



*SIX WAYS TO BURY A GOOD IDEA!*

- 1) *It will never work.*
- 2) *We can't afford it.*
- 3) *We've never done it that way before.*
- 4) *We're not ready for it.*
- 5) *It's not our responsibility.*
- 6) *We're doing fine without it.*

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## WHY DO I LIVE IN AN ASSOCIATION

By: Sara E. Barry, CMCA PCAM  
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I am part of a very large silent majority in this country. I LIKE LIVING IN MY ASSOCIATION, which has covenants that protect my property values. I know that most of my neighbors also feel the same way and are concerned when they hear that legislation is taking away more and more of their contractual agreements with neighbors.

We all purchased in a development that has rules knowing that we were signing a contract with all of the other owners that would require us to give up some of our individual rights in return for others giving up some of theirs. I will store my 30' trailer in an off site storage facility and my neighbor will keep his lawn mowed and the weeds pulled. Another neighbor will be required to only have 2 dogs while another one will have to put his basketball hoop away each night after use. Each neighbor has given up one or two things that are inconvenient, but is in the best interest of the *community* as a whole.



### *Neighbors Talking To Neighbors*

My neighbors know that if they have an unusual problem taking care of something on his or her property that she or he can come to any of the neighbors and ask for help or can contact the association to let them know when something will be taken care of in accordance with their contract with their neighbors.

It is rewarding, however, to know that if my neighbor doesn't mow his lawn for two months and the weeds are out of control that the association will send him a gentle reminder. I don't have to go beat on his door to remind him of his responsibilities only after I have become upset enough

to do so. I realize that there are some individuals who are determined that his home is his castle and he is going to do what he wants regardless of any contract he may have signed. I will get to these individuals and a possible long term solution later in this article.

### *Negative Media Attention*

Many of us live in very well managed associations, our development as a

whole and are very happy. Because of this we don't have a reason to go to the papers, television or other media sources to tell them how *happy* we are. The only media attention that is given to community associations is the negative and problematic side.



Every two years, the legislature reacts to the very vocal few minority groups who are upset about living in their association because of either perceived or real Gestapo Boards, possible or actual poor management or communication problems in general. The legislature responds to these outcry's because they never hear from you or I, the silent majority, who can remind them that we are extremely happy with the WAY THINGS ARE. We are required to live with micro-managing legislation that results from their attempts to fix individual problems for the minority interests.

***Is There a Solution?***

What is the solution? I feel that the heart of the problem in association living lies in communication. Communication starting with the realtor who should have explained the restrictions that will apply once you choose this particular development, the title company who should communicate better about the huge pile of documents you are signing and point out the Covenants Conditions & Restriction's and other rules and regulations, the association should send each new buyer a welcome booklet or letter welcoming you into the community while gently advising you about important things in your new community that are key to successful living in the development, and the Board should communicate in monthly or minimally quarterly newsletters the importance of issues which have been brought to their attention. Many owners have unfortunately been welcomed into their community with a violation letter. This new owner is

**OPPORTUNITIES**  


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*If opportunity doesn't knock, build a door.*

not going to be a happy resident in his new community, will most likely find ways to get even with the Board, and complain to all who will listen about his "unfair treatment".

We all need to work on pointing out the positives of living in an association to make sure our voice is heard loud and clear. If we don't do so, we will find that the contract we signed with all of our neighbors is null and void because the minority has legislated out the provisions of that contract. Write to your representatives and tell them how happy you are and how well your development is being operated. Tell others how proud you are of where you live. It will go a long way not only towards increasing your property values, but will also even out this delicate playing field with the legislators taking the part of the untrained referee.

*Written by Sara E. Barry, CMCA, PCAM UNLV Certified Paralegal, the new Director of Operations for Wolf, Rifkin, Shapiro & Schulman, LLP.*

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**NEVADA STATE CONTRACTORS BOARD CONSUMER TIPS**

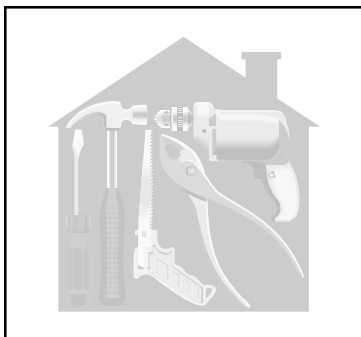
- Work only with a properly licensed contractor for each specific service.
- Get at least three competitive bids for a project.
- Ask for five years of work history and extensive references.
- Select a company with its own workers compensation and liability insurance. Ask to be an additional insured party on the policy.
- Get all estimates and/or contracts and warranty information in writing.
- Plan for lien waivers at the start of the bid and consider a performance or completion bond.
- Do not make final payment until you are satisfied with a job; don't pay the full cost of a job upfront.

**NEVADA STATE**

## **CONTRACTORS BOARD CONSUMER'S CONTRACTOR CHECKLIST**

The below listing is provided to help you as individual homeowners and Board's maximize your use of contractors and vendors in Las Vegas. It not only just makes sense, but will hopefully minimize your problems with future contracts.

- ▶ Obtain at least three written estimates.
- ▶ Verify status of contractor's and subcontractor's license through NSCB.
- ▶ Check with the Investigation Division of the NSCB for prior complaints against the contractor and subcontractors.
- ▶ Request references from contractors.
- ▶ Inspect completed projects or talk to references.
- ▶ Negotiate a clear written contract
- ▶ Read and understand all terms of written contract.
- ▶ Check that all pertinent documents are signed by appropriate parties.
- ▶ Examine plans for accuracy prior to approval.
- ▶ Secure payment and performance bond from contractor.
- ▶ Confirm contractor has obtained appropriate permits through the building department.
- ▶ Make inspections and monitor progress of work.



- ▶ Receive full and unconditional material and labor lien releases from the contractor and subcontractors for materials suppliers.
- ▶ Retain copies of all documents and correspondence.
- ▶ File a notice of completion with the county recorder's office within 24 hours of project completing.

“We provide  
superior service to  
homeowner and  
community  
associations.”

### **DIRECT COMMUNICATION**

At Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP we make every attempt to communicate with our clients to let them know how the case is proceeding and what can be expected in the future without tipping our hand to the opposition.

We value your opinions and welcome any suggested topics you would like discussed in this publication. If you know others who may benefit from these communications, please have them contact Sara Barry at (702-341-5200) or [seblv@aol.com](mailto:seblv@aol.com).

