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STOP THE MADNESS! REPEAL THE LAWS

The taking of hearth and home by hellions of housing through HOA non-judicial foreclosures must stop.

May 22, 2002

By Anne Roth (View author info)
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United States of America, CA - Not all of us live in Texas, but if you are one of millions of homeowners across the country serving time in a homeowners association, you should be gravely concerned about the Non-Judicial Foreclosure laws that have been or are being passed by your legislators that will allow someone to come along and foreclose on your home without your day in court. In Texas, The Texas Homestead Act means nothing because of case law like Inwood vs. Harris and their HB2152 law that supports non-judicial foreclosures. In California it is called the Davis Stirling Act. Before long, it will be your home State. Or is it already? If it is, join our efforts now.

Homeowner advocates from across America are working to preserve the American Dream of Home Ownership and rid the books of bad law like these. Many of them have travelled far and wide, with no company or government credit card, to fight these unconstitutional and unjust laws. From national Senate hearings in Las Vegas called by Senator Mike Schneider to protests in Florida and California, they forge forward, determined in preserving the American Dream of Home Ownership.

Rep. (D) Dick Gephardt was recently quoted as saying, "You have to defend your people. That is the first duty of any government". Our government is failing its people more so than anywhere else, where it counts the most, on the home front. Not so long ago, a major news hour discussed how freedom of speech no longer exists. On another news forum, the discussion was about how America has come closer to communism than ever. We are more regulated and rule bound than any other country in the world.

Now, our absolute last bastion of freedom, "Home Sweet Home", is under calculated attack by an unscrupulous HOA housing industry. They have

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layers of rules, regulations, laws, by-laws, civil and corporate codes and covenants, conditions and restrictions, that govern our lives and nearly our bedrooms.

Just who is this HOA industry? It is a seemingly incestuous mix of legislators, lawyers, managers and a sundry of other vendors that live off of the HOA housing concept. This HOA industry has only one interest - MONEY. The American home in an HOA has been turned into a full employment tool for a herd of HOA vendors.

They write the laws, lobby for the laws and then live off of these laws that govern how you and I will live in our homes. Who invited these pirates to come into our homes, write laws for us, tell us how to live and turn our home into a litigation feast? Nobody I know. The American people can take care of themselves and run their own "back yards". We don't need these bandits 'big brothering' us right into non-judicial foreclosure.

But who does? The Legislators? Just how much of the share of the tasty HOA cash cow ends up in their coffers? Isn't any motive to further the HOA housing concept suspect and driven by greed, pure and simple? Unless of course you believe that perfectly cut green square lawns and sanitized beige homes marching in lock step to the same boring shades of beige (a.k.a. - planned vomit) are a priority over one's right to life liberty and the pursuit of happiness. Then perhaps you could be the model HOA prisoner or the poster child for the HOA industry.

It is the voice of the people who own the homes that is credible and should be honored first and foremost. You don't have to be a lawyer to understand the flaws of this housing model. You don't have to be a Doctor to realize that it is badly broken. And you certainly don't have to be a Chief to sit on the board or commission of any HOA housing task force. (As the story goes, one legislator actually told a homeowner, 'but you aren't a lawyer') It isn't exactly Rocket Science.

But the legislators won't listen. They just keep passing those laws, uncaring of the damage they cause. Beware, because their next big push might be what has been referred to as UNIFORM COMMON INTEREST OWNERSHIP ACTS - meaning the same laws apply nationwide for everybody. That probably just means the lawyers who need to non-judicially foreclose on someones home won't have to spend hours getting to know a particular state's laws. They'll just have to know one. THAT one.

ABC's 20/20 did a segment on the horrors of HOA's not too long ago. The show's message boards, some several weeks after the 20/20 special aired, was still burning up the internet with HOA related postings. This is no small problem. And national media coverage is gaining momentum!

There is a saying "as Texas goes, so goes the nation". Will Texas set the precedent for denouncing this obviously inherently flawed housing model? Will Texas, the Lone Star State, dare to be the lone leader in denouncing the HOA industry vendors who seek to make their meal ticket the American home? Or will Texas merely lead the nation in Non-Judicial Foreclosures because of bad laws. Judging by the recent study conducted by the Texas Homeowners Advocate Group, they are well on their way to being number one. And In California, a study conducted by the Sentinel Fair Housing reports much of the same tragic news.

