

Bayberry Cove Bulletin

August/September 2011

Manager's Corner

The Vacant Unit



Association Boards have been called to deal with so many complex issues over the past couple of years thanks to the economic and real estate market down turn. More and more, they have had to deal with a problem that most of us never anticipated before: owners who simply walk away from their homes. When this happens, boards face two predicaments. First, there is the negative impact on the association's budget. These absent owners left the rest of the residents holding the bag and responsibility to make up for any deficiencies in the budget. Second, the board must address issues with the abandoned property, an attached unit must be maintained for the protection of the surrounding property (condominium); a detached site (single family home) should be maintained to protect the value of the rest of the community. Beginning with this newsletter, we will speak on the first predicament that Board of Directors and Associations as a whole face, which is the lack off positive cash flow from delinquent association assessments due to a vacant property. Specifically we will speak on the aspects of collection efforts for such an all too common scenario.

Next HOA Meeting

Tuesday, August 9th



Collection

Admittedly, collecting assessments for the abandoned unit can often be a dead end, even though the governing documents generally make the absent owner personally liable for the arrearage.

There are occasions when the absent owner is worth pursuing, such as when a property is abandoned to adjust finances while the individual remains employed and can satisfy other financial obligations. When these owners resolve their obligations with lenders through the foreclosure process to stay current with other creditors, the association can pursue its debt collection through the personal liability provision of the governing documents.

The foreclosure process, however, often wipes out the associations' interest in the unit, even if the association recorded a lien. In most jurisdictions, laws are designed to ensure that primary lenders and purchasers in foreclosure take the unit free and clear of most or all the arrearage. Many jurisdictions cap the arrearage that primary lenders are required to pay at six or 12 months even though many properties sit abandoned for much longer. Despite these legal hierarchies association boards should not assume that all is lost in a mortgage foreclosure and that the association is powerless to recover funds. Each jurisdiction's laws are different, but most afford some level of super propriety to assessment liens, particularly for condominiums. In most cases, associations should record a lien against the property to establish its place in what may be a long line of those claiming an interest.

Mortgage and lending industries are far more complex than they were in the past. Property purchases are often the subject of a wide variety of creative financing and refinancing. In addition, loans often are sold, assigned or transferred, leaving units with a chain of title that is so complex property owners don't know how many mortgages they have or who holds their mortgage notes. Not only have these transactions made headlines in the news for all the wrong reasons, but they also have made for a lot of creative negotiations among lenders and homeowners as "junior" interest holders attempt to avoid having their interest wiped out by the "senior" first mortgages. This same issue has now arisen in the context of assessment liens-albeit on a much smaller scale. If the association has a lien recorded in the chain of title, it often can gain leverage in the foreclosure negotiation process as many jurisdictions afford the lien priority over some of the players in the dispute. Moreover, depending on local statutes, and the timing of the various transactions involving the transfers among lenders, the association may be able to argue that its position has improved due to transactions that occurred subsequent to the recording of the lien. For example, it has been argued successfully that an assignment of the mortgage constitutes a conveyance under a jurisdiction's statutes, thereby subordinating any subsequently assigned mortgage to the association's lien and giving the association priority. This would make any subsequently assigned mortgage holder (usually the purchaser at the foreclosure sale) responsible for the entire arrearage, thus giving the association a full recovery on the abandoned unit. In the next issue, we will finish discussing these predicaments that many Boards and Associations alike face when it comes to vacant properties-how to best address the general upkeep & maintenance.

By Robert Meisner & Edward Lee of Meisner & Associates, P.C.—Common Ground

President's Corner

Bayberry Cove – A New Sunset

Well, it has been a month or so since the last newsletter and this month I find myself cleaning the garage and catching up on the yard work I have been neglecting. I remember having a desert of a yard when I moved in, in '05. Not sure what the previous homeowners did, but they trashed the yard and I had to redo the whole thing. It looked great until last summer. I was out of town for ten days and having the house watched. The water was not working and everything died... the weeds took over and now I am left with a plethora of fauna I do not want. I hate starting over, but I guess I have to. AGAIN! Just one more thing to do.

