



The Regenesis Report



National Edition

Innovative Homeowner Association Management Strategies

June 2009

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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The Role of the Board

Homeowner associations are unique entities, and the boards that lead them fill unique roles. Directors are elected to represent and protect the best interests of their constituents. One of the most important tasks is to maintain the value of a jointly owned assets. The board is also charged with preserving and improving the quality of life by enforcing the governing documents.

So what constitutes a good board member? While any member is qualified to run for election, there are certain character traits or life experiences that benefit the HOA while some definitely do the HOA harm. In a nutshell:

Traits of A Strong Board Member

- Good character
- Strong integrity
- Calm thoughtful judgment
- Willing to serve
- Strong communicator
- Committed to the HOA's best interests
- Relevant experience or background
- Strong "people skills"

Traits of a Weak Board Member

- Unwilling to put the HOA's welfare first
- Undermines board decisions or policies
- Impulsive and quick tempered
- Has a personal or hidden agenda
- Little experience in management, leadership or service
- Unwilling to work with others
- Ineffective communicator

How does a member of the board succeed with such a challenging assignment? Put your personal preferences and circumstances aside. When you make decisions as a board member, you have an obligation to work in the best interest of the entire community, regardless of how it affects you personally.

Educate yourself. Part of learning how to be a good board member will come from trial and error; but, you can reduce the errors and the time it takes you to get up to speed by attending seminars, reading books, networking with HOA board members, asking questions of your manager, accountant or attorney and getting free materials from the internet.

Know the difference between the board and the manager. Boards set policy and make policy decisions. Managers implement the board's directives and take care of operations.

Stand united. Once the board makes a decision, stand behind that decision even if you voted against it. Don't try to undermine board decisions.

Don't allow personality differences to interfere. Be cooperative, positive, and make every effort to stay focused on the needs of the community.

Be reasonable. Boards have a big responsibility and should avoid being over zealous or inflexible. Avoid snap decisions, act rather than react, and deal with real problems, not nuisance situations.

The role of the board is as much about building the social and civic well-being of the community as it is about maintaining common areas or enforcing rules. To do this, a board must:

- Provide leadership and inspiration.
- Instill a sense of caring, civic pride, and shared responsibility.
- Position the homeowner association as a wellspring of volunteerism both inside and outside the HOA's boundaries.
- Help transform the HOA into a vibrant neighborhood.

By placing an emphasis on community, boards transcend the legalistic nature of their governing documents. Happy communities have fewer rules violations and delinquent assessments.

In the final analysis, board members should be community builders. Each director should set a tone that is light-hearted and should strive to collaborate with HOA members, bringing worthy ideas to the board table and leaving the weak ones at home. Those that are able to step outside themselves and serve will shine.

From The Board Member Toolkit by Community Associations Institute.

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Ask the HOA Expert

Q Our homeowner association recently adopted an amendment to the governing documents limiting the number of rental properties. The board prohibited voting by members who were in arrears. Does the board have this authority? And, if so, can the board discount those votes when calculating the votes required (75% in our case) to amend the governing documents? Our board has been very aggressive in issuing fines and penalties and declared 50% of the members ineligible to vote. So, the votes that were allowed constituted only 50% of total votes. Of those, 40 (90%) voted in favor of the amendment so the board declared the amendment passed. Is that legal?

A Taking away an HOA member's right to vote can only be done if the governing documents allow it. Since a member's right to vote is a fundamental owner right, this kind of restriction is rare. And the board never has authority to invoke voting restrictions on its own. From what you describe, this board acted improperly and should be called on it as soon as possible. If it is not held accountable for this kind of chicanery, who knows what kind of dictatorial behavior may follow?

Q We regularly publish in our newsletter to contact the property manager with questions or concerns, yet the president continues to get calls. What can we do?

A A number of suggestions:

1. The president should not take or respond to calls or agree to pass them on to the manager. A simple, "Thanks for your call but please contact our manager directly with your request at xxx-xxxx or manager@email.com" works well.
2. The president should get a caller ID device and not pick up calls from repeat offenders.
3. The president should have a voice mail message that includes "if this call concerns HOA business, please contact our manager at xxx-xxxx or manager@email.com".
4. Remove board member phone numbers and email addresses from newsletters, notice boards, etc.
5. Get a free HOA email address like hoaboard@gmail.com to route inquiries to the manager.

Q We have a grounds committee that has broad decision making authority and management tasks regarding the landscape contractors. Are committee members covered under an HOA's director and officers insurance policy?

A All HOA volunteers are covered under D&O insurance unless specifically excluded.

