



The Regenesis Report



Seattle Edition 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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Gitter Done Meetings

Meetings are the venues where homeowner association business decisions are made. Since these meetings are usually infrequent, their importance cannot be understated. However, some HOA meetings are challenged because:

- The meetings rarely begin on time and often run late.
- Discussions are endless and inconclusive.
- Issues decided at a previous meeting continue to be revisited.
- Disagreements frequently turn ugly.
- Meetings end when members are exhausted, not because they have completed the business at hand.

These meetings generally accomplish little if anything at all.

Some boards manage to conduct their business with a minimum of fuss and a measure of efficiency. These meetings don't happen by chance; they happen by design, and that design begins with an agenda.

If you don't have a destination in mind, any path will do. If a meeting lacks an agenda, it will go anywhere, everywhere and nowhere. The agenda provides a road map for the meeting, identifying the issues to be discussed and establishing the order in which business will be transacted.

Knowing what is on the agenda in advance allows board members to begin formulating their views before the meeting begins. It helps, of course, if board members actually review the agenda and any accompanying information in advance. But it takes more than advance preparation and an agenda to produce a successful meeting; boards also need a set of rules to guide their discussions.

Meetings don't have to be rigid or overly formal, but they do need to be orderly. Some boards use a simplified version of Robert's Rules of Order which includes such concepts like:

1. When a topic is brought up, a formal motion is required before it is discussed.

This will ensure that more than one person thinks the issue is worth discussing.

2. Only one person is recognized to speak at a time by the chair.
3. Standards of civility (no personal attacks or interrupting).
4. A time limit for the meeting and for each speaker on each issue. Otherwise, boards end up spending too much time on relatively minor issues and not enough time on mores significant ones. If a majority of the board members think a topic requires more time, they can always vote to extend the discussion.

A reasonable agenda, advance preparation and rules of order provide the foundation for an effective meeting, like the tracks on which a train runs. But like a train, a meeting needs a steady hand on the throttle to keep it moving forward. Conducting both a train and a meeting require a certain amount of skill. The person in charge needs to control with a firm but not a heavy hand. In HOA meetings, this means giving all board members a chance to express their views, but also requiring them to stick to the topic and the time limits.

Some owners think they have an absolute right to participate in board meetings and some boards think it is best to hold their meetings behind closed doors. Both are wrong. Many states have specific requirements for most board meetings to be open to members (to listen but not participate). Some have exceptions for "executive session", or a closed door session, which may exclude members which include:

1. Employment issues
2. Contract negotiations
3. Consultation with counsel or review of information provided by counsel.
4. Constitutionally or legally protected topics (such as medical records and attorney-client privileged information)
5. Privacy issues

If a board discussion item does not fall under one of these exceptions, it must be discussed at an open board meeting.

As far as member participation in board meetings, state laws vary. Colorado, for example, requires that members be allowed to speak to issues being considered by the board. However, regardless of state statute, it's good policy to set aside time for an open forum so members can ask questions and express their views.

Homeowner associations are required to hold annual meetings, but many governing documents are silent on how often the board must meet. The board is generally free to meet as often as it chooses. The size and complexity of the HOA and the personal commitments of board members will typically dictate the meeting schedule. Another consideration is that managers typically charge for their time to attend board meetings. Since it's important for the manager to be present at board meetings, the board needs to weigh the cost and benefit of more or fewer meetings.

When properly organized, smaller HOAs can usually suffice with quarterly board meetings while larger ones may need bi-monthly or monthly meetings. The more the meetings, the more important it is to have those meetings organized and efficiently executed. Volunteer time can only be stretched so far.

What happens after board meetings can be almost as important as what happens during the meetings. Some board members take votes against their proposals personally rather than of the suggestions they have made. They sometimes take their disappointment and anger outside of the meeting room, complaining publicly about the decision and even encouraging owners to overturn it. This behavior undermines the decision-making process, exacerbates tension, and erodes trust. As long as the board action is legal and in compliance with the governing documents, board members should accept that "majority rules" applies to votes they don't like as well as to those with which they agree.

