



The Summerfield Times

A Community Association Newsletter

www.summerfield-hoa.org

Spring Edition

March 2008

Business Unusual

Jim Lapcevic, President

I am willing to bet, at one point in all of our lives, everyone has stated or heard the saying, "If it's not one thing, it's another." Well, that being said, it rings much more true today than in the past. With the drought continuing to press on, the housing market in what seems to be a perpetual stall, and corporate downsizing and restructuring affecting our job market, the challenges faced by each of us individually as well as a community are numerous. Unfortunately, with the exception of not being able to predict the drought situation, all of our other problems are likely to persist or get worse until the elections in November, and even then, it's still anybody's guess.

Of course, the drought is still at the forefront and has caused the association to reconsider many aspects of our spending and savings. You never really know how much of an impact water has until you are forced to do without. I'm not sure how much everyone follows the news, but the State of Georgia was on the brink of not allowing swimming pools to be filled because of the severity of the drought. Governor Perdue has now stated that he is allowing swimming pools to be filled, but all other restrictions remain in place. Luckily, our summer has been saved, but then things could also change again depending on our spring and summer. Events at the pool are still being scheduled, however without water usage for clean up, we have to change some of the ways we do things.

The neighborhood overall looks great. There are always opportunities, but I have to say that there is a lot of pride taken in how the homes and yards are maintained. As the weather continues to stay mild, I continue to see people in their yards trimming trees and bushes, pulling the nasty weeds that seem to have taken over some lawns and flowerbeds, or doing basic maintenance and enjoying the sunshine. Aside from a couple of severe storms that we have had, this weather sure beats the over 83 to 100 inches of snow areas up North have received to date.

We will be holding a Homeowner's Meeting in a few weeks and all residents will be receiving a ballot in the mail concerning the submission of Summerfield to the Property Owners Act (POA). This is very important as it helps the association in many ways, but ailing to submit to the act also exposes the association to higher costs in areas such as legal representation.

A Property Association and Homeowner's Association are very similar; however, there are greater advantages to being a Property Association. One of the biggest impacts of a Property Association is that they are controlled by Georgia Statute rather than case law, which is a greater advantage in legal representation. Another great impact for the association is that a lien for delinquent dues or assessments is considered to automatically attach to the property the first day a payment is overdue. With the housing market restructuring as it is today, this is invaluable to the association. With a lien being able to be attached to property immediately by statute, the association is better protected in the event that the homeowner decides to sell the home, files for bankruptcy, or if the home goes into foreclosure. This is a great protection that is afforded to the association that we do not have now. Additionally, submitting to the POA will allow the association to keep legal fees in check, as there are differences in courts awarding legal fees assessed. What this means is that we may be forced into a position where our legal fees must be paid in advance, and there is no guarantee of return. The attorney's get paid no matter what. Without submitting to the POA, there is a strong possibility that this scenario could occur, and that would mean a substantial increase in association dues just for covering legal fees.

As you can see, there is always much to consider, and there will be plenty of time for questions and clarification at the upcoming meeting, which I hope all will be able to attend. In the meantime, while we continue to keep a sense of normalcy, which is what all of us want from our homes as an escape from the world, we are also aware of the changes and challenges that all of us face.

While there are many circumstances that we face which are only temporary, the rate of change that everything is occurring makes us all realize that we need to support each other as best as we can, and adapt to the circumstances quickly so we are all protected. We cannot be disillusioned that this is business as usual.

Mark Your Calendars

March 15 Sat. 10AM City of Kennesaw's Easter Egg Hunt at Swift Cantrell Park



The egg scramble starts promptly at 10 a.m., and will be divided into three age groups: **0 – 3 years, 4 – 5 years and ages 6 & up.** Children must be accompanied by an adult. Bring a basket or bag to collect treats, and don't forget your camera. Light refreshments will be available for purchase.

Admission is free.



March 17 Mon. 7PM Summerfield Pot O' Gold Board Mtg at Summit Baptist Church

Join the board and your neighbors for light refreshments and door prizes as we discuss amendments to our Homeowner's covenants.

Apr. 18-20 Fri. Sat. Sun. 8AM-2PM Summerfield Community Garage Sale

Friday, Saturday, and Sunday from 8am-2pm Summerfield will have a community wide garage sale. So, clean out those closets and that garage. It will be fun for all!!!

May Movie Night

Summerfield board will host a school's out movie night at the end of May. Details TBA.



