

Brushy Creek Times

August 2008 Edition

Web Site: www.BrushyCreekHOA.com

Homeowners Attendance At HOA Meetings Lacking

There was no vote on the proposed Amendment at the last Brushy Creek HOA meeting on July 22 because a quorum was not reached. 17 proxies were submitted and 14 more homeowners attended, prepared to vote. The total of 31 (proxies plus attendees) left us lacking 41 votes for a two-thirds majority. The proxies that were submitted will remain active for one year and are being held by the HOA Board. If you have not yet submitted your proxies, please do so without delay. You may mail or fax them to Heritage Property Management.

The current HOA expires in 9 years and as Brushy Creek's Bylaws are currently written, in order to reinstate the HOA...there will need to be 100% of homeowners to vote in favor. There will be no HOA, no enforcement on who can do what with their weeds, cars, etc. and most importantly, no guidelines other than city codes protecting property values. If you have comments about this, please e-mail: Jennifer Kudick at jkudick@charter.net.

The positions of President and Secretary-Treasurer are open for election. If you would like to be on the ballot for either of these positions, please contact Ilene Lakin at Heritage Property at (770) 451-8171. **The annual meeting and election will be Tuesday, October 14th, 2008 at 7pm at the Suwanee Public Library.** A notice for the meeting will be mailed in September. We will update you on the proxy count monthly through the newsletters and the website.

If you have misplaced your proxy you may go to the Brushy Creek HOA website (www.BrushyCreekHOA.com) and download a proxy.

Heritage Property Management Services
500 Sugar Mill Road - Building B, Suite 200
Atlanta, GA 30350
Tel: (770) 451-8171 - Fax: (770) 451-3919
www.BrushyCreekHOA.com

Improvements Coming To Eva Kennedy

The City of Suwanee will undertake improvements to Eva Kennedy Road, from Stonecypher Road to approximately the Brushy Creek subdivision. The project is not scheduled yet, but likely will be undertaken before the end of the year, depending upon completion of acquisition of right-of-way easements. Improvements will include adding curb and gutter, replacing the sidewalk on the south side of the roadway, and installing three oval-shaped, landscaped

islands to help reduce speeds along the road. The approximately \$790,000 project will be funded through SPLOST. The road is expected to remain open while improvements are being made, although traffic may be reduced to one lane and delays should be expected. Updated information will be posted to www.suwanee.com as the start of the project nears. Reprint Suwanee Crossroads, June '08

The Inactive And Disfunctional HOA.

"The recent sale of my home in Georgia had little to do with the real estate market right now because the area I was living in was being developed and new businesses were coming in every quarter," said Todd Deevay.

"I put hundreds of dollars into my home with improvements to the exterior and interior of my home. But, I personally lost thousands of dollars on the sale because of the neighbors in my subdivision. Keep in mind, I'm not the type of person to blame others, I accept responsibility for my own actions. But, I lived in a very nice and new community that was just built a few years ago. My HOA was inactive and not empowered enough by the residents of our subdivision to make my neighbors follow the rules and keep their property appearance looking presentable to potential buyers and families *throughout the year*," said Deevay. "At the very least, my HOA membership should have stabilized the value of my home in the neighborhood I was living in. Fortunately, I now live in a neighborhood where the HOA is organized and taking proactive steps to keep my home value on the rise, or at least, stabilized in the current market."

As a Brushy Creek resident, here are some helpful things to remember when selling your home. When you're selling your home you're also selling the neighborhood that the home is in.

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What Can Happen In A Community With No HOA?

"Our neighborhood in Suwanee, GA was originally priced in the low \$200's," said a private homeowner. "Year after year for about four years the home values continued to grow. Until one year, we started noticing that more and more renters were occupying our subdivision. Unfortunately, 4 out of 5 of the homes being rented were not kept up as other neighbors and homes around them were. With no way of contacting the owner of the home to inform him of the home and yard neglect, we had a lot of problems trying to enforce rules that everyone who originally purchased home just automatically assumed. We currently have no HOA organized. The majority of our neighborhood is becoming increasingly transient and home values in this neighborhood are stagnant. Needless to say, as a Suwanee homeowner here in Georgia, I will not live in another community without an HOA in place to enforce landscape guidelines, rental occupancy and control transient growth. I can offer these helpful insights about the problems I've experienced first hand while living in a very nice community without an HOA."

