

2015

WVHOA Newsletter

MARCH 2015



WEST VALLEY HOMEOWNER ASSOCIATIONS

March's Luncheon Meeting: Landmines in HOA Collections

The next meeting of the West Valley Homeowner Associations will be March 4 - Landmines in HOA Collections. Attorney Kathryn Battock will address these landmines so associations can stay ahead of the game and continue to successfully recover monies due.

We'll be meeting on March 4 at 11:45 a.m. in the Apache Room, Chaparral Center in Sun City Grand, 19781 N. Remington Drive in Surprise. Cost for the luncheon is \$10. Lunch will be served from 11:45 to noon and the program will start promptly at noon.

BOARD OF DIRECTORS:

Colleen Lombard, PCAM, President
602-689-1686
calombard@cox.net

Curtis Ekmark, Vice President
480-922-9292
curtis@ekmarklaw.com

Rocky Roccanova, Secty/Treas
623-221-0470
rockyscg@yahoo.com

Please make your reservations by contacting Rocky Roccanova at rockyscg@yahoo.com or 623-221-0470. Reservations must be received by 5:00 p.m. on Saturday, February 28.

Payment for the luncheon may be made by cash or check (personal or business check) at the door only. We are not able to accept "pre-payment" for the luncheon meetings.

Reminder:

In order to provide plenty of food for the luncheons, it would be sincerely appreciated if all reservations are e-mailed no later than 5:00 p.m. on Saturday, February 28.

Please e-mail or phone reservation requests to Rocky Roccanova at: rockyscg@yahoo.com or 623-221-0470.

Thank you.

Meetings are held in the Apache Room of the Chaparral Center, 19781 N. Remington Drive in Sun City Grand. Sun City Grand is located on the west side of Grand Avenue, about five miles past the Bell Road intersection. Turn west onto Sunrise and take it to the second intersection, which is Remington. The Chaparral Center is located about .2 of a mile on the right side of Remington Drive adjacent to the Sonoran Plaza.

Recordkeeping Reference Guide

During tax season, we receive questions regarding the length of time associations should keep their records. Here is a guide to utilize for determining your record retention policies.

What Types of Association Records Can Be Kept Electronically?

Everything . . .

Lot Files, E-mails, Scanned Paper Documents, Financials, Web Pages, Governing Documents, etc.

What Records Must be Kept Indefinitely?

Governing Documents

Declaration or CC&Rs

Articles of Incorporation

Bylaws

Rules and Regulations / Architectural Guidelines

All amendments to the Governing Documents

Resolutions

Minutes of all meetings of members and Board of Directors

Actions taken without a meeting by members or Board of Directors

Actions taken by committees on behalf of Association

Architectural Approvals/Denials in lot files

What Records Must be Kept for 7 Years?

All financials.

Financials 4 years or older may be stored off-site; but

Financials for past 3 years must be kept at place of business.

What Records Must be Kept for 3 Years?

All written communication to members.

Notices, E-mails, Letters, Ballots, Web Pages, Newsletters, etc.

What Records Must be Kept for 1 Year?

Records related to removal of a Board Member.

How Long Should Documents About an Election Be Kept?

Keep all records relating to an election until those elected have resigned or completed their term.

How Long Should You Keep Lot Files?

Architectural Submittals/Approvals/Denials should be kept permanently in the lot file.

Theoretically, everything else in the lot file can be discarded at the time a new owner purchases the home, except for documentation related to a current, outstanding violation.

How Long Should You Keep E-mails?

Follow the document retention policy adopted by the Association.

If no document retention policy is in place, then review the subject matter of the E-mail and keep it as long as the law requires you to keep any other Association record on that subject.

Organize Your Electronic Documents in Subfolders Similarly Named to Those of Your Paper Files.

Your Association Should Consider Adopting a Document Retention Policy.

What Should You do if You are Made Aware of Potential Litigation?

Do Not Destroy Evidence.

- Do not delete anything;
- Make sure you know where any possibly relevant evidence is located;
- Let your Board Members know to refrain from deleting, opening, modifying, or moving any potentially relevant documents;
- Contact your IT person and make sure all automatic delete processes are disabled; and
- Cease all destruction of documents according to a document retention policy.

Contact Legal Counsel.

- Make them aware of the possible locations of evidence; and
- Let them help you navigate this potential landmine.

The foregoing is a general overview of an issue and is not intended as specific legal advice regarding any particular situation. Associations are advised to seek competent legal counsel when confronted with legal issues.

Benefits of Attending WVHOA Meetings

As part of your membership in WVHOA, you receive the WVHOA Newsletter. While this contains information regarding homeowners associations, you still derive additional benefits by attending the meetings. For example, our speakers usually provide detailed handouts pertaining to our meeting topics. Also, you get to meet other association board members and discuss and share ideas.

We hope to see you on March 4!