Q We have a big problem with residents illegally parking in our designated fire lane. Many do this because they are using their garage for storage and are too lazy to walk to a designated parking area. A local towing company has offered to paint the curbs red and stencil FIRE LANE on them for free if the HOA buys the paint. They will also monitor the area at no cost and automatically tow vehicles parked in the fire lane.

A The board should accept the towing company's offer and have them schedule the painting several weeks away. In the meantime, notify all residents and owners in writing (email, mail, flyer, etc.) that for life/safety reasons, on such and such a date, the curbs will be painted red with FIRE LANE and towing signs posted. After that date, all cars parked there will be towed without warning and offenders will have to all pay towing charges. Advise also that the same policy applies to guests, contractors and other non-residents, and

that the board will make no exceptions.

To make the policy effective, the board should, at least initially, advise the towing company when there is a violator since the towing company can't provide a 24/7 presence. The faster a car gets towed, the faster violators will "get it". Once a few cars get towed, the word will get around and put a stop to most future violations.

Also, the board should adopt a Parking Policy that restricts using the garage for storage when that storage displaces vehicles to the street. Each resident should be strictly limited to the number of cars that will fit in the garage and driveway. Also, no residents should be allowed to use designated parking areas which is typically reserved for visitors. Since HOA parking is usually sparse, it is very important not to allow residents to commandeer the spaces.

Q Since our HOA has no reserves, the board asked the members to approve a sizeable loan for new roofs and painting. The required majority of 75% voted in favor. To repay the loan required an increase in monthly fees of 25%. Those that voted against the loan were livid about the fee increase and presented a letter to the board which they wanted included with the board meeting minutes and distributed to all the members. Are we required to do this?

A No, the letter should not be made part of board minutes. Board minutes should only reflect business decisions made by the board. The record about the loan speaks for itself; 75% voted for it and 25% either voted against it or failed to vote. The fact that the minority wants its opinions memorialized in the minutes is immaterial. Board minutes are the record of board actions, not discussions or opinions.

That said, it is usually a very bad idea for an HOA to borrow money since the loans are difficult to get and very expensive. Most owners have the option of paying their share in cash from savings or a home equity loan which usually offers the best rates and terms available. The HOA should stay out of the finance business whenever possible.

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Also, your board should take immediate action about the lack of reserves so this situation does not have to be repeated. Having a long range repair and replacement plan called a **reserve study** is essential for the board to do proper planning and budgeting. The reserve study typically has a Funding Plan which instructs the board how much money should be set aside each year so money will be available for expensive repairs like roofing and painting. The best funding plan collects a fair share from each member along a (typically) 30 year time line so that no one has to pay more than they should. For a list of credentialed reserve study providers, see the **Association of Professional Reserve Analysts** website at www.apra-usa.com

Q I have often wondered where the pound limitation came from in HOA pet policies. I have always considered small, yappy dogs to be more of a nuisance than larger dogs that don't have the usual frenetic personality of smaller dogs. The only vicious dog I have ever owned was a miniature dachshund. Wouldn't it make more sense to control the behavior and not size of the dog?

A Most pet restrictions have more to do with noise and wear and tear of the common area and less about aggression. But

when it comes to aggression, dachshunds may bite but pit bulls can kill. So there is a deadly difference when it comes to size. Certain breeds have a reputation for aggression. While it's not true in the case of every dog within a breed, pet policies often err on the side of caution. In any case, pets are a politically charged issue so the board should consider opposing views before enacting any new policy. 🗳️

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HOA eVoting

As governmental entities, homeowner association hold regular elections to populate their boards and periodic votes on governing document amendments. The traditional method includes holding annual meetings, special meetings or ballot-by-mail. These methods are cumbersome and often expensive to pull off. Moreover, establishing a legal quorum to transact business has proven to be problematic for many HOAs due to apathy.

Fortunately, the internet now provides the wonderful option of electronic voting. eVoting improves efficiency, effectiveness and reduces costs associated with traditional mailing and meetings. According to www.internetworldstats.com almost 75% of Americans use the internet and that percentage is much higher for HOA members who are generally higher income and bigger internet users. Those facts in place, establishing an internet platform for voting makes huge sense. So what are the options?

Do It Yourself. In its simplest form, electronic voting can be done easily as a DIY project using email. A ballot is attached in Word or fillable PDF form which can be emailed, completed and emailed back. The entity administrating the ballot collection merely keeps and updates a master list as ballots are received. The ballots can be stored electronically. As the

deadline approaches, repeated requests can be emailed to those that have not yet responded. For the small percentage of members that don't do email or would prefer paper, mailing a ballot with a return envelope should remain an option. The DIY option is easily pulled off by even the smallest HOAs.