Home Safety Check List



- ✓ If going on vacation or away for an extended period of time, have a neighbor or friend stop by to gather mail and newspapers, placing them in the house.
- ✓ Double check to make sure that all windows and doors are locked tight. Use deadbolts.
- ✓ Draw blinds so that the interior of the home cannot be seen. Use a timer for interior lights and set all to go off and on at different times. This can also be done for televisions as well.
- ✓ Have a friend or neighbor park in the driveway to have the home appear to be occupied.
- ✓ Check the perimeter of your home regularly to check for any irregularities around doors, windows, siding, etc. Focus primarily on the rear of the home, and in areas that are not easily observed from the street.
- ✓ Report trespassers to the police immediately. There is no reason that anyone from another subdivision should be using another's yard as a cut through.
- ✓ If you have an alarm system, test monthly with the alarm company, ensuring that all contacts work and are reporting correctly.

Spotlight Covenant Section



Georgia Property Owners' Association Act

The Georgia Property Owners' Association Act ("POA") was adopted in 1994 to expand the powers of homeowners associations. The POA does not, however, apply automatically. Instead, the developer of a community or the members of a community's homeowners association must "opt in" to be governed by the POA. The "opt in" process generally takes place either by the developer when the developer initially creates the declaration of covenants for the community, or by the members of the homeowners association through an amendment to the declaration.

Unfortunately, developers of most communities do not submit their communities' covenants to the POA. Thus, it is usually after the developer finishes development of a community, or is close to finishing, that the members of the homeowners association are able to submit the community to the POA.

While many homeowner associations have already submitted to the POA, many still have not. We strongly encourage communities to do so. The process is relatively simple and inexpensive but the benefits are great. To submit to the POA, the association must follow the specific amendment process set forth in its declaration of covenants. For example, if the declaration states that the amendments require approval of two-thirds of the association members, then approval of such two-thirds would be needed to submit to the POA. Some of the benefits of the POA include the following:

1. Automatic Statutory Liens

After submitting to the POA, the association will no longer be required to file liens at the county courthouse for unpaid assessments or other charges. Instead, the POA creates an automatic statutory lien against a delinquent owner's lot for any sums owed to the association. The POA provides that the declaration of covenants itself serves as notice that there is a lien on every lot in the community for any unpaid assessment or other charges. As a result, closing attorneys, title examiners, purchasers or owners must contact the association for a statement of any amounts owed to the association prior to concluding a sale or refinance of the lot, or risk the existence of a lien. If the association is not paid out of the proceeds of the sale or refinance, the lien continues against the lot and will generally have priority over subsequent liens and mortgages.

An additional tremendous benefit of the POA's automatic lien is that it protects the association even if the association's records have incorrect or misspelled owner names. Recorded liens are only effective if filed under the correct owner names. If the association's records have an owner's name misspelled the recorded lien may be ineffective. The POA makes the lien effective, even if you have incorrect or no information about an owner.

2. Buyers and Sellers are Jointly and Severally Liable to Pay Assessments

The POA includes another provision that generally strengthens an association's assessment collection powers. The POA makes buyers and sellers jointly and severally liable for all unpaid assessments. This means that, if the automatic statutory lien is not paid at the closing, the association can proceed against the new owner, who will be personally liable for all amounts owed prior to the closing.

3. Tenants are Obligated to Comply With Association Regulations

The POA also clarifies that all owners and tenants must comply with all the provisions of the declaration of covenants and the association's rules and regulations.

4. Fines and Suspension of Privileges

The POA gives the association a statutory power to assess fines against violators and to suspend the common area use rights of violators, if specified in the declaration. Fines constitute a lien against the violator's lot, and the ability to fine significantly strengthens the association's powers to enforce the covenants and the rules and regulations.

5. Late Fees and Interest

Submission to the POA allows the association to charge a late fee of the greater of \$10.00 or ten percent (10%) of the amount due, and interest at a rate of ten percent (10%) per annum on unpaid assessments and charges, if specified in the declaration.

6. Recovery of Attorney's Fees from Owners

The POA authorizes the recovery of the association's costs of collection of the delinquent assessments, including reasonable attorney's fees actually incurred. This provision is extremely helpful with judges who otherwise are reluctant to grant the association's attorneys fees, when it sues delinquent or violating owners.

