

Recall elections, homeowner discontent, web forum woes, and more await community association attorney Joshua Fyler in *HOA Gobsmack!*, a novel. Groan or laugh, you're guaranteed to find a character you know in this entertaining take on associations.

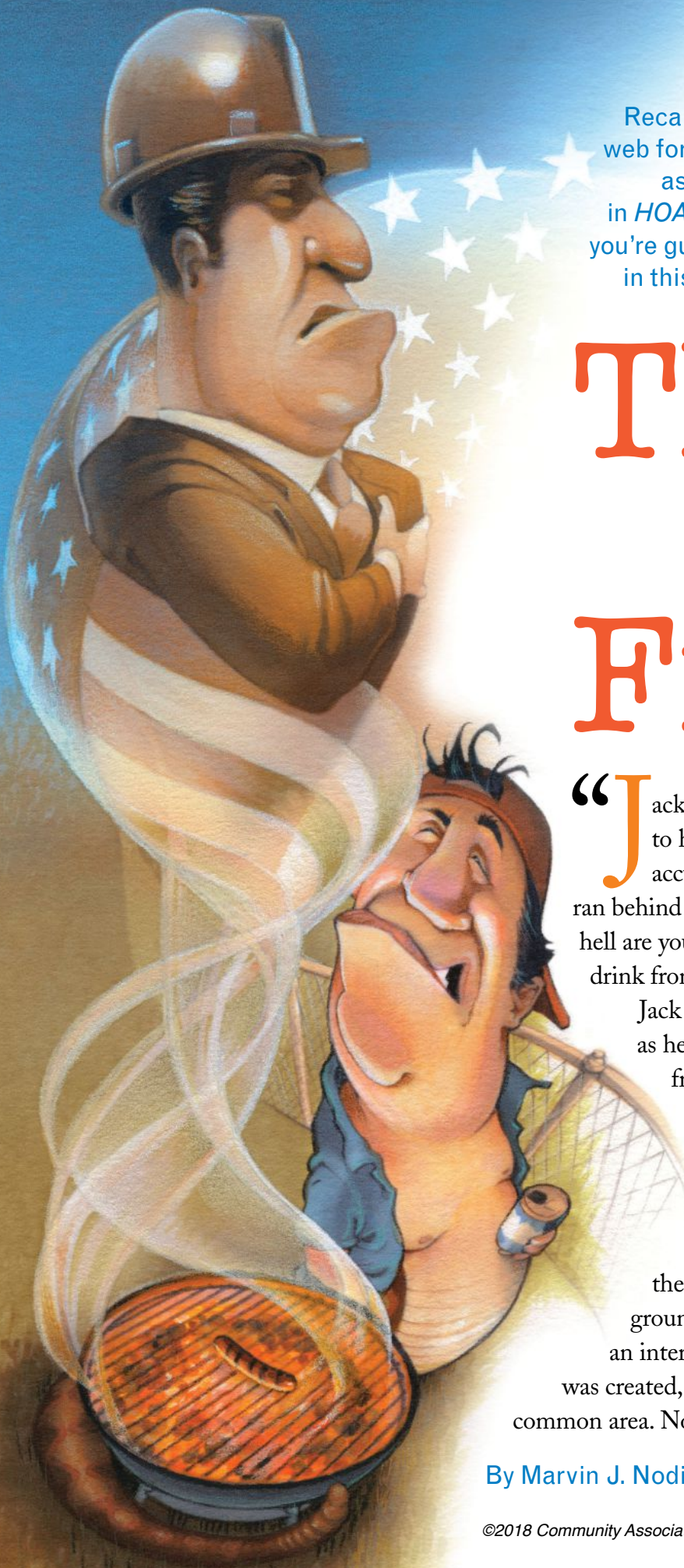
The Fyler Files

“Jack, just look at that mess,” Slick complained to his neighbor in the back yard, jabbing an accusing finger at the white picket fence that ran behind their lots. “You’re the president, what the hell are you doing about it?” He paused to take a long drink from his can of beer. “It’s disgusting.”

Jack McGrath squinted into the setting sun as he watered a rose bush. He wiped the sweat from his face with the towel draped on his shoulder and shook his head. “Listen to you. You haven’t paid your HOA dues for three years.”

The white picket fence had been built by the developer years ago to mark the boundary between backyards and common ground, a fifty-foot wide strip of land bisected by an intermittent creek. When the little subdivision was created, the land was unbuildable and designated as common area. Now, it was unsightly.