All board decisions won't be unanimous, nor should they be. Honest differences of opinion are healthy, encouraging an exchange of ideas that improves the decision-making process

and contributes to the successful meetings boards want to have. While board meetings won't always produce good decisions, they will almost certainly reduce the number of bad ones. To produce the likelihood of more good decisions, design your meetings to glitter done. 🏠

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Ask the HOA Expert

Q Our HOA is billed in bulk for electricity. Each unit has a submeter which is read monthly and billed to each unit owner. Subtracting the total unit usage from the bill leaves the total usage for the common areas. Currently, we are adding 3 cents per kilowatt hour to each owner's bill to pay for the common area cost. So, owners who use more electricity pay for a larger percentage of the common area electricity. All other HOA costs are shared equally. Are we doing this correctly?

A If HOA costs are shared equally, this applies to common area electricity. The board has no authority to do otherwise. To correct this, an accounting of common area electricity charged to units should be done and credits or charges processed as appropriate.

Q Recently, our HOA members approved substantial amendments to the governing documents which include:

1. Sidewalks are now deemed common area even though the subdivision plat indicates that the sidewalks are located within a utility-and-sidewalk easement located on private lots.
2. An HOA landscape easement was created over the front yard of the privately owned lots.
3. The HOA claims authority to enter lots to inspect for compliance with architectural design restrictions.

Can the HOA legitimately claim these rights?

A The HOA cannot vote itself ownership of property belonging to private owners without their consent. In this case, all lot owners would need to agree to relinquish ownership to the HOA. A majority vote can't force it. Same answer for the landscape easement. The HOA has no authority to commandeer private property by member vote.

The third item is different. As long as the HOA has the right to dictate architectural design standards, it has the right to inspect for compliance.

Q I've heard that special assessments have to be kept in an escrow account and cannot be used until all owners have paid. Is this true?

A It depends. Special assessments should be kept in a designated account if they are to be used for a specific purpose, like repairing roofs. If the special assessment is simply to build reserves, the funds can be put in the general reserve fund. There is no requirement that an entire special assessment has to be collected before it's spent however, if all the money is needed to pay for a specific project, the board needs to be careful about starting a project without the money to pay for it.

Q Can the HOA offer discounts to those who prepay their HOA fees or special assessments?

A The HOA should not offer discounts since the budget requires payment of full fees to fund it and offering discounts would create budget shortfalls. It is appropriate, however, to charge late fees to those that pay late. The budget should not anticipate extra revenue through late fees although there will likely be some. By the same token, there could be a shortfall in revenues if collections are not successful or take a long time to collect.

Q Is it permissible for individual condo unit owners to pay for their own roof replacement?

A Condo owners typically don't own their roofs unless the condos are stand alone units like houses (yes, condos can be houses). Otherwise, all common wall condo roofs belong to the HOA. As such, roof repairs should only be paid for by the HOA according to a prescribed schedule. While lack of funds may force doing only a portion of the condo roofs, for example two of five buildings, doing the roof over one condo makes little sense since the same unit owner is responsible for a share of the repairs of all unit roofs.

Q One of our board member performs unauthorized maintenance and pesters unit owner about minor rule infractions. What can we do?

A Communicate with him directly, clearly and specifically. Explain that performing unauthorized maintenance undermines the budget and the system for addressing maintenance. Provide him details about specific complaints by owners. Explain that his independent actions undermine board authority.

Q We have two board members that plan projects outside of the board meetings. When the rest of the board finally finds about them, they are already in process. This is creating unnecessary tension or friction.

A Board members can research anything they want outside a board meeting. But if it is something that requires board approval, that approval needs to happen. If a majority do not approve the proposal, it dies on the vine like any other. However, sometimes a project is in keeping with the budget and can be approved by the board president. Speak to the individuals in private and insist that all projects need to be at least run by the president. If the president feels the board needs to weigh in, the project will need to wait until the board convenes.