Perpetual Duration

Prior to 1993, Georgia law at Code Section 44-5-60(d)(1) generally provided that covenants expire after twenty years. That statute was amended in 1993 to permit covenants to automatically renew, but the Georgia courts have held that covenants in communities that were recorded prior to 1994 do not receive the benefit of the new 1994 law. One of the extremely important benefits of the POA is that it has a provision that states Code Section 44-5-60(d)(1) shall not apply to any covenants contained in any instrument submitted to the POA. That means that if a community's covenants were recorded prior to 1994, submission to the POA now will eliminate the possibility that the covenants will expire after twenty years. Check your documents. This is crucial because your documents may otherwise expire under the law.

Fortunately, the amendment process to obtain the consent of the association members can often be done by mail or by going door to door, depending upon the specific amendment provisions within a community's governing documents. While owners rarely oppose submitting to the POA, associations often face the problem of overcoming owner apathy. Developing a strategy to adopt the POA can therefore be the key to obtaining the necessary approval of the owners needed to amend the community's declaration of covenants.

(Information copied from website of Weissman Nowack Curry & Wilco, P.C.)

Cultural Corner

Seven Layer Taco Dip



INGREDIENTS (Serves 59 people)

- 1 (1 ounce) package taco seasoning mix
- 1 (16 ounce) can refried beans
- 1 (8 ounce) package cream cheese, softened
- 1 (16 ounce) container sour cream
- 1 (16 ounce) jar salsa
- 1 large tomato, chopped
- 1 green bell pepper, chopped
- 1 bunch chopped green onions
- 1 small head iceberg lettuce, shredded
- 1 (6 ounce) can sliced black olives, drained
- 2 cups shredded Cheddar cheese

DIRECTIONS

1. In a medium bowl, blend the taco seasoning mix and refried beans. Spread the mixture onto a large serving platter.
2. Mix the sour cream and cream cheese in a medium bowl. Spread over the refried beans.
3. Top the layers with salsa. Place a layer of tomato, green bell pepper, green onions and lettuce over the salsa, and top with Cheddar cheese. Garnish with black olives.

Business/Classified Section

Here are the Prices for advertising in the Summerfield Newsletter:

\$25 Business card size (no limit)

\$50 1/4 page ad (limit 4)

\$100 1/2 page ad (limit 2)

(You will be responsible for your own copy. The newsletter committee has the option to revise copy as needed to fit within the space of the newsletter.)



Personal Classifieds: We will also accept personal classified ads for items under \$100. (Limit 3 per household.) There is no fee for residents in good standing of Summerfield Subdivision.

Please send all ads to
newsletter@summerfield-hoa.org



Don't forget to check out the new website for Summerfield Subdivision.

www.summerfield-hoa.org

If you are interested in helping out, or starting up a committee, please e-mail the board at
board@summerfield-hoa.org.

All-In-One Community Management

www.allinonemgmt.com / 678-363-6479

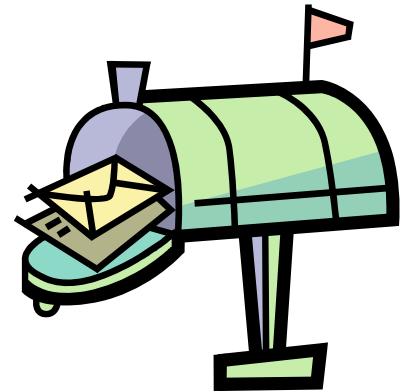
info@allinonemgmt.com

5200 Dallas Highway, Suite 200 #266, Powder Springs, GA 30127

TO SEND PAYMENT BY CHECK – MAKE CHECK PAYABLE TO SUMMERFIELD HOA –

Reference your 10-digit account # and MAIL TO:

Summerfield Residents Association
c/o All-in-One Community Management
PO Box 105007
Atlanta, GA 30348-5007



Have you ever wondered about the Green Mailbox on your left side as you leave the subdivision? Well, it is one more way you can communicate with the board. You can leave comments, suggestions, or even your ballot for the vote on March 17th. Please do not leave any money or payments in the green box. It is for communication between homeowners and the board only. Thanks.

New Board Contact Information:

Summerfield Board	board@summerfield-hoa.org
President	president@summerfield-hoa.org
Vice President	vicepresident@summerfield-hoa.org
Treasurer	treasurer@summerfield-hoa.org
Secretary	secretary@summerfield-hoa.org
Assistant Secretary	assistantsecretary@summerfield-hoa.org
Newsletter	newsletter@summerfield-hoa.org

Get in the Know

Do you want regular updates from the board? Do you want to know what's happening before the newsletter comes? If so, give us your e-mail and we will keep you updated. You can send a quick e-mail to assistantsecretary@summerfield-hoa.org.