

# The Morris Messenger

 **Associa**<sup>®</sup>  
Morris Property Management, Inc.

2nd Qtr 2008

SERVING THE GREAT STATE OF TENNESSEE

**From The Desk of**  
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President & CEO

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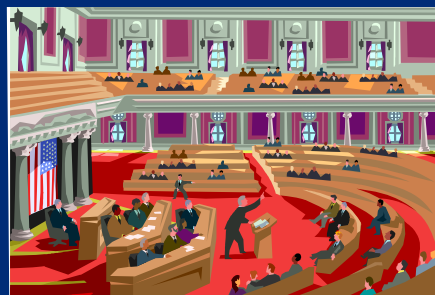
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## 2008 Legislation...

The Tennessee Legislators are finished for 2008 and gone home; however, we now have a new Tennessee Condominium Act! Tennessee Code Annotated, Title 66, Horizontal Property Act has been amended by the Tennessee Condominium Act of 2008, Public Chapter Number 766. This passed the House and the Senate and will become effective 1/1/09. Please take the time to visit [www.legislature.state.tn.us](http://www.legislature.state.tn.us) to read the complete Chapter and familiarize yourself with the changes. Below are a few of the key changes:

- Any contract entered into by the Declarant (developer) for services relating to the community may be cancelled with a minimum of 90 days notice by the first Board of Directors.
- Regardless of provisions in the declaration, the Declarant will turn over control the sooner of (1) 120 days after the sale of 75% of the units or (2) five years from the sale of the first unit.
- A meeting of the Association must be held at least once per year.
- A lien on unpaid assessments is extinguished if proceedings to enforce the lien are not instituted within six years of the lien date.

This bill was written by the Tennessee Bar Association in conjunction with the Legislative Committee of the Tennessee Chapter of Community Association Institute. Once prepared, it was distributed to local management company CEO's to review for changes, additions, and deletions. Morris Property Management, Inc. was proud to be a part of this process and applaud the hard work of CAI and TBA.



We WELCOME the following to our management family...



### Nashville:

- ⇒ Pennington Villa's
- ⇒ Kingswood Condominiums

### Murfreesboro:

- ⇒ Spring Lake

### Knoxville:

- ⇒ Cutter's Run
- ⇒ Majestic Bay
- ⇒ Westfield Condominiums

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# Covenants Compliance Inspection (CCI) Program

Mitigate risk by *identifying* and *correcting* Covenants Compliance violations

*Covenant Compliance enforcement is a step to protect property values and ensures all owners are conforming to the association's governing documents.*



## ✓ A program to protect the association and its current and future members

In this day and age, it often seems that a board member for a homeowners association can face an ever increasing amount of litigious situations. With constantly changing legislation, regulation of disclosures, and homeowner disputes regarding non-approved modifications, a board member needs every tool available to protect your community and avoid becoming the target of a lawsuit. The key to help mitigating those concerns is the ability to identify and correct potential covenants compliance violations during the transition from one owner to the next.

## ✓ How Associa's Covenants Compliance Inspection (CCI) program works

At the time a property enters escrow, one or another of the parties to transaction (title company, seller, real estate agent, etc.) contacts our local office for the homeowner's account information and the disclosure information relative to the homeowner's association. It is critical this information be as accurate as possible because it is often the association's ideal opportunity to cure an instance of noncompliance.

## ✓ Why you need CCI

A key problem with the current process is that only "known" issues are disclosed, usually the homeowner's delinquent account balance, or other financial issues normally tracked by the association. **CCI helps uncover the rest of the story:** We inspect the homeowner's unit and/or lot, allowing the Association to have an excellent opportunity to resolve any other covenant violations, use restrictions, or architectural control issues prior to the change of ownership. **The value to the Association:** The Covenants Compliance Inspection program is designed to mitigate risk to the association and to existing and future association members. CCI helps ensure all current owners are in compliance with the community covenants and protects new owners as they purchase and become members of the association. **The value to Association Members:** CCI also provides a degree of protection to existing homeowners as they sell their condominium unit or home by giving them the added assurance that their unit and/or lot has been adequately inspected, and that the purchaser will not seek recourse against the seller in the future for a covenants violation that may have existed, but wasn't known at closing.

## Community Association SPOTLIGHT



### *Waterford Homeowners Association*

The Waterford community is the "best kept secret" tucked away in the woods of Old Hickory, Tennessee. Built in the early 90's, it consists of 251 single family homes conveniently located but well out of the busy Metropolitan area. Amenities for the community include:

- ✓ A large Community Clubhouse that homeowners can reserve for a private event.

- ✓ A community swimming pool located directly behind the clubhouse.
- ✓ Two Tennis Courts along with basketball for all to enjoy.
- ✓ A large beautiful lake that homeowner's can use for fishing or just relax and feed the ducks.
- ✓ Underground utilities.



# Traffic Calming: Can it work for my HOA?

By: Brian Jackson  
Community Association Manager

**Traffic calming** is the combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users. **-The Institute of Transportation Engineers**

Traffic calming utilizes very specific street designs and/or traffic rules to slow and reduce traffic. It is under-scored by the belief that streets are valuable public spaces that should be shared equally by all users, motorist and pedestrian alike. Traffic calming devices are usually simple, inexpensive, self-enforcing, self-regulating and can be modified to accommodate emergency vehicles, garbage trucks, and school buses.

Traffic calming reduces traffic accidents, increases the safety and convenience for pedestrians and other non-motorists, gives more space for children to play, reduces noise and pollution, improves scenery, provides neighborhood revitalization and stability, and reduces crime. Traffic calming techniques include raising the surface of the street in certain spots-- for example, by installing speed bumps. Traffic calming devices physically force vehicles to slow down to avoid an uncomfortable ride. The devices can be designed to achieve a desired speed which drivers are physically compelled to meet. Calming devices are used in specific circumstances that would not favor traffic lights and controls.