Q We have a unit owner who is over a year delinquent. Our property manager took it upon herself to set up a payment plan to include the dues plus \$50 extra per month. It will take over *three years* to pay off the late assessments! Is it typical for managers to make this kind of decision without input from the board?

A No, the manager should not have made any special deal unless the board authorized it. If the manager was not authorized, the board can rescind the offer and tender a demand for payment in full.

Has your board adopted a formal Collection Policy? That policy should call for aggressive measures like filing liens against the unit, garnishing wages and foreclosure if allowed in your state. The policy should allow the use of an attorney to collect rather than a collection agency. The attorney will press for full payment of the delinquency, late fees, attorney fees and related costs so that the HOA gets all the money it's owed. Collection agencies generally take a percentage of the proceeds. Waste no more time of this urgent matter. Collections are of prime importance.

Q Our current HOA fees have been the same amount for seven years. The proposed budget is calling for a 30% increase with an additional \$500 special assessment. I understand the importance of maintaining the property and providing adequate reserves for future capital projects. However, at what point do

high HOA fees have a negative impact on unit market values?

A Your board is finally addressing a long overdue reality: HOA fees that don't keep pace with increasing costs and inflation will fall short of paying for adequate maintenance, repairs and services. Over seven years, inflation alone would cause a 30% increase in prices. Boards that fail to increase HOA fees each year usually pay for cost increases by starving or stealing from reserves. Over time, though, reserve projects like painting and fencing can no longer be avoided and the board is forced to address the deficit by increased fees, special assessments or both.

While the HOA needs to be competitive with similar HOAs, keeping HOA fees low is not how to do it. Too many HOAs keep their fees artificially low by ignoring the need for reserves. Because of this, future owners will be forced to pay for expenses that should have been partially subsidized by current owners. As a general rule, 25-35% of HOA fees should be dedicated to reserves which are only used to pay for major renovation work like painting, roofing and paving. (A professionally done reserve study will produce a funding plan specific to your HOA's reserve needs. See www.apra-usa.com for a list of qualified reserve study providers.) The balance of the HOA fee should be adequate to pay for operating expenses (management, landscaping, pool, etc.) without stealing from reserves. That means that HOA fees should increase a minimum of the current inflation rate each year, currently around 2½%. 🌩️

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Be Seen as Green

While there is continuing debate about the reasons driving climate change, most agree on the need for better stewardship of the Earth. While governments often move at a glacial pace to enact green policies, self help is readily available today. What better place to start than at the homeowner association? HOAs often control a variety of systems, processes, equipment, designs and materials. There are opportunities to improve energy efficiency which often produce economic benefits as well. This is a win-win: doing well by doing good! Here are some ways an HOA can be ecologically friendly:

Eco-landscaping involves a combination of careful plant and tree selection, turf reduction, eliminating chemical fertilizers and improving water management. The days of broad green spaces are making way for a myriad of options that are more earth friendly. Selecting pest resistant and drought tolerant native species saves on maintenance, water and pest control. Fitting sprinkler systems with rain override sensors reduces water. Reducing turf areas reduces mowing and the pollution generated by gas powered equipment.

Donate It. Many areas have building product and material recycling centers which will accept lumber, doors, windows, cabinets, sinks, carpet and appliances. If you are renovating your clubhouse and have an option to donate used material and equipment instead of dumping, do it. Craigslist.com offers a free way to dispose of building materials.

