

POAVA Seminar ([www.poava.org](http://www.poava.org))

Dec. 6, 2008

Held @ Lake Monticello Owners Association, Palmyra, VA

Seminar attended by Penny Hillman and Kyle Goad

Notes taken by Penny Hillman

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*Disclaimer: These are my personal notes from the seminar. This should not be considered a complete or authoritative document.*

**Regarding non-POA status:** If an Association does not meet the requirements in its governing documents to be considered a POA by virtue of Title 55 of the Code of Virginia, then they are not considered a Common Interest Community by the Dept of Real Estate (DPOR) and should not file as such. Do not pay dues to DPOR. Do not provide Disclosure Packets as required by POA. To do so would be to falsely create the impression that we are a POA. Duty to disclose is placed on individual property owners. If asked, the Association MAY provide an "information" packet with the explicit stipulation that is it doing so as a neighborhood organization and for information purposes only. Also need to contact DPOR and let them know that we are not a POA.

**Three Resolutions Board should write and distribute to membership:** 1) Collections Resolution, 2) Complaints Resolution, 3) Due Process Resolution.

**Regarding amendments to covenants that were not written/amended correctly:** Board must file a "Notice of Amendment" stating that the amendments that were filed are invalid and that governance goes back to the original covenants. Note: this topic was raised in the seminar by POAVA President Wm. Marr who was citing an example of a Board that did not conduct its business properly. In the Q & A section of the seminar, Penny Hillman asked about the example Mr. Marr had cited, then asked, in reference to the CNPOA chain of covenants, what the CNPOA should do. Mr. Marr replied that the Board had a responsibility to file the "Notice of Amendment" as soon as possible to clarify for the membership what governance they are expected to follow. It is not possible to have an expectation of compliance if there is ambiguity about governing documents.

~ Penny Hillman