By Marvin J. Nodiff | Illustration by Bruce MacPherson



SLICK, WHOSE REAL NAME was Turner B. Werth, was firing up the trusty Weber grill on his patio. After spraying lighter fluid and tossing a match on the charcoal, he scuffled over to the chain link fence separating the two back yards, one hand wrapped around a frosty can of Busch, perspiring in the July heat.

“Como esta’ frijoles?” Slick smirked.

Jack glanced warily at Slick but didn’t reply.

“That means how you been?” Slick chortled loudly at his own humor and took another gulp of beer. “But, no shit, we’ll all be speaking Mexican soon if we don’t fix the damn border, and that ain’t funny. We’ve got to protect jobs for our own workers, the backbone of our great country.”

Tracing his genealogic tree to his paternal great-grandfather who, claimed Slick, owned one of the largest brick factories south of Forest Park. Slick was fond of asking the rhetorical question, “Why does St. Louis have all these masonry buildings? Because my great-granddaddy made bricks, that’s why.”

The family turned to building small homes and apartments. In time, Slick would inherit a small portfolio of these working-class rental properties.

Jack would rather not engage his neighbor, having concluded years ago that Slick was a narcissistic hot-air buffoon. He thought Slick’s attempt to empathize with working people was strained and insincere. Indeed, Slick faked his authenticity.

Diverting the conversation from Slick’s xenophobic remark about Mexicans, Jack said, “Look at my lawn, would you? It hasn’t rained in months.”

Slick replied, “Wasn’t it Mark Twain who said, ‘We all grumble about the weather but nothing is done about it.’”

“I don’t know for sure if it’s caused by climate change or what,” Jack observed, “higher temperatures and less rain. It’s getting harder to keep my lawn green.”

“Don’t you know, it’s not the heat, it’s the stupidity,” Slick sniggered. “But really, no one believes all that crap about climate change. It’s a hoax, a conspiracy by the anti-coal cartel.” He unbuttoned his shirt and rolled the cold Busch across his ample gut—snake-belly pale and now slick with sweat and condensation.

Jack had to look away. Gross. “Jeez, Slick, how can you say climate change is a hoax? Almost all the scientists conclude that climate change is real.”

“If I said it, then it must be a fact,” Slick proudly proclaimed. “But nobody’s going to do nothing about it. People won’t work together for the common good unless there’s something in it for themselves.”

Jack had to admit, Slick’s got a point. Jack recalled the words of 17th Century philosopher Thomas Hobbes: “Even at our best, we are only out for ourselves.” His towel made another excursion across his face as he looked again at the remains of the white picket fence.

Slick followed Jack’s gaze. “So, Jack, what’re you doing about that?”

“Our HOA could fix it, if only we had a board to act. If only we had some money. Nobody volunteers anymore. The HOA was registered as a nonprofit corporation, but I didn’t bother to renew it.”

“You lost our corporate status? Well, shame on you,” Slick said with a frown. His attack was ironic, coming from a businessman who puts companies into bankruptcy and cheats on his tax returns. “Why doesn’t anyone want to serve on the board?”

Jack gazed at his neighbor. “We’re not a big community. A lot of people were active when they first moved here, and now they’re older and don’t want to do it again. Why don’t you run for president, Slick?” he asked rhetorically.

“Well, I have built a fantastic business. And I went to one of the best real estate schools in the state. But it’d take a lot of time.”

“Come on,” Jack urged, “you’ve flirted with running many times.”

Slick squinted as he considered the campaign he’d run. “I’d be damn good, you have to admit that,” Slick said with a malicious grin. “I’d be incredibly great. If the people want me, I might do it.”

“Our HOA
could fix it, if
only we had a
board to act.
If only we had
some money.
Nobody
volunteers
anymore.”

Homeowners in HOAs and Condos:
PISSED OFF? YOU'RE NOT ALONE!

When we started this forum last month, we wanted a place where homeowners could get advice. Recently an HOA manager was indicted for embezzling more than \$800,000 from 25 HOAs. Why? No one was watching.

Who's watching your board? What do you really know about your condo or HOA board? Is it accountable? Or corrupt? How can you find out? What can you do about it?

This is your forum: Homeowners Against Corruption (HAC), the best source of expertise and self-help strategies from reliable sources. And, as a manager, I know where the bodies are buried.

Learn how to crash their party and take your community back!

—Party Crasher, Forum Moderator

Hey HAC-sters, my condo board signed a management agreement that doesn't prohibit the manager from taking a fee on deals with contractors and vendors. Isn't this an invitation for kickbacks?

BTW, I LOVE this HAC forum, it's so helpful!

—Aggravated Owner

Dear Aggravated,

Shame on your board; that's so STUPID!!! Not to mention CORRUPT!!! You should inspect all expenditures to contractors and vendors.