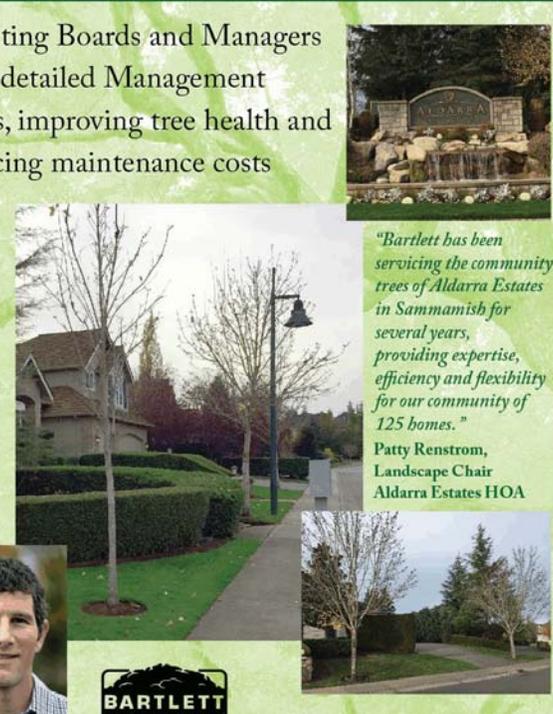
Offer Recycling. Some jurisdictions have mandated recycling as part of the trash collection process. When recyclables are separated from trash, the trash load is reduced and trash collection costs less. With less trash, the landfill load is reduced as is the contamination of soil and ground water. Even where recycling is provided, compliance lags due to consumer laziness. The HOA can remind residents of their civic duty in this regard and the obvious benefit of lower trash collection costs.

Where government recycling requirements are absent, the HOA can create its own system by establishing a centralized recycling station for glass, metal, paper and recyclable plastics that is serviced by a contractor or committee. While individuals can haul their own recycling, the easier and cheaper it is to do, the greater the compliance. Centralize and economize.

Manage Energy Better. Take full advantage of power and water saving devices. LED bulbs use small amounts of energy. Add solar activated exterior light controls so lights burn only when needed. Replace high flow plumbing fixtures with low flow models. Insulate water pipes and heat ducts. For more, www.powerscorecard.org/reduce_energy.cfm

Recycled Paint. Leftover latex paint is screened and blended into a popular palette of colors and resold at a reduced price. For options, Google “[your state] recycled paint”.

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Landscape Chair
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Go Solar. Many states offer incentives for adding solar power generation or solar hot water systems. If your buildings have flat roofs or good southern exposure, consult with local solar system providers for options. For HOAs with pools, solar water heating can often pay for itself quickly and significantly lower energy consumption. For more, see http://en.wikipedia.org/wiki/Solar_energy

The HOA should remind all residents of ways they can help the HOA be more ecologically friendly by supporting HOA green programs and by individual effort. There are numerous free resources available on the internet such as:

Consumer Recycling Guide. There are numerous types of products and materials that fall outside the typical recycling service and need special handling. For these items, the HOA can empower its residents with information. This online guide identifies such items and ways to recycle them: www.obviously.com/recycle/guides/common.html

Packaging Reduction. This is an often overlooked strategy in reducing waste. Packaging can range from none (like buying food in bulk) to Fort Knox (like hard shell plastic wrapped around electronics to reduce theft). Consumers generally have a range of packaging choices in many products. Opting for the one with less packaging is a conscious decision to help green the world.

Make it Fun! The intriguing thing about going green is there are so many ways to pull it off. The HOA can encourage the process by offering prizes for effort and creativity. Those that step up are often willing to help recruit and encourage others. The news media loves to run stories about grass root green efforts. Make your HOA a standout and get recognized! While it does take some effort, there are more incentives and resources today than ever. Make it your HOA's routine to be seen as green. 🌱

Your Own Money

In recent years, the importance of accumulating reserves has become a long overdue reality for many homeowner associations (HOAs). Proper long range planning drives an HOA's ability to adequately care for the common assets by having both adequate reserve funds and a realistic renovation schedule to follow. A well executed reserve study calls for a funding plan that systematically grows reserves to address future renovation without the need for special assessments which are unfair to many and difficult to collect.

As a rule of thumb, the average garden variety condominium has 15-20 common components to maintain. Based on that, the HOA should have around \$8000 per unit in reserves. (Do the math for your HOA.) However, there are many HOAs that should have much more than that because of deferred maintenance or more common elements. For example, high rise condominiums can easily have 50 or more common components.

Even the most modest homeowner associations should often have hundreds of thousands of dollars socked away in reserves. Larger, more complex properties should accumulate reserves in the millions. To truly know what level of reserves applies, a reserve study must be performed by an experienced and qualified reserve analyst.