And for what? To keep the grass green? To keep the pool filled? Isn't this outrageous? In the meantime, people are left homeless? How do these HOA industry vendors and their ilk sleep at night? Likely on expensive down bedding paid for by now homeless homeowners.

It is a sad thing when you have to tell homeowners, "You better pay your HOA dues FIRST because the HOA can take your home a lot sooner than the bank will." Even the deed holding bank has to follow a strict regimen before it can begin foreclosure proceedings and they stand to lose a lot more than this non-entity HOA corporation that has invested NOTHING!

And what about that so-called HOA contract? It absolutely fails in the face of true contract theory. This so called "contract" can change before you even have a chance to move into your home. Not only that, any revisions in the HOA "contract" may not have been voted on by the homeowner. They may have opposed it. Realtors don't always advertise as HOA and homeowners may not be required to disclose it.

Because covenants "run with the land" is a sorry excuse for the mantra by HOA vendors that homeowners should have known it was an HOA. That is like saying Americans should all know every federal, state, civil, and criminal code that governs the lands. The difference is, these HOA laws practically govern our bedrooms and no law should be passed that "signs away constitutional rights"

There is no system of checks and balances in the HOA "government". It is wrought with fraud right down to the election of directors who enforce non-judicial foreclosures. Would any honest politician feel good about such an electoral process? Would they be proud to be elected under such a flawed system? God help us if they do.

All non-judicial foreclosure laws must be repealed. They are bad law and have opened the floodgate of foreclosures against HOA homeowners. Where is George Bush today? Does he even realize what is happening in his own State? Has he any idea the pain and suffering being lauded upon the people of his state by his law? And how about Gray Davis of the Davis Stirling Common Interest Act? California is lost in the dark already and now homeowners will just be out on the dark streets.

We have all heard of road rage and sports rage. Now there is HOA rage. Whether in California, Florida, Nevada, Arizona or Texas, it is real and it is happening more often. Tragically real in some cases. Think about it. What, pray tell, could cause more rage than someone trying to protect his family, his livelihood, his homefront. Far more sinister than someone who simply loses his spot on the freeway.

Americans put on uniforms to protect their country and are considered heroes when they attack the enemy. Should the homeowners defending their homes and families from domestic HOA enemies be considered any different? Just because the law says it is "legal" to take ones home in an HOA nonjudicial foreclosure, doesn't make it right. It is inherently and fatally flawed law and thinking.

Like the monster in the movie Tremors, the HOA industry collection lawyers lie in wait, just beneath the surface of HOA homes, ready to pounce on unsuspecting homeowners who because of illness, hard times or just plain old age related forgetfulness, have not paid their dues or couldn't afford that \$4,000 (possibly illegal) special assessment on a fixed income. OR WORSE, they are being accused of an invalid and unsubstantiated non payment because of outright criminal behavior of the board and/or its managing agent.

HOA foreclosure laws need to be repealed. They are OVERKILL - no pun intended. Right or wrong, within 90 days or so, these homeowners can become the industry monsters scatological remains. Who will be the next victim of an illegal and unconstitutional non-judicial foreclosure? Someone

the home? It should be neither.

Our last bastion of freedom has been raped, pillaged and bastardized. Return the old saying "A Man's house is his castle", back to its rightful owner - the HOMEOWNER.

HOA non-judicial foreclosure laws fail the test of basic property rights afforded us under the Constitution of the U.S., and laws like the Texas Homestead Act. It fails the American Dream of Home Ownership.

Protecting private property rights and preserving simple freedoms resonates in the hearts and souls of the American People, contract or no contract. When our legislators have failed in their duty to protect these freedoms, by legislating and signing away constitutional rights, they have worn their welcome, flunked their duties, failed their people, and no longer serve any useful purpose.

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American Homeowners Resource Center (AHRC)

PO Box 97 • San Juan Capistrano • California • 92693

Telephone: (949) 366-2125 Email: ahrc@ahrc.com

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