

# Industry *insider*

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## A MESSAGE FROM OUR PRESIDENT



**AMANDA SHAW**  
President of AAM

## Legislative Update

The 2010 Legislative session ended on April 29 with Gov. Brewer approving just two bills that will affect homeowner's Associations when the laws go into effect July 29.

The first bill, HB2345, provides for further prohibition on real estate signage restrictions previously imposed via the governing documents of both planned communities and condominiums. The bill added language to the Planned Community Act (§33-1808) and the Condominium Act (§33-1261) which basically states the following:

*An Association shall not prohibit or otherwise regulate any of the following:*

**1. Temporary open house signs or a unit owner's for sale sign.** *The Association shall not require the use of particular signs indicating an open house or real property for sale and may not further regulate the use of temporary open house or for sale signs that are industry standard size and that are owned or used by the seller or the seller's agent.*

**2. Open house hours.** *The Association may not limit the hours for an open house for real estate that is for sale in the community, except that the Association may prohibit an open house being held before 8:00 a.m. or after 6:00 p.m. and may prohibit open house signs on the common areas or common elements, as applicable, of the Association.*

**3. An owner's or an owner's agent's for lease sign unless an Association's documents prohibit or restrict leasing of a home or unit.** *An Association shall not further regulate a for lease sign or require the use of a particular for lease sign other than the for lease sign shall not be any larger than the industry standard size sign of eighteen by twenty four inches and on or in the homeowner or unit owner's property. If leasing of a home or unit is allowed, the Association may prohibit open house leasing being held before 8:00 a.m. or after 6:00 p.m.*

The second bill, HB2768, was introduced on behalf of the Arizona Association of Realtors. This bill adds section 33-442 to title 33,

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## TUCSON OFFICE

## Cornerstones of the Business

Resolving homeowner issues, keeping their managed communities operating efficiently and, most importantly, setting a higher standard for community management services in Southeast Arizona – it's all in a day's work for the three key members of AAM's Tucson satellite office.



**L to R: Ed Baruch, Maria Di Maria, Ken Inskeep**

The office, which opened in October 2007, is staffed by Community Managers Ken Inskeep and Ed Baruch, and Administrative Assistant Maria Di Maria. Between the three of them, they are responsible for overseeing the operations of eight communities in Tucson, Green Valley and

Casa Grande ranging in size from 18 to 1,530 lots. In all, the trio manages more than 3,600 lots.

Baruch, who joined AAM in November 2007 after working for several years in the land department of a national homebuilder in Tucson, said the staff is excited about growing AAM's presence in greater Tucson.

Here is a little additional insight into the Tucson office team:

**Ed Baruch, Community Manager** – Since joining AAM, Ed Baruch has been the full-time manager of a gated, custom-home community in the foothills. Prior to joining AAM, Baruch's responsibilities included managing entitlement issues and infrastructure development on the front end, as well as ensuring the smooth transition of the newly-built communities from declarant to homeowner control upon the completion of the community. Baruch also serves on the Board of Directors of the HOA where he lives near Sabino Canyon, which has given him additional perspective on HOA management. When not spending time with his wife and two sons, Baruch enjoys putting in miles on his road bike for events like the El Tour de Tucson.

**Ken Inskeep, Community Manager** – Ken Inskeep joined AAM in February 2009 and brings 29 years of building and development experience to the AAM team. He has dealt with many homeowner-related issues while working on the development side. "I learned a long time ago that regardless of the product or service, we are all in the customer service business and our ability to provide a positive experience for the customer is key to our success and growth!" Inskeep currently manages a portfolio of seven communities from the Tucson AAM office. Ken finds that the most challenging, yet also the most rewarding, aspect of his job is interacting with homeowners and helping them with their problems or questions. Away from work, Inskeep enjoys golf, fishing, and most importantly spending time with his wife.

**Maria Di Maria, Administrative Assistant** – Maria Di Maria moved to Arizona from New Jersey in 2007 and joined her own community's HOA, where she now serves as Chair. Having never lived in an HOA before moving to Arizona, Di Maria quickly learned all about the rules and regulations governing her community and about the rights and responsibilities as a homeowner within the Association. She also learned to work with the Board and with her Community Manager, which has given her invaluable experience in her position with AAM. Since joining AAM in September 2008, Di Maria has put this newly acquired knowledge to work, providing excellent service and support to AAM's Tucson communities. "In the Tucson office, we service eight communities, all with different styles and values; however we treat them all the same – setting the 'standard of excellence' for property management here in Tucson," she said. When not at work, Di Maria enjoys her family; walks/hikes in Saguaro National Park; good food and good music.