Anyway, here are a few updates on some current topics:

BMPs: The ponds are just about done with repairs. This has been a big deal for us that started two years ago, as well as, a learning curve. The plan is for us to turn these things over to the city as the responsible party once we get a good inspection.

Trailers and more Trailers: It has come to our attention that some new trailers have started to appear in driveways around Bayberry Cove. Please read your rules on this issue. No trailers over 26' can exist on your property. Less than 26' and it must be behind the front plane of your house. Sitting in the drive way is not an option. Please respect your neighbors and move your trailers.

Non-residents on the Basket Ball courts: Signs are being ignored and they are staying on the court after dark. They have even gently pushed our kids off the court so they can play. There has also been an excess of profanity and we are trying to figure a way to deal with this problem. There are not many options.

Tree replacement: We have several dead trees bordering Shoulders Hill and Bob White. We are in the process of getting quotes to replace them.

Feral Cats: This is becoming an issue. We will be announcing an effort to remove them via animal control. I suggest if you have outdoor cats that roam the neighborhood at night, that you correct that very soon. Not sure why anyone would allow cats to roam freely anyway. These cats feral or not, pee on porches, walk on and scratch our cars. One cat was even seen climbing into a guest car at my house. Just be advised, we will soon be asking animal control to start catching all of these wayward cats. Protect your cat and bring them inside.

Shed: We are about to put up a shed in the big park. This is to hold our get together stuff and anything else board related. Just wanted you to know.

Playground: We just had our playground inspected by Parks and Recreation Department of Suffolk for free this time and are going to handle the minor issues ourselves. This will become a yearly spring event.

Minutes: Please keep yourself up to date with the HOA meeting minutes on the web. I really try to keep them up so you can be informed. Also, please try to come to a meeting or two. We would love to have you.

Bulk trash pick-ups: Okay, I know the real deal on this finally. Each home address in the city of Suffolk is allowed twelve bulk trash pick-ups a year. After that, they start charging you per pick-up. Please insure you place your bulk trash items in front of your own house so that your neighbors do not lose some pick-up opportunities. July 1st is the start of the new bulk pick-up season and our slates are wiped clean. So get rid of your junk at will. I did not know you could not put drywall or other house remodeling items out on the street. Here is a link to all the rules.

http://www.suffolk.va.us/pub_wks/docs/Solid%20Waste%20&%20Bulk%20Pickup%20Brochure.pdf

We just had our first annual Jazz in the Cove event. If you missed it, pictures are posted on the web. I love me some good jazz and this was the first time ever I have gone to an event like this. This was the best idea our social committee has come up with yet. I met some great neighbors and reconnected with ones I met in the past. I hope you will come to next year's event and even to the other events this year. It will be great to meet you. By the way, the sunset was great!

That is all I have this time. I hope to see you on my walks (I have three black dogs, so you cannot miss me!)

Todd Breeding

Bayberry Cove HOA President 2009-2011

“A Board that works...”

Architectural Review Board



Does Your Roof Look Like This?

If it does, do you know why it looks that way? Even if your roof does not have these unsightly streaks, you certainly may have noticed others that do have them. (If you have not noticed, I bet after reading this you will start to notice them all over the area!) Whether you have them or not, or noticed them or not, our area is filled with homes that have stained asphalt shingles just like the one above.

What causes shingles to stain and streak like this? Well, it is not some sort of droppings from pine trees, nor acid rain, nor dirt or soot. You may not want to hear it, but the answer is **Algae**. Specifically, an airborne, single-cell Cyanobacteria organism called *Gloecapsa Magma*. This airborne spore gets deposited on the shingles and is usually most prevalent on the north-facing sides of roofs due to more shade time on northern exposures. It is the heat and humidity that allow the proliferation of these spores, which actually feed on the crushed limestone additive fillers in asphalt shingles. The accumulation of dead colonies of these Cyanobacteria causes the visually dark streaks and stains on the shingles. Left untreated, this algae growth can build up on the roof, which causes the shingle to hold moisture. A darker, moisture-holding shingle can cause premature aging of the roof due to rotting, or granule loss.