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Brushy Creek's New PACT Officer

Sgt. Elias Casanas Jr., Training/Community Relations City of Suwanee Police, 373 Hwy 23, Suwanee, Ga. 30024
Tel: 770-945-4607 Ext. 327 Fax: 770-945-2985 elias@suwanee.com

Mid-Day Thefts Getting Closer To Home

We have recently received information from the St. Marlo Homeowners Association regarding recent criminal activities. They received this information from the Cobb County Sheriff's Office, through one of their HOA Coordinators. We are passing this along for your information because this can happen in any subdivision.

Recently, in both Cobb and Gwinnett Counties, reports of thefts have been made pointing to a group of males posing as contractors. These occur during the day - the group parks an SUV in front of a home as if they are there to work on the home. They knock on the door, and if they find no one home, they break into the home, stealing cash, clothes and electronics.

They have been described as wearing light green reflective vests, white construction hats and tool belts. The description came from

viewing a residential security camera. Because this is a very typical sight in a subdivision, neighbors fail to take notice, and homeowners only become aware when they return home and find valuables missing. The latest reports were from Norcross, Acworth and Kennesaw. Eyewitnesses have described the SUV used in these crimes as being a champagne colored Chevy Suburban and a dark blue Ford Expedition. Other witnesses have reported other SUV colors as well.

Reports of suspicious activities and a home invasion (one at 11:30pm while the couple was asleep) occurred twice in a two week period just a few miles from Brushy Creek S/D. If you see suspicious activities, please call the Suwanee Police at 770-945-8995.

"We need more active Homeowners and proactive HOAs and GPOAs (like Brushy Creek) to continue updating residents on new information that keeps people safe. Because Brushy Creek has a very proactive Board and HOA, Brushy Creek remains a great place to live and still retains the title of an official Suwanee PACT Community."

Brushy Creek PACT Meeting, Summer 2008

Have You Taken An Inventory Of Your Home Lately?

Know Your Stuff (www.knowyourstuff.org) software is free to download and use. Your inventory is stored on your computer but we encourage you to keep a back-up copy (for example, on CD, memory stick, or even a printed copy).

Learn From Thy Neighbor

Your BC HOA has collected a list of referral contacts from your neighbors in and around Brushy Creek and the Suwanee area for services such as: [appliance repair](#); [painting](#); [trim work](#); [duct cleaning](#); [window installation](#); [plumbing](#); [landscape](#); [pest control](#); [electricians, etc.](#)

For more information, please visit: www.BrushyCreekHOA.com.

New To The Neighborhood?

If you have recently moved into Brushy Creek in the past 6 months, please update your contact information by calling: (770) 451-8171 or e-mail: jkudick@charter.net.

Is It Time To Raise Your Homeowner's Insurance Coverage?

July 17, 2008 Source: <http://clarkhoward.com/>

If you've been in a house for 5 years or longer, chances are you may be grossly underinsured for homeowner's coverage. In fact, you'll only discover it after a catastrophic loss when it's too late.

So you must read the coverage limits when your policy comes up for renewal every year. Let your insurer know if there's no way you could rebuild your house for the specified amount. Note the name of the rep you speak to and the date/time of the call. That way if your insurer refuses to raise your limits and a catastrophic loss happens, you've already begun building a case against them.

Some insurers will not raise your limits, so people will trigger a clause in their contract and get a 3rd party appraiser to look at the home. The insurer will sometimes accept the appraisal and then comply by raising your coverage.

The chances of a catastrophic loss are minimal, but why take the chance of having your wallet disrupted just as terribly as your life in the case of the unthinkable?

The penny-pincher always takes big deductibles so he doesn't get hurt much. Don't have the \$500 deductible of yesteryear. Today, insurance can only be used in the case of a catastrophic loss. It's a "use it and lose it" proposition. Some people can save up to 31% on their last renewal by having a higher deductible.

