The key is common interest.

Where we live means a lot more to us than any other physical environment. Our territoriality buttons are more easily pushed. Our investment is greater. We can easily get defensive of our personal space and quickly lose sight of community issues. It's worth recognizing that, to one degree or another, we all have this in common. What unites us seems to divide us and vice versa. In a homeowner association we are challenged to balance our individual and collective needs.

Most of us believe it's a good thing to work toward achieving that balance, but some people seem oblivious to it. And some people seem downright determined to undermine it. It's easy to imagine that the folks who obstruct or dismantle our meetings have malicious intent, or at least thoughtless disregard. Why are some people so difficult? Because they learned how -- and because they didn't learn how not to. The seriously difficult person is significantly dis-inhibited. He or she didn't learn the typical social inhibitors that make for balanced exchanges. Most of us know how to "make nice," even when we don't much want to. Some people simply don't know how.

We can name some of the more difficult behaviors and we can speculate about what motivates them. In general, fear is the prime motivator. Extremely difficult people are extremely dis-inhibited in their response to fear.

Terrorist Behavior literally holds a group hostage. In extreme cases, this

includes streams of abusive language, threats or emotional outbursts (yelling, crying, banging). There is frequently a relentless nature to all of this, so it's clear to the group that nothing else stands a chance of going on.

Aggressive Behavior is domineering, offensive, in-your-face and is easily triggered. In fact, the threat of aggression hangs over the group and creates an underlying tension. This behavior is more controlled than the first category in that it is less all-over-the-map and probably more directed at individuals than at the entire group.

Passive-Aggressive Behavior avoids full-blown confrontation but strikes out covertly. Hidden agendas and character assassination attempt to sabotage normal, above-board group process and interaction.

Unyielding Behavior is unable or unwilling to set a past issue aside. The issue or emotion keeps coming up, even when the subject is different and the cast of characters has changed. Everything is referenced to an unresolved past. While this behavior is less invasive and threatening than those above, its continued presence is an energy drain and source of frustration.

Persecuted Behavior is the victim response -- blaming, whining and complaining. Although most of us enjoy complaining and grousing about things from time to time, persecuted behavior stems from a non-stop, perennial point of view. And since the victim perspective predominates, it's easy for your group to join the list of persecutors.

Polarity Response is a behavior unfamiliar in name but not in most everyone's experience. Whatever the issue or opinion, the polarity responder takes the opposite view. Disagreement is automatic. This can include and goes past the devil's advocate role some people take on in groups. Most polarity responders seem unaware of their behavior and its impact on others.

What can you do? While you were reading the descriptions above you were probably thinking of specific examples from your own experience, and that may have left you wondering

what you can do to stay focused and flexible in the face of such behavior. That's not surprising. A change of focus is in order. Here are five things you can do:

1. Notice your response. Is the behavior one that really "pushes your buttons"? Your first step is to consider what's going on with you in this unpleasant situation. Be responsible for your own reactions -- after all, that's one of the things you wish that difficult person would do.

2. Change what you're doing. Since you can't really change someone else, change what you can. The results can be surprising and rewarding. First of all, it shifts you from being at the mercy of the situation. As soon as you begin to consider exercising new options, you step out of the problem frame and onto a larger canvas. This re-framing is an important shift in perspective.

3. Ask the person "What do you want?" You may think you know but you may learn a few things you didn't know by asking. Of course, it's hard to ask the question after things have spiraled out of control. Hopefully you can find a good time to ask, because it's the ideal starting point for building rapport and trust.

4. Focus on outcomes. Your group needs to ask itself the "What do you want?" question. Spend whatever time it takes to generate a set of goals and objectives as well as how to meet them. Now comes the really important part of this formula (in bold italics): Once you have specified your outcomes, decide what behaviors will support getting them like: ***Patience. Assuming Positive Intent. Willingness to Listen.*** Generate your list of behaviors during meetings in a conspicuous place. This will be a great reminder for even the positive contributors in the group. And when the negative behaviors erupt, you can point to the list, not at the person. Stay focused on what you want. If the difficult person is unwilling to change behavior, you will also need to specify how the group will respond.

5. Consider alternatives. What will you do if the difficult behavior persists? One option could be to take a five

minute break. (This is sort of like pushing the group re-set button). During the break, clarify for the difficult person what the goals for the meeting are and which behaviors support those goals. Then state what the next step will be if the difficulties arise again. Be prepared to quickly adjourn your meeting if the behaviors continue. For the extreme behaviors, it may be the only useful choice. Consistently applied, it will send the message that certain behaviors aren't acceptable.

Common interests are the basis for improving cooperation. The more clearly you identify how your interests overlap and become shared, the stronger your response will be to the whole range of difficult behaviors.

By Ken Roffman 

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Specifications
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Water Way 101

Many communities have some sort of stormwater management system like a lake, pond, wetland or dry retention basin designed and constructed during initial development. These stormwater systems help filter pollutants and manage the water runoff into surrounding streams, rivers, lakes, bays, ocean or other waterways.