Traffic lights and stop signs are designed to control the flow of traffic; they are not effective as speed controls or as pedestrian safety devices. Drivers often simply speed up to make it through a traffic light, and quite often will ignore a stop sign in a new location. This approach to traffic problems requires continual police enforcement to be effective. The hiring of off-duty patrol officers is usually not cost-effective for an HOA. In addition, traffic lights cost \$40,000 or more each, and so, are expensive to install and need regular maintenance and a continuous flow of electricity.

Speeding on sub-division streets is a common complaint of

many homeowners throughout the nation. Although enforcement of posted speed limits by local police departments is an effective means of reducing speeds, limited resources do not always allow such enforcement on a regular and permanent basis. Research has shown that speed bumps can be an effective means to control traffic on residential streets.

As an alternative to active police regulation, speed bumps cause a gentle vehicle rocking motion that causes driver discomfort, resulting in most vehicles slowing down to 20 mph at each hump. Depending upon street geometry, speed bumps can be placed every 200 to 600 feet as needed. The presence of speed bumps causes drivers to slow down at the bumps and have the advantage of being self-enforcing. The following article also addresses some fears and concerns of this topic:

Community groups and other seeking traffic calming for their neighborhoods often hear that legal liability might be a problem. In the four years following the installation of speed bumps, New York City paid only one liability claim. It was for a muffler that was broken because a warning sign was mistakenly installed *after* a speed hump. Nationwide, thousands of speed bumps and traffic calming devices have been installed since the 1970s, with few liability verdicts. Compared to the steady stream of liability cases that cities face from simple road maintenance and construction, speed bumps and traffic calming devices have minimal liability risk.

Another concern that residents often have about traffic calming-and especially speed bumps-is an increase in noise in the area. However, experience has shown that the lower speeds resulting from traffic calming actually decrease noise.

-- As reported in 'Traffic Calming: State of the Practice' by the Institute of Transportation Engineers, Charlotte NC, San Jose CA and Boulder CO.

Traffic calming, utilizing speed bumps and proper signage for your Home Owners Association may indeed be a viable solution. Check with your local enforcement agency and the road and street superintendent's office for more guidelines and help.

## Apple Nut Pie

### INGREDIENTS

- 1 refrigerated ready-rolled piecrust (from a 2-crust, 15-ounce package)
- 1-1/4 cups packed light-brown sugar
- 1 cup all-purpose flour
- 1/2 cup (1 stick) unsalted butter, softened
- 1/2 cup chopped walnuts
- 3 Granny Smith apples (about 1-1/2 pounds), peeled, cored and thinly sliced. Vanilla ice cream (optional)



### DIRECTIONS

- Heat oven to 450 degrees F. Fit piecrust into a 9-inch pie plate. Prick with a fork and crimp edges. Bake at 350 degrees F for about eleven minutes or until golden brown. Cool completely.
- In a large bowl, beat 1 cup of the brown sugar and the flour, butter and walnuts together until crumbly; set aside.
- Arrange half of the apple slices in crust. Sprinkle remaining 1/4 cup of sugar on top. Add remaining apple slices and top with crumb mixture.
- Reduce oven heat to 350 degrees F and bake pie for 1 hour or until browned. Serve with vanilla ice cream, if desired.

## AssociaLiving

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## The Associa Cares Mission: TO ASSIST FAMILIES AND COMMUNITIES IN FINANCIAL CRISIS.



### Helping communities, helping people

Associa Cares is a non-profit charity that supports families and communities in times of crisis. Associa Cares is comprised of an all volunteer staff who serve on national and local committees. Associa Cares operates entirely because of the tax deductible donations of Associa employees and concerned citizens who live in communities across America. Designed to help both Associa and non Associa managed communities, Associa Cares volunteers will aid in the raising of financial resources and administer those resources to people in financial hardship through no fault of their own.

Associa Cares relies on a network of Associa and non Associa volunteers. The Associa Cares operational structure helps ensure that a very high percentage of the overall donations go directly to those in need; therefore, the Associa Cares operational budget includes only a minimal amount of administrative and overhead expenses.

There are three levels of participation in Associa Cares operations:

- » The Company Committee
- » The National Committee
- » The Board of Directors

All positions are non-compensated and are staffed by volunteers who will serve under strict legal and ethical standards, who, at all times, uphold good business judgment.

Charitable donations are the financial impetus of Associa Cares and its scope of work. As a non-profit 501c3 organization, donations to Associa Cares are tax deductible. Donations can be accepted from individuals, corporations and companies, and from Homeowners Associations. National Committee member's goals are to create and implement national fundraising events and Company Committee member's goals are to implement and coordinate the annual national fundraising programs and also create and promote local fundraising activities.

"We established Associa Cares to help those in need when they most need it. Communities across the United States experience natural or man-made disasters or crises, and we hope to help people in both Associa and non Associa communities recover as quickly as possible.

The incredible people of Associa nationwide will help Associa Cares make a difference to these victim's lives. We will measure success on how we positively affect people, neighborhoods, and communities during their most challenging times. We hope we can count on your support to help Associa Cares help others."

John Carona  
Chairman and CEO, Associa

If your HOA would like more information, or would like to contribute to this effort, please contact [www.AssociaCares.com](http://www.AssociaCares.com) or call Associa Morris Property Management Committee Chairperson, Robbie Tenpenny at 615/833.5771 Ext. 51. Thank you.