The board should only invest in guaranteed and insured investments unless the *entire membership* (100%) votes to be more aggressive. In either case, there should be a clear and written investment policy for the board to follow.

As reserve funds grow, it's extremely important to have an investment plan. Wisely investing reserves can reduce owner contributions by many thousands of dollars over time. While your friendly banker always has some investment options available, the board should explore other options. For example, opening an account in an investment advisory company like Edward Jones will give the HOA access to the highest yielding Certificates of Deposit (CDs) available. Buying CDs with different maturities like 3, 5 and 10 years (called laddering) will create an average return that is significantly higher than any savings or money market account. By synchronizing CD maturity dates with reserve renovation events, the HOA will have liquid cash when needed.

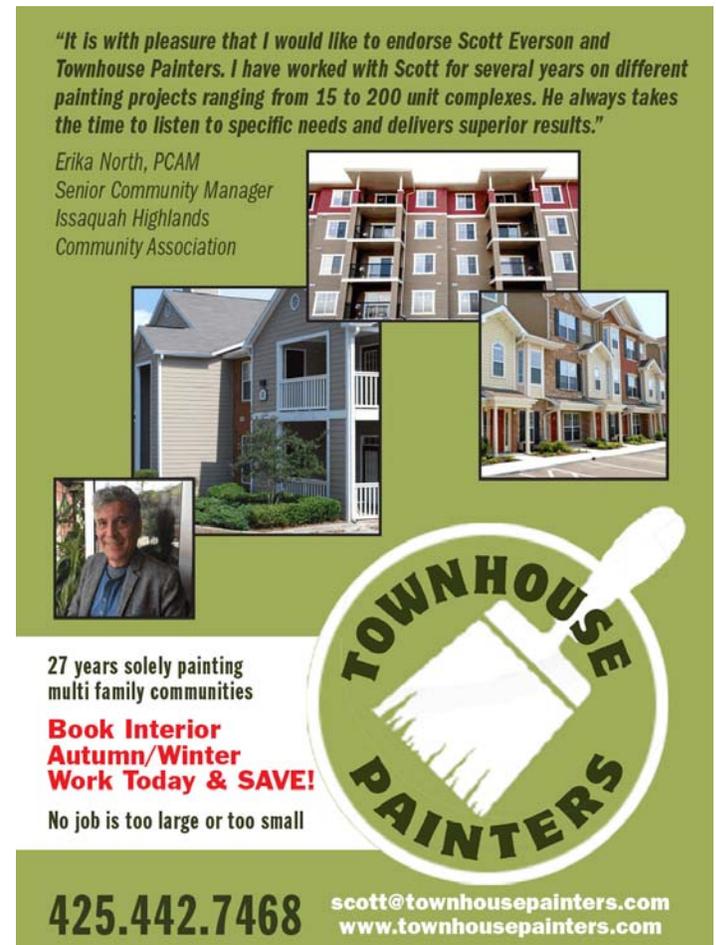
A word about depositor insurance. FDIC Insurance is currently limited to \$250,000. But some banks catering to homeowner association business have additional private depositor insurance that protects a much larger amount of HOA funds. While this addresses the depositor insurance

question, the board still needs to consider whether the bank offers the best rates.

When considering your HOA's reserve funds, treat it like your own money. Invest in things that don't risk principal yet return interest at levels that keep pace with inflation. 🌱

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HOA Right Wording

Communication is both a skill and an art form. When babies cry, the motivation is to get their needs met. Meeting the needs of others is nowhere in a baby's method. While infant communication is primitive, it is highly effective. A crying baby gets fed, diapers changed, burped, etc. With maturity and training comes more sophisticated and usually less self-serving ways to communicate. Homeowner associations are charged with communicating with the members. The reasons for communicating vary including:

Socialization. As moderns become more isolated from each other, the need to find connecting points becomes more important. HOAs can provide a platform to coax members out of their isolation by offering volunteer opportunities and social functions. Introducing the members to new residents through newsletters grows the connections as well. A Welcoming Committee not only provides the human touch, it can provide early warning about important HOA rules and regulations so that newcomers don't inadvertently get crosswise with the HOA from the get go.

