



THE LEGACY

LAKE CHRISTOPHER

JULY 1989

SUMMER'S HERE !!

Please be advised that for the safety and security of our common areas, our Board of Directors has approved security service to continue through the Labor Day weekend. Pete Mareno and James Larsen are our guards this year.

-The Security Patrol will monitor all common areas from 10 am to 10 pm daily.

-The common areas are for dues paying members only and their guests.

-The guards will pick up debris from the beach, docks and adjacent water.

-The guards will take party reservations for the common areas.

-The guards will assist with landing and launching boats, and issue bumper stickers where needed.

-Please assist and cooperate with the Security Patrol as they become familiar with all residents of Lake Christopher. They will be asking who you are!

HAVE A BEAUTIFUL SUMMER

SAILING - FISHING - SWIMMING

NO TRESPASSING !!

The Chief of the Virginia Beach Police Department has been requested to strictly enforce the "NO TRESPASSING LAW" for all unauthorized persons using our lake. The city has acknowledged that they will prosecute anyone trespassing and will respond to all calls. Security Patrol or residents need only identify the trespasser and the Police Officer will do the rest. **NO COURT APPEARANCE IS REQUIRED BY THE RESIDENT.**

PHONE DIRECTORIES

The Hospitality Committee recently delivered the 1989 Phone Directories to each home in Lake Christopher. If you were not at home the directory was left in a Clean Community Commission bag on your front door. If you would like a second directory, please call Peggy Lamb at 474-2679. They are available for \$1.00.

All our thanks to Gloria Bersi for designing the cover.

Every attempt was made to place your name, address, and phone number accurately in the directory. Please call Peggy to correct any misspelled names or wrong numbers.

WANTED: A GOOD HOME

Family Services of Tidewater is in need of loving foster homes for infants on a short term basis. Foster care for these infants usually lasts between 2-6 months. The time factor depends on the birth parents' involvement in counseling to prepare them for their decision and in the timeliness of the Court proceedings to place the baby for adoption.

Foster care is a rewarding experience for those committed to helping others in need. It takes a caring, devoted family who has time and a loving home for an infant on a short term basis. Meetings for foster families are provided every other month for discussion, questions and provide a learning experience to share information from each other or from guest speakers. A small payment is provided to help meet the costs of caring for these infants.

If you or someone you know is interested in this experience of becoming a foster parent, please contact Suzanne Cavalier, LSW, at 467-8820 (evenings), or 498-1840 (daytime).

PLACE AN AD IN THE LEGACY

The LEGACY is published every two months and is distributed to 361 homes.

The fee for a business card size ad is \$5.00 per issue or \$25.00 for one year.



To place an ad, call Donna Christensen, 495-3996 or Karen Cagni, 467-3286.

FROM YOUR LETTER CARRIER

I recently transferred from the letter carrier craft to the clerical craft. My recent bouts with skin cancer caused this transfer to avoid excessive exposure from the sun. I have really enjoyed delivering the mail to the residents, neighbors and friends of Lake Christopher. I really regret that I won't be chatting with you folks down at the mailbox, but look forward to seeing you around the lake.

I want to thank all residents for their support and encouragement during these last 10 years. You people have been most gracious and certainly made my job easier and most of all, enjoyable.

Sincerely yours,

William H. Rainey

MAINTENANCE UPDATE

A big THANK YOU goes out to Jim Powell for fixing the basketball backboard at the Landing. A "NUCLEAR ATTACK-PROOF" clamp was installed at no extra cost to the association, hopefully to provide a bit more protection from over-eager slam dunkers. KIDS, IF YOU HAVE TO SWING ON SOMETHING, TRY THE BARS NEXT TO THE SWINGS.

"ATTA-BOYS" go out to the great crew who spread the new sand down at the Landing beach. A special thank you to Larry Zoeller who donated the heavy equipment that made the task that much easier. The crew included Bill Rainey, John Rogovich, Linda Riddle, Kim Logan, Pete Marino, Mike Rapp, Brad Mattern and a host of neighborhood kids, under the direction and inspiration of our great chairman, Doug Stewart.



GARDEN CLUB NEWS

YARD OF THE MONTH

MAY - Chuck and Katy Harris
5200 Captain's Run

JUNE - Harvey and Brenda Anderson
1549 Beachview Drive

Stop by and see these beautiful gardens.

Everyone, remember our Parks' flowers need lots of water this summer. When you go to the park, take a bucket and give them a drink. Garden Club members will be weeding the beds this summer, but everyone is invited to stop and pull a few as you admire the blooms.

UPCOMING EVENTS

ICE CREAM SOCIAL- Tuesday, Sept. 5, 7:30 pm at 1560 Beachview Drive. This will