Some stormwater systems are incorporated as an amenity and become part of the community's desired aesthetics. Homes adjacent to a lake or pond typically are sold as waterfront property, commanding a higher price. Other stormwater systems are hidden and become overgrown, odorous and generally unsightly. Residents might not even know they are there.

Whether a stormwater system is a planned amenity or a forgotten swamp, state and local municipalities have regulations for managing and maintaining it. If you don't handle stormwater systems properly, be assured your repair costs will be significant, and your community is likely to be fined for code violations. The longer you wait to implement a good maintenance program, the more

costly remediation will be.

Stormwater management facilities deteriorate as they age. Each year, wet areas become more overgrown with nuisance vegetation and loaded with nutrient-rich sediment and organic muck. Algae blooms more frequently, and the areas fill with trash, debris and much more. Degraded pipes and outflow structures and unstable dam embankments cause some to fail. With proper management, homeowner associations can handle structural issues and meet regulatory requirements effectively and inexpensively. They also can create a water body, wetland or other aquatic habitat that is a focal point for community enjoyment.

Plants. Buffer plants—a green zone around the water's edge—improve water quality and reduce algae, odors and other unsightly problems by filtering nutrients and providing a habitat for beneficial wildlife. Plants stabilize shores and prevent erosion by minimizing sediment flow into the water. That, in turn, reduces frequent and costly dredging to remove sediment buildup.

Plants should be used like grasses, sedges, rushes and beneficial flowering wetland species that are native to the area. They make natural, aesthetic, low-maintenance buffers. Turf or lawn grasses aren't good choices for buffers because they need to be mowed. When nutrient-rich clippings fall into the pond, organic matter builds up, the shoreline erodes and sediment enters the pond.

Fountains. Many communities install fountains to add a beautiful and serene focal point, but they're also important to the health and ecological balance of aquatic resources. Fountains improve water quality by circulating, destratifying and aerating water. Aeration improves natural biological processes that reduce nutrients, in turn reducing algae, poor water clarity and foul odors. Circulation also eliminates stagnant water, which deters mosquito breeding.

Bacteria and minerals. Stormwater systems can be inoculated with natural, beneficial aerobic bacteria to maintain ecological balance. Most ponds are plagued with filamentous algae; left unmanaged, it takes over a pond. Beneficial aerobic bacteria consume the same nutrients as algae, which keeps it in check and reduces unsightly

blooms. Adding mineral-based products to water also eliminates plants' and algae's primary food source—making unsafe or unsightly blooms much less likely.

Fish. Stocking fish in a pond or lake can help balance an aquatic ecosystem, eliminate mosquitoes and control algae and invasive aquatic weeds. If desired, it also can provide recreational fishing. Minnows and other forage fish not only consume mosquito larvae but also are a food source for larger predator fish.

HOAs can use many strategies to maintain a stormwater system properly. The key is striking the right balance between natural and engineered solutions. *By Kevin Tucker* 🌱

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When you're feeling important;
When your ego's in bloom;
When you take it for granted,
You're the best in the room

When you feel that your going,
Would leave an unfillable hole,
Just follow these simple instructions,
And see how they humble your soul.

Take a bucket and fill it with water,
Put your hand in it up to the wrist,
Pull it out and the hole that's remaining,
Is about how much you'll be missed.

You can splash all you want to,
You can stir up the water galore,
But stop and you'll find that in no time,
It looks quite the same as before.

The moral of this quaint example,
Is to do just the best that you can,
Be proud of yourself but remember,
There's no indispensable man.
by Saxon White Kessinger 🌱

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Why Parents Drink

A father passing by his son's bedroom was astonished to see that his bed was nicely made and everything was picked up. Then he saw an envelope propped up on the pillow that was addressed to "Dad". He opened the envelope and read:

Dear Dad,
It is with great regret that I'm writing you. I eloped with my new girlfriend Stacy because I wanted to avoid a scene with Mom and you. I've been finding real passion with Stacy. But I knew you wouldn't approve of her because of her piercings, tattoos and the fact that she is much older than I am. But it's not only the passion. She's pregnant.

Stacy said that we will be very happy. She owns a trailer down by the river and we share a dream of having many more children. Stacy has opened my eyes to the fact that weed really never hurt anyone. We'll be growing it for ourselves and trading it with the other people that live nearby for cocaine and ecstasy.

Don't worry Dad. I'm fifteen and I know how to take care of myself. Someday, we will be back to visit so that you can get to know the grandkids.

John

PS. None of this is true. I'm over at Tommy's house. I just wanted to remind you that there are worse things in life than the lousy report card in my desk drawer. Call me when it's safe to come home. 🌱

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10 HOA Commandments

- I. Love thy neighbor.
- II. Respect thy neighbor.
- III. Curb thy dog.
- IV. Play not thy music too loud.
- V. Park in thy own space.
- VI. Be not a six car family.
- VII. Clean up after thyself.
- VIII. Take care of thy property.
- IX. Help form a Neighborhood Watch.
- X. If there be a problem, talketh about it. Bangeth not on the wall. 🌱

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