Online Voting Services. A number of online options have come into being over recent years which provide automatic tallying, password protection and enhanced privacy. The system again works via email by sending a link to each member which leads to the ballot which is completed and submitted completely online. Since the process is automated, there is less chance for human error and it tracks each voter by email address and time they voted. As with most services, there is a base cost of this service which may be prohibitively expensive for small HOAs but the cost is very attractive for large ones.

Who Provides Online Voting Services? There are a number of websites that offer this service which include www.votenet.com, www.votingondemand.com, www.electionsonline.us and www.votehoanow.com. The setup process is usually very easy and is priced according to the number of voters.

The time has come to green the HOA voting process. But before you jump into e-voting with both feet, check your governing documents for voting requirements which sometimes require that ballots must be sent by mail. If so, the governing documents will need to be amended to allow electronic voting by an appropriate vote of the members. If there are no such restrictions in the governing documents, the board can enact a resolution which allows and describes the process of online voting. As with any resolution, it is highly advisable for the board to circulate a draft of the resolution to the members for a review and comment period of at least 30 days. Since there is little downside and much to gain like drastically reducing cost and being able to achieve a quorum more easily, this is an amendment worth putting in place as soon as possible. 🗳️



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Proxies with Moxie

A proxy is a legal authorization for one person to act on behalf of another. It is commonly used in homeowner association Annual Meetings to achieve the quorum required to hold a legal meeting. The normal routine is to mail proxy forms along with the meeting notice and ask that they be filled out and returned to the secretary or manager by a certain date *whether an owner plans to attend the meeting or not*. While the person designated by the proxy could be anyone of legal age, usually a relative, friend or board member is chosen.

Proxy returns can be notoriously poor due to disinterest or apathy. However, if a meeting quorum is not achieved, HOA business cannot be legally transacted. So getting proxies to ensure a quorum is *extremely* important. So what is the secret to getting them? Here are several ways to "moxify" (improve) proxy returns:

Self Addressed Stamped Envelope. Something as simple as a postpaid envelope gets results. Most folks have

an inborn thriftiness that prompts them not to waste a stamp. Just make sure you mark the envelope "PROXY" so they don't use it to pay their HOA fees instead

Offer Door Prizes. Many people respond to getting something for nothing. So the idea here is if a proxy is returned prior to a deadline, the owner qualifies for a chance at, say, a dinner for two. If the same person actually shows up to the meeting, they get two chances to win. For the top 5 runners-up, give away \$10 gift cards.

Feed Them. Lay out a catered buffet for those that attend the Annual Meeting. Make the menu irresistible. If funds are short, make it a potluck and assign the member directory alphabet by Salad, Entree and Dessert. Have the HOA provide non-alcoholic beverages.

Invite a Guest Speaker. Local politicians, law enforcement officers, authors, musicians and celebrities are often available to attend HOA meetings. Ask and you may just hook a fish of interest to the members.

Include "Special Assessment" in the Meeting Agenda. Most HOAs need money for expensive renovation projects. Unfortunately many boards wait too long to reserve what is needed. Raising the spectre of a special assessment usually brings people to the annual meeting that ordinarily might not attend. Of course, there may not actually be an urgent need for a special assessment but it's always good to discuss it as an option.

Email Reminders. The vast majority of members have email addresses. If you haven't already, gather them for HOA communication purposes (notices, newsletters, etc.). It will save the HOA a bundle in office supply and mailing costs. After the Annual Meeting notice goes out, send a reminder email to all members each week that have not responded to the proxy request. Attach the proxy form to each email.

Eleventh Hour Phone Calls. In the week just prior to the Annual Meeting, make personal phone calls to those that have not responded. Offer to pick up the proxy in person if they live locally.

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It may be a stretch to say that proxies have "moxie" but what really matters is getting folks to participate in the homeowner association that controls the value and destiny of their biggest asset, their homes. Keep trying until you get their attention. To quote a famous cigar smoking politician, "Never, never, never, never, NEVER give up". 🗳️

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Pool Kick Off

Does opening your homeowner association pool mean stagnant water spilling from your cover into your pool, and do layers of leaves and insects mask the water surface? Well, it doesn't have to. Just follow these basic steps:

1. Fill the pool to the middle of the skimmer opening to make cover removal easier.
2. Brush debris off the pool cover and rinse it well with a hose. When you remove the cover, try to keep rainwater that has collected on the cover from spilling into the pool. Apply a good cover treatment product to the cover in order to keep it in good condition while in storage.
3. Remove all plugs from filling and return lines. Reinstall pumps, motors, drain plugs, filters and any equipment dismantled for the winter. Turn on the pump.