Paying the Bills. There are few things more immediate and urgent than collecting HOA fees. Without money, HOA services suffer or are curtailed. Without money, maintenance lags and property values drop. So, getting 100% payment compliance is extremely important. While the hope is that it is done voluntarily, sometimes it must be coerced by legal means. But even when lawyers are brought into the matter, a carefully worded demand letter can produce quick results.

Getting Compliance. Every HOA has rules. Hopefully, those rules are few, necessary and not overly intrusive. When a rule is made, explaining the need for it and the goal in having it can go a long way to encouraging compliance rather than defiance. Whenever a rule is being contemplated, the board should always, always, always solicit member input. This tactic reduces the likelihood of challenge.

Communication comes in many shapes and sizes. The common ones include signs, newsletters, meeting minutes, postings, emails and the HOA's website. These communications can have a variety of meanings: to inform, to warn (rule violations), to invite (summer social) and to congratulate (kudos for a job well done).

The more the words, the less the meaning. When it comes to effective communication, less is more. Use words economically. This takes thought. In conversation, many words are used to test impact on the listener. So, in conversation, it's not uncommon for the same thing to be repeated with different words in an effort to embellish or give greater impact to the meaning being conveyed. If folks write the way they talk, their writings, would rarely get to read because they are an unending ramble. Without a careful selection of words, communications can be misinterpreted or ignored. So, effective writing requires careful thought because "an arrow, once loosed, cannot be retrieved".

Words have both strengths and weaknesses. One weakness of the written word is that it may be read by an unintended audience which doesn't have the background the writer needs to

be understood. Another pitfall is that some of the audience may be prejudiced against the writer and refuse to understand the communication the way it's intended. These folks will actually take the message, add their own spin and circulate the "real story". A war of words ensues. The time and emotional energy it takes for damage control may discourage future communication altogether.

The Bible says "In the beginning, there was the Word." Words are with us forever. It's what we do with those words that make all the difference. Like blacksmithing, right wording takes hammering and shaping before the whole thought can take shape.🔨

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No News is Bad News

Homeowner association newsletters are a great way to enlighten, inform, remind and encourage. Inviting the membership to HOA events and meetings helps neighbors meet neighbors. Frequent reminders of important rules or architectural policies helps build a friendlier and more harmonious community. Recognizing volunteer efforts encourages others to step up. Newsletters needn't be long and involved, just relevant. The more you do it, the easier it gets.

Here are some tips to make your newsletters good news:

Focus on Building Community. Get HOA members to become participants rather than observers. Offer opportunities to do that on committees and social events.

Understand Your Audience. How old are they? What is their financial status? How do they like to spend their time? Find out by getting feedback from your readers with a questionnaire.

Inspire Your Readers. Make sure events, activities and volunteer opportunities are well publicized. Create headlines to grab the reader's attention.

Be Consistent in Layout and Content. If you have a "Rules & Regs Corner" which highlights a particular HOA rule or policy, publish it in every issue.

Archive Your Newsletters and Articles. Many articles bear repeating and as time passes will have new eyes that see them for the first time. Repeat seasonal reminders. Create folders on your computer for the months that you publish the newsletter and put article files in the months they fit best. In time, you can build a reservoir of content to draw upon that will make newsletter writing much simpler and quicker.

Lead With Your Strong Suit. Organize the strongest points of an article before you write it. Put the most important information up front.

Keep Articles Short. If an article is long or complicated, readers will move on. If there is simply too much good content to abbreviate, break the article into several articles.

Give Credit & Contact Information. Include the newsletter committee, writer and editor names and contact information as well as board and management contact information.

Be Positive & Uplifting. While criticism has its place, too much of it is a downer and chases most readers away. Strive for the positive. Be upbeat.