The good news.... **You do not need a new roof!** The stains are easily remedied using professional roof cleaning methods recommended by the Asphalt Roofing Manufacturer's Association. As recommended by the ARMA (www.asphaltroofing.org), a zero-pressure "softwash" process utilizing high-quality, safe, detergents and surfactants is used to restore the roof. (Never let anyone clean your shingle roof with a pressure washer! Pressure washing will remove the algae --along with most of the shingle granules, permanently damaging the shingles and voiding the warranty!) Once the stains are soft-washed, killing and rinsing the algae, a dramatic difference will be noticed as the original color of the shingle is restored. You will see an instant improvement in curb appeal of the property, along with an improvement in the health and longevity of the roof.

The average homeowner may not be able to accomplish roof work safely. Consider using a professional, licensed contractor, with the knowledge, experience and proper soft-washing equipment to safely and efficiently restore your roof for a fraction of the price of replacing it.

Social Committee



The evening was great! Mother Nature cooperated by enveloping residents with a gentle breeze and low humidity while Social Committee members transformed Gum Court into the perfect venue for Bayberry Cove's "Jazz and Wine" affair under the stars. The presentation of the food made it even more inviting. Neighbors came and went, mingled and chatted in the cul-de-sac. The glow of the luminary-lit street and the flow of soft jazz music welcomed everyone. With so many different wines on hand, it was hard to determine which was a favorite. Of course there were other beverages available also. It was great to see some longtime residents join us once more. Getting to meet new neighbors was a pleasure for all. What a way to welcome them to our neighborhood! Yes, this was an awesome adult gathering provided by the Social Committee. If you were there, I'm sure you agree with me. If not, then join us next year and see for yourself.

Check the Bayberry Cove web site for additional future events.

Grilled Garlic Parmesan Zucchini

Ingredients:

3 zucchini
3 tablespoons butter, softened
2 cloves garlic, minced
1 tablespoon fresh parsley, chopped
½ cup freshly grated Parmesan cheese



Directions:

1. Preheat an outdoor grill for medium-high heat, and lightly oil the grate.
2. Cut the zucchini in half crosswise, and then slice each half into 3 slices lengthwise, making 6 slices per zucchini.
3. Mix the butter, garlic, and parsley in a bowl, and spread the mixture on both sides of each zucchini slice. Sprinkle one side of each slice with Parmesan cheese, and place the slices, cheese sides up, crosswise on the preheated grill to keep them from falling through.
4. Grill the zucchini until the cheese has melted and the slices are cooked through and show grill marks, about 8 minutes.

Helpful Hints

A Tripper-Upper

If your child has trouble with shoelaces becoming undone, just dampen them before tying them.

Safely Dispose of Medications

According to an expert at Consumer Report, the following steps should be taken to safely dispose of medications:

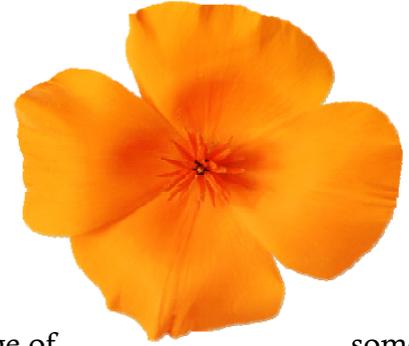
- Put them in a bowl and soak them in water until they become soft.
- Mix them with cat litter or coffee grounds.
- Wrap the mixture in newspaper and throw it in the trash.

That way no one will try to use the medication. Do not flush pills down the toilet or put them in the garbage disposal; even trace levels can be bad for waterways.

A Meow Message

According to some, “There are few things more heartwarming than to be welcomed by a cat.” However, it seems that some cats are not welcome, especially when they produce a very different, loud long howl over and over because they are in heat. This concern was presented by some homeowners at the last HOA meeting. Perhaps the cats were strays, feral cats, or residences’ pets. There were no answers as to the type of cats. Just remember to be a good neighbor and keep your cat inside unless it is outside with you on a leash. Also, keep in mind that animal control may be called to capture animals that are in violation of certain laws. Oh, and on final through... “Every dog has his day – but the nights are reserved for the cats.”