—Raider, a dedicated vigilante

While angry homeowners exchanged frustrations at a virtual meeting, a group of community managers gathered for a real meeting, the old-fashioned way: face to face, in person, sharing an early breakfast at Southwest Diner.

"Are you following that new web forum?" asked Heidi Dieckhammer. "It's called 'Homeowners Against Corruption,' or 'HAC.'"

"Oh, yeah," Whitney Dodson said, "I read the postings every day on the HAC forum, but I haven't jumped in, at least not yet."

Spencer Peligro sipped her coffee. "That forum started only a few weeks ago. Many homeowners are upset with their boards. Requests to inspect records have doubled."

Margey Meyer jumped in, talking around a mouthful of western omelet, "I don't get that feeling on the ground at the communities we manage. There's always friction, and we live with that, but I think most homeowners are happy with their boards."

"If this accelerates, it could lead to recall elections," Spencer said.

The four community association managers had been meeting monthly for more than a year as the Mad Manager Breakfast Club. Working for different companies, they competed in a highly volatile and competitive market, but shared common ground: they liked to exchange problems and ideas, complain and dream, analyze and strategize, be introspective and innovative. They shared a core value: to get ahead with a simple formula of less stress, greater status, and more money. But more than anything, they enjoyed sharing the latest gossip about colleagues.

"Is HAC a movement," Heidi asked, "something we ignore at our own risk?"

"We're watching it closely at my office," Whitney said, working on a slice of ham. "We're monitoring the homeowners in our associations requesting records. It's a small group, and they don't ask for an explanation. They just look at the records, we make copies for them, and they leave."

"It sounds like they go home and study the financials," Margey said, "like they have some agenda they're working on. And it's not just financial records. They're also getting our board minutes."

Heidi said. "Do you charge extra when homeowners inspect the records?"

“There’s always friction, and we live with that, but I think most homeowners are happy with their boards.”

The Fyler Files

« FICTION »

“They have a right to inspect most records,” Whitney said, “but we think it’s okay to charge if they take a lot of time.”

“Joshua Fyler is the lawyer who’s helped a lot of our associations with procedures,” Margey said. “His law firm—Laclede & Fyler—is really good. He’s got our backs. If he sees something we’re doing that could be a problem, he tells us so we can fix it. Some lawyers think they have to tell the boards first, and it makes us look bad.”

“What about Blackrock & Stoner?” asked Spencer. “They’re a big law firm, mostly insurance defense and transactions, but they have a real estate department, and I’ve heard they want to expand. They want community associations.”

Margey said, “Why take a risk with lawyers that aren’t in the College of Community Association Lawyers? And Sedona is really good with customer relations.”

“I don’t agree,” Spencer replied. “One of our boards used Angela Laclede for a collection case, and it took forever. Plus, Blackrock & Stoner has a lower blended hourly rate. Our clients like a lower rate. It’s the only thing they look at.”

“Hey guys,” Heidi said, “did you see where a big operation in Florida acquired Jones Management Company here?”

Whitney jumped in. “It’s the trend across the country, management companies going national. They’re expanding by buying companies in other areas.”

They ended the meeting by joining hands and reciting their mantra in unison: “We’re all crazy to be doing this. We’re the mad managers.” **CG**

Marvin J. Nodiff is author of the novel *HOA Gobsmack!* A retired community association attorney in St. Louis, Nodiff is a fellow in CAI’s College of Community Association Lawyers.

Populist Plots

WHAT HAPPENS WHEN populism invades the community association? Condo lawyer Joshua Fyler soon finds out when several association clients elect new boards and promptly fire him.

The mounting revolts threaten to destroy Joshua’s practice and ruin his reputation. But is it too much of a coincidence to be a coincidence? Is it part of a national populist movement to “take back our community”

or a sinister scam? Joshua overcomes his preoccupations with food and law to fight back with schemes that would make Machiavelli blush. But is it enough for a happy ending?

HOA Gobsmack! takes a fun peek into communities, exploring tough issues and colorful characters in a rollicking ride through the landscape of community living.

Marvin J. Nodiff, a pioneer in community association law, captures all the foibles of community association living in his humorous and engaging mysteries. *HOA Gobsmack!* is Nodiff’s fifth novel. Anyone working—or volunteering—in or for a community association will recognize Joshua Fyler, his associates, and their board-member clients.

HOA Gobsmack! and Nodiff’s four other novels—*Special Assessment*, *No Spitting on the Floor*, *The Dark Condos*, and *The Condo Kerfuffle*—are available from CAI Press.

» CAI members can purchase all five for \$52. The novels also are available individually, starting at \$5.37.

www.caionline.org/shop