Proofread. Editing is a rewording experience. Carefully review your work for grammatical and spelling

mistakes or get a detailed oriented person to do it for you. Make sure your facts are straight.

Reprint with Permission. Search the internet for content that would be of interest to your readers. If you find an article that includes author and contact information, be sure to get permission before reprinting and give credit where credit is due. (For an archive of over 1800 HOA related articles sorted by subject, see www.Regensis.net Article Archive.)

Have Fun With It. Give them a giggle or two. The internet is full of jokes, puns and cartoons.

Include Pictures. Folks love to see themselves in the paper. Share event pictures, photos of board members, the manager, committee members, new residents and volunteers.

PDF It. Programs like Adobe Acrobat make it possible to convert newsletters into Portable Document Format (PDF) which can be posted on the HOA website or emailed to those that do email. PDF was designed with HOAs in mind since it can save printing, supplies and postage costs plus countless hours required to process paper newsletters.

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Newsletters are a wonderful way to bind your HOA in a custom way. Keep your residents and owners in the know at least four times a year. No news is bad news.🗿

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Like a Family

While homeowner associations are clearly business enterprises, some feel they should be run and have the feel of healthy family...a kinder, gentler

The Regensis Report

corporation. But even families have to deal with their internal issues and the outside world in order to survive and prosper.

For example, homeowners that undertake remodeling must deal with bids, contracts, know how to negotiate, deal with problems in contractor performance, etc. Budgeting for short and long-term expenses, managing cash flow and bank accounts, paying taxes, understanding financial statements related to investments and net worth, purchasing insurance, etc., are things that families and homeowner associations alike must deal with. Ditto for managing physical assets like roofing, decks, paint and other things that require repairs and preventive maintenance and periodic replacement.

Healthy families have rules, duties, mutual expectations of courtesy and consideration, and accountability amongst members. These things may be unwritten, but still play a significant role in day-to-day life, just as with homeowner associations. Some families function via consensus and have family meetings, processes common with associations. Further, family members require education and training, just like boards and committee members.

Accomplishing objectives and maintaining harmony requires listening skills, compassion and the powers of logic and persuasion. Dictatorial, selfish and abusive treatment produces the same negative results in both environments. And there are unpleasant extremes in both environments -- Jimmy Cagney in the lead role of the movie "One, Two, Three" ran his family just like he ran his business. His domineering style worked with the business but not the family.

Perhaps the most notable distinctions between homeowner associations and families are assessment collections and the use of professional overseers. Although with the latter, some say that is why God created in-laws.🗿

Peace of Pi

The world has spun out of control. Mayhem in the financial markets. The stock market is bouncing up and down like a yo-yo. Giant corporations are begging for taxpayer subsidies to stay afloat. It makes you wonder: where am

I going and why am I in this handbasket?

The Greeks invented a mathematical formula we know as Pi to describe the ratio of the circumference and diameter of a circle. This ratio results in a number with infinite digits, a number without end. In a world bent on defining the undefinable, like the nature of life, the scope of the universe and truth itself, Pi stands laughing defiantly. "I am what I am" Pi asserts. "I'm without end and there is nothing you can do to contain me."

There's something serendipitous (Serendipity is discovering something that one was not looking for.) about Pi. It can be described but not quantified. Pi is a mathematical constant yet no one knows exactly what it is since it has no boundaries. Yet we believe it's true because it works.

The fact is that much of what we claim to "know" is unknowable. The universe and all it contains is controlled by forces we can't possibly understand. Some try to wrap it in mathematical equations but most don't try because trying to understand their own personal "universe" is beyond their comprehension. Why go looking for more trouble? And as if the universe wasn't intimidating enough, the reality that each of us is comprised of trillions of atoms, each a universe unto itself, provides no peace. Whether we look outwardly or inwardly, the mystery only grows.

When a pervasive sense of confusion or despair creeps into your life, know that all this mystery is no mystery to The One that created it all. He not only has unraveled it, He controls it all the time from the dawn of time until the end without end. Learn the peace of Pi. Be still and know Him that knows all.🗿

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