What Value Does A Good HOA or 'Georgia Property Association' Bring To A Community?

The Brushy Creek Board of Directors is reviewing, as a **possible option**, an amendment to the Declaration of Covenants and Restrictions and By-Laws of Brushy Creek and submitting Brushy Creek to the Georgia Property Owners' Association Act. The Brushy Creek Community Association, Inc. is currently Homeowners' Association (HOA).

ABOUT THE GAPOA

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 members of a community's homeowners association must "opt in" to be governed by the POA. The "opt in" process generally takes place by the members of the homeowners association through an amendment to the declaration.

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The Inactive And Disfunctional HOA (Con't)

Potential buyers don't just look at the home they want to buy. They drive through the neighborhood and are sold on a way of life in that neighborhood. That's not impacted or measured by how big the pool is, if there even is one, or how many Holiday parties there are. When your home goes

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“People need to understand that potential buyers don't just look at the home they want to buy. They drive through the neighborhood and are sold on a way of life in that neighborhood. That decision is not measured by how big the pool is, if there even is one, or how many Holiday parties there are. If a buyer is choosing between your home and a another home in a similar neighborhood at the same price, what if, the other neighborhood has an proactive HOA that's standing up and enforcing the community and its appearance? The buyer is going to choose the other neighborhood because you've got neighbors who keep up appearances and every other lot is not 'for lease' or 'for rent.’

Gwinnett County Homeowner

lot, but by my neighbors you have and the 'appearance' of everyday life. If a buyer is choosing between your home and a another home in a similar neighborhood but at the same price, what if, the other neighborhood has an proactive HOA that's standing up and enforcing the community appearance? The buyer is going to choose the other neighborhood because you've got neighbors who haven't cut their grass or their hedges in 4 months.

Deevay continues to add, “the price of my home needed to be dropped to attract a buyer. That meant my home is 'worth-less' because the neighborhood is less attractive and that is directly attributed to the activity or inactivity of the HOA.”

Here are some helpful considerations if you are trying to sell your home and consider what might happen to the value of your investment should the following occur in Brushy Creek:

- 1) You have a neighbor who doesn't mow their lawn.
- 2) You have a neighbor with a fence that doesn't

match the rest in the neighborhood (i.e. chain linked fence's)

- 3) You have a pink house right next to your's.
- 4) You have a neighbor who parks their car in the street but it doesn't work and worse yet, your neighbor across the street has their car parked in the yard.
- 5) You live next to a home that rarely has their lawn taken care of and the weeds are now up to your knees. If you want to sell your home, remember that potential buyers are going to have to drive right past these homes.

“We should celebrate active and organized HOA's because they directly impact our pocketbook and our net worth,” said Deevay. “Go HOA's!”

What Value Does A Good HOA or 'Georgia Property Association' Bring To A Community? (Con't)

While many homeowner associations have already submitted to the POA, many still have not. Brushy Creek's Board of Directors, advisors and attorneys strongly encourage communities to do so. The process is relatively simple and inexpensive but the benefits are great. To submit to the POA, Brushy Creek must follow the specific amendment process set forth in our declaration of covenants, which states that the amendment requires a majority percentage of affirmative votes from Brushy Creek Homeowner's Community Association, Inc. members.

Some of the benefits of the POA include, but are not limited to 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. Tenants are Obligated to Comply With Association Regulations

The POA also clarifies that all owners and tenants must comply with all the provisions

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What Problems Can Occur In Communities When No HOA Is Present? (Con't)

Lack of Control & Left As An Individual To Confront Homeowners, Renters and Others.

- 1) Home Values Plateau
- 2) Unkept Yards
- 3) Overgrown Grass
- 4) Visible Clutter
- 5) Overgrown Shrubs
- 6) Unsightly Damage To Homes Un-repaired
- 7) Color Control
- 8) Damaged Siding
- 9) Additions or Adding Things To Yard Or Home That Are "Odd"

Lack of organization

- 1) No process or procedures in place for keeping front entrance groomed
- 2) Would be a plus to have neighborhood gatherings but lack of communication channels are an obstacle.