Local Community Events



Suffolk

The City of Suffolk has gone to great lengths to enhance children's summer days by providing a variety of cultural and educational experiences throughout the summer. It is not too late to take advantage of some wonderful opportunities for your child. This is a cool site with many cool activities to rev up your child's summer vacation, including some scholarship opportunities. I strongly recommend this site to end the "boredom" of summer vacation.

www.suffolkcenter.org

July 15 – August 5 - "Movies from Books We Love"

Sponsored by the Suffolk Center along with Paul D. Camp College

Movies from books on the public schools' required reading list

1:30 p.m. each Friday \$1 admission

For more information www.suffolkcenter.org

August – Children's Theatre of Hampton Roads

6th – "Of Jesters and Dragons: Chapter 3"

20th – "Bucket of Monkeys"

11:00 a.m. – 12: 00 noon Tickets \$5.00

For more information www.suffolkcenter.org

July 22 – September 7 TGIF Concert Series 2011

Friday night concerts featuring local and regional bands

Constant's Wharf Park & Marina and Bennett's Creek Park

Parks open at 6:00 p.m. Bands play 6:30-9:30 p.m.

For more information call (757) 514-7267

Virginia Beach

August 9 – Boardwalk Astronomy

Boardwalk at 24th St.

6:00 p.m. – 11:00 p.m. FREE

For more information call 491-9866 or visit <http://www.beachstreetusa.com/>

July 22 – August 26 Beach FamFest Series 2011

17th Street Park

Afternoon festivals; live concerts at sunset; movies under the stars

Norfolk

July 6- August 31 Flicks at the Fountain

For more information visit: www.festevents.org

August 2 – August 7 - Japanese Naval Ships Visit Downtown Waterfront

Nauticus Pier on Waterside Drive, Downtown Norfolk

1:30 p.m. – 3:30 pm FREE

Public is invited to welcome ceremony August 2, 11:30 a.m.

For further information call 441-2345 or visit www.festevents.org.

August 27 – Latino Music Festival

Town Point Park, Downtown Norfolk

5:00 p.m. – 10:00 p.m. FREE / Open to Public

For more information visit festevents@festevents.org

Portsmouth

August 4 – August 6 – Coast Guard Celebration

Special events including displays, farmers' market, Ragtime Regatta and Coast Guard Century Bike Race

Times vary

For more information visit <http://www.coastguardcityportsmouth.com/eventsataglance.html>

Year-Round Elizabeth River Ferry Water Transportation

Pedestrian ferry crossing between Portsmouth and Norfolk

Seven days a week; departs from High Street and North Landings

Schedule information at (757) 222-6100 or www.gohrt.com



Sun Safety Strategies

Do you know how to keep your family safe from the harmful effects of the sun?

According to the Skin Cancer Foundation, consumers should rest assured that sunscreen products are safe and effective when used as directed, and should be considered a vital part of a comprehensive sun protection program that includes the following sun safety strategies:

- **Seek the shade**, especially between 10 AM and 4 PM.
- **Do not burn.**
- **Wear a sunscreen** with an SPF 15 or higher every day.
- **Apply 1 oz.** (2 tablespoons) of sunscreen to your entire body 30 minutes before going outside. **Reapply every two hours** or after swimming or excessive sweating.
- **Cover up with clothing**, including a broad-brimmed hat and UV-blocking sunglasses.
- **Keep newborns out of the sun.** Sunscreens should be used on babies over the age of six months.
- **Examine your skin** from head to toe once every month.
- **See your doctor every year** for a professional skin exam.
- **Avoid tanning and UV tanning salons.**



For more information access the Skin Cancer Foundation web site.

<http://www.skincancer.org/recentattackssunscreen.html>

Continue to stay informed about your community. Keep checking bayberrycove.org for additional issues of the Bayberry Cove Bulletin newsletter, as well as some of the new features available.

- Photos of the wine and cheese event
- New safety document section
- Minutes from the last HOA meeting
- City links section full of information
- New yard of the month photos