4. Check ground wires for proper connection. After you have started the pump, turn on the heater and reset the thermostat.

5. Clean your filter with a good filter cleaner/degreaser. This is very important to ensure peak pool operation. The filter should be cleaned now, as you're opening the pool, during six week intervals during the season, and when you close the pool for winter.

6. Circulate the water and vacuum the pool.

7. If your water is clear, circulate it for 24 hours. If your water is cloudy or green, add shock and run the filter 24 to 48 hours.

8. Test your water to ensure it is properly balanced. Before doing so, replace your test kit reagents or test strips. Or, bring a quart sample of water to our store for a free computerized water analysis.

By following these basic steps or having a qualified pool care professional open your pool properly, you'll enjoy a great pool season. Splish, splash, cannonbaaalll! 🗳️

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Musical Meetings

A well conducted meeting is like a music to your ears. Using a well thought out plan, the Chair cues, directs and closes the meeting much like a conductor. Conducting successful meetings doesn't happen by chance. There is a combination of clear purpose coupled with ground rules. Here are some tips that can make your meetings like music to the ears.

Lay out the ground rules. Without ground rules, small issues become major time wasters and important matters do not receive the attention they deserve. Ground rules discourage an individual from monopolizing the meeting with personal concerns or issues previously discussed. Ground

rules should be fair, easily understood and encourage a courteous and intelligent exchange.

One of the best known guidelines is **Robert's Rules of Order**. The degree of detail and formality described by Robert's Rules can be reduced to some basics:

1. One person may speak at a time.
2. The Chair decides who that person will be.
3. The speaker may speak only to the issue.
4. All are given an opportunity to speak.
5. Decisions require a motion, second and vote.
6. Once voted upon, no further discussion is permitted.

When everyone understands the ground rules, it is easier for the Chair to direct the discussion, to keep speakers on track, and to move the discussion toward an orderly decision. Remember that the board has been elected to make decisions, not merely to discuss issues.

Each meeting should have an agenda prepared by the Chair and distributed in advance to the board members. An agenda is the meeting map. Everyone knows where they are going and what the final destination will be. Without an agenda, any topic is fair game. While it is conceivable that every topic might be of interest, the ability to act on each is limited due to lack of preparation. An agenda is critical for staying on course.

Every agenda item that requires action needs a vote. The Chair asks for a motion. Once a motion is made, another person seconds the motion and discussion follows until the board is ready to vote. The vote is then recorded in the meeting minutes either as failed, passed unanimously or passed with dissenting or abstaining directors listed by name. (Recording votes by name is particularly critical if the issue is controversial). If someone is disgruntled about the vote outcome, that's unfortunate. Votes do not have to be unanimous.

Set a time frame for the meeting as a whole and for specific topics on the agenda. A time limit focuses everyone's

attention and adds to the clarity of the discussion. It also helps the Chair in preventing an aimless discussion.

The purpose of the board meeting is to transact HOA business. Often this is not how it works. Some view it as an opportunity to discuss issues like the sales price of some unit. This information may be interesting to some, but it is immaterial to the HOA's business. These topics should be culled from discussion.

The Chair plays an important role as "The Gatekeeper". The job of the gatekeeper is to "guard" the discussion by enforcing the ground rules, maintaining order, and calling a particular topic inappropriate. The Chair prods the discussion along or brings it to a close when all of the facts have been identified and it is time to make a decision.

The Chair must also control dissenters using "bully tactics". Bully tactics succeed by discrediting information or interruption. If the Chair makes it clear that bully tactics will not be tolerated, the behavior usually diminishes. Most meetings have a time when owners may speak, sometimes called an Open Forum. The Open Forum is an extremely important part of the meeting, even if participation is small. It will help diffuse rumors and gossip and demonstrate that the board wants to communicate and receive feedback. The Open Forum happens just prior to the board meeting so each owner may speak and leave if they have no interest in the business portion of the meeting. Each person speaking should be limited to, say, five minutes so they get to the point and allow time for others.