For more information about our Tucson operations, please contact **Ed Baruch** at [ebaruch@aamaz.com](mailto:ebaruch@aamaz.com) or **520-219-7200**.

# Did You Know: GOOD COMMUNICATION IS KEY

Did you know that the secret to running a smooth HOA operation really is no secret at all? It's easy: just communicate.

It doesn't matter what stage of development your community is in -- good communication is essential throughout the life cycle of any development, and can be particularly helpful during potentially challenging situations, including transition and annual meetings. Here are some tips to help you bolster your communication skills and keep your homeowners in-the-know at all times:

- Eliminate the flow of bad information by replacing it with a steady stream of good information. Providing timely and correct answers to homeowners' questions creates a stable environment where rumors fail to thrive.
- Use a community website to efficiently communicate with homeowners in real time. AAM provides websites for many of their communities under management, and would be happy to work with you on creating a website for your community.
- Attend membership meetings. Meeting face-to-face with homeowners is a great way to ensure accurate information is being delivered directly to homeowners and is an opportunity to exercise another critical component of effective communication: listening.

# SEE YOU AT THE SOUTHWEST BUILDERS SHOW

AAM CEO Laura Ziff will present a free breakout session titled "Creating Happy Homeowners in Associations in the Current Economy" from 10 a.m. – 11:30 a.m., Wednesday, Sept. 29, at the Homebuilders Association of Central Arizona's 10th Annual Southwest Builders Show at the Phoenix Convention Center.


Attendees will learn which questions to ask when reviewing an Association budget in order to limit developer/builder liability, and how to differentiate themselves in the marketplace, even in communities that do not have on-site facilities.

While you're at the show, don't forget to visit us at the AAM booth. **We'll see you there!**



  
7740 N. 16th Street  
Suite 300  
Phoenix, AZ 85020

  
602.957.9191

  
602.957.8802

  
www.AAMAZ.com

## News You Can Use: TRAINING

Make sure you're in-the-know about the latest proposed legislation affecting our industry by attending this Legislative wrap-up meeting.

**9 a.m. – 11 a.m., Wednesday, August 11, 2010**  
AAM, LLC Corporate Office  
7740 N. 16th St., Ste. 300, Phoenix  
*Continental breakfast included.*

Or, check us out via webinar.

Roger Wood with Carpenter, Hazlewood, Delgado & Wood, PLC will be presenting a board training seminar on ethics, code of conduct and fiduciary responsibilities in our Tucson Office.

**6 p.m. – 7:30 p.m., Wednesday, July 28, 2010**  
AAM, LLC Tucson Office  
6885 N. Oracle Road, Building 11, Suite D  
*Refreshments will be served*

To RSVP please contact **Gina Beverly** at [gbeverly@aamaz.com](mailto:gbeverly@aamaz.com) or **602-288-2675**.

### Legislative Update continued

chapter 4, article 3 of the Arizona Revised Statutes. The Arizona Association of Realtors' purpose in seeking this legislation was to ban a practice (seen primarily in states such as California and Texas) whereby community governing documents include provisions for a third party with a transfer fee based on a percentage of the purchase price of every home sale in an HOA, with no obligation that the transfer fee be used for the benefit of the community.

This new law will deem it unenforceable for any community document to bind successors in title to the specified real property and obligate either party to a transfer of the property to pay the declarant or a third party a transfer fee. The bill does provide for several exemptions. Management company transfer fees are exempted, as are transfer fees allowed by the governing documents paid to the HOA, such as reserve fund fees, working capital fees, and community enhancement fees, which are used for the benefit of the community.

For additional exemptions under HB2768 and for the exact wording of both final bills, please visit [www.azleg.gov](http://www.azleg.gov), type in HB2768 or HB2345 in the upper right-hand box on the homepage, hit enter, click on "Show Versions" and click on either the PDF or HTML House engrossed version of HB2768 and either the PDF or HTML Senate engrossed version of HB2345.

**Industry Insider**  
*An invaluable HOA information resource for residential builders and developers*



7740 N. 16th Street  
Suite 300  
Phoenix, AZ 85020