Results

- 1) Possible negative perception of neighborhood from potential buyers.
- 2) Lower lever of relationship and community experience.
- 3) After a while homes in neighborhood can lose uniformity.

Amendment Committee And HOA Board In Agreement On Proposed Changes

Over the past year, a diverse group of Brushy Creek residents with varying opinions and strong thoughts on last years proposed changes have been meeting to discuss and revise items in Brushy Creek's Covenants that are outdated and need to be changed. Because there was a lot of questions from homeowners last October, a volunteer committee was assembled by the Board (which happen to be Brushy Creek homeowners as well) to review the proposed amendments. This committee included Jeff Covert, Larry McHale, Paul Lostumbo, Jamie Jagers, and Mike Tetrault. If you see any of these Brushy Creek volunteer committee members, please take the time to thank them for their time, hard work and help over the past year.

“Like any good business, you have to evolve your product. We brought people onto the Brushy Creek Committee who didn't like most of the proposed changes. Therefore, because changes to the current ‘Special Assessment’ were met so much opposition last year, this section was completely removed from the upcoming vote. But, what we did work on over the past year [as volunteers] was changes to the BCHOA Covenants that obligate people pay their dues and insist on routine communication with owners who lease their properties. We all came into agreement about the end result because we'd heard the complaints first-hand. Our city is growing and our subdivision needs to secure it's place in our city by keeping home values from plateauing or worse yet, falling when the market becomes stable. We all pay the same fees each year and if you can't pay them, communicate that to the Board and let's work together to find a solution that doesn't make you or your family upset. That's what the purpose of the upcoming vote is all about. Making a strong community, stronger.”

Mike Tetrault, Committee Member & Volunteer

“There was a lot of discussion about the proposed amendments at last October's meeting,” said Mike Tetrault, Committee Volunteer. “The BCHOA Board Members are homeowners in our S/D too and everyone, including the Board and the committee kept the interests of the average Brushy Creek homeowner and residents in mind.”

With the suggestions of this committee, changes were made to the proposed amendments by the Board. One such suggestion from the committee was to allow homeowners to vote on each amendment separately instead of the whole package. When you received the amendments, they were numbered. You are now able to vote in favor of the whole amendment on the proxy OR you can vote for each section separately on the proxy. An exception is with the Georgia Property Owners' Association Act. In order to vote in favor of any other section in the proposed amendments, you must also vote in favor of the Georgia Property Owners' Association Act.

“Because our Committee was composed of such a diverse group of individuals who live in Brushy Creek,” said Tetrault. “We felt it

What Value Does A Good HOA or GPOA Bring To A Community? (Con't from page 3)

of the declaration of covenants and the association's rules and regulations.

3. 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.

4. 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.

5. Recovery of Attorney's Fees from Owners:

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

imperative to properly educate and give you a variety of information over the past few months so you can make educated and informed decisions. We heard a lot of complaints from residents about many issues, including weeds, rentals, vehicles, etc..”

“Like any good business, you have to evolve your product,” said Tetrault. “City Officials, car manufacturers and safety experts don't use the same rules and guidelines from a decade or more ago. They update them from time to time, shape and mold them into something that can be used in today's marketplace. That's what the Committee has done over the past few months to the proposed changes. Suwanee and the Brushy Creek S/D are much different places than when they were originally constructed. Our city is and will continue to grow and our subdivision needs to secure it's place in our city and keep home values from plateauing or worse yet, falling in a stable market.”

The board encourages you to read through the new proposed amendments which you already received. A copy of the current Declaration of Covenants, Conditions, Restrictions and Easements for Brushy Creek is available on the Brushy Creek HOMEPAGE, www.BrushyCreekHOA.com Please feel free to compare the old and new.

Lastly, changes to the Special Assessment were met with a lot of opposition at the last meeting. This section has been completely removed from the new proposed amendments thanks to your BCHOA Board and Committee.

If you have opinions, questions or comments, please feel free to e-mail your President, tanyafrees@yahoo.com. Thank you.