Speaking of public relations, *never* hold closed or secret board meetings unless they qualify as a topic for "executive session". Executive sessions are closed meetings to discuss litigation, contracts, employee issues and other highly sensitive topics which should not be aired in public. Executive sessions should happen infrequently and be used judiciously. Otherwise, members have a right to be present at all board meetings as visitors and not participants. To shut them out invites challenge. With this in mind, all

business meetings should be announced to all owners in advance and held in visitor friendly locations. Holding a meeting in someone's living room where there is seating for board members only is the same as telling members they are not welcome. Even if members don't generally attend, *always* leave that door open. It will make the board job much more pleasant. Conduct business transparently.

Additional success tips include:

1. Distribute minutes of the last meeting in advance so that they can be reviewed prior to the meeting.
2. Use a degree of formality in the meeting so the mood is "businesslike".
3. Principles of courtesy apply: Only one person speaks at a time. No interrupting, ridicule, sarcasm and innuendo.
4. Adjourn the meeting on time.

Now, do you hear the orchestra starting to warm up? The discord will soon turn into beautiful harmony. Hold on to that mental image and conduct your meetings like a symphony and sweet music will spread through out your community. 🎵



Choose Hope

I'm tired of hearing all the gloom and doom coming from the media about the economy and unemployment—I bet you are, too! Let's take a minute to look at the true reality of the situation and what we can do about it.

Yes, some people have lost their jobs and houses. You may be one of them. But guess what? People have lost their jobs and houses even in a bull market. And the vast majority of those that want to work are still employed. That is pretty good! I'm not making light of the fact that some people are struggling;

I'm just putting the situation in the proper perspective.

Even though you may be currently unemployed, that doesn't mean you have to participate in the recession. People like me who have chosen to not participate acknowledge the reality of a slow economy and suffering people. However, we have decided that we're not going to form our lives around the negativity coming out of the media and government. We're intensifying our efforts and going to have the best year of our lives in spite of things slowing down.

Some people who find themselves unemployed will go into new careers or start their own businesses where they have the best year of their lives—professionally, financially and emotionally. Their current job losses are actually blessings in disguise. They believe this and are formulating game plans based on it. I guarantee there are men in their garages right now starting their own mechanic shops. The next Mary Kay Ash is writing up a business plan for new products she's just created. College students are developing "the next best thing" in their dorm rooms as you are reading this. This is reality!

So think about your skills and interests. How can you leverage those passions into something you enjoy doing every day while earning money for it? If you haven't lost your job but dread going to work, maybe it's time to fire your employer and go in a new direction. When you have a game plan for your money and career, you will have a sense of empowerment because you aren't a slave to the lender (or employer).

When employers start hiring because they believe their businesses will grow, recessions end. Many who have stopped hiring have been paralyzed by fear. They've lost hope. People who continue going about their lives in normal ways (without being irresponsible and buying stuff they can't afford) believe in the future. It's called hope. You can have fear or hope. It's your choice. I choose hope. *Dave Ramsey* 🎵

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Keeping Perspective

When I hear somebody sigh that life is hard, I am tempted to ask, "Compared to what?" *Sydney J. Harris*

We like to compare our lives to those of people we think are richer, smarter, happier, better looking, more famous. Why don't I have a house like the couple's down the street? Why am I not doing better at work? Why can't I find the love of my life?

We forget that there are plenty of people who look on us with envy. They would really like to have our job, live on our block or enjoy our personal freedom. When we hear them talk about the things we take for granted, we remember that we have it pretty good after all.

It might sound corny, but it does help to "count your blessings" so you can pay attention to all the good things in your life.

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Laws of Life - Sundry

- First Law Of Decision Making: Any decision is better than no decision.
- Second Law Of Decision Making: A decision is judged by the conviction with which it is uttered.
- Cooke's Law. In any decision situation, the amount of relevant information available is inversely proportional to the importance of the decision.
- Rule of Bureaucracy. A memo is not written to inform the reader but to protect the writer.
- Calkin's Law of Menu. The number of adjectives and verbs used in a menu is inversely proportional to the quality of the food.
- Law of Volunteering. If you dance with a grizzly bear, let him lead.
- Law of Overselling. When baiting a mousetrap, always leave room for the mouse.
- Law of Fighting. Never fight with ugly people. They have nothing to lose.
- Weiler's Law. Nothing is impossible for the person who doesn't have to do it himself.
- Law of Distribution. Whatever hits the fan will not be evenly distributed.

- Law of Volunteer Labor. People are always available to volunteer in the past tense.
- Law of Possession. Them that has, gets more.
- Law of Drunkenness. You can't fall off the floor.
- Main's Law. For every action there is an equal and opposite government program.
- Mason's First Law of Synergism The one day you'd sell your soul for something, souls are on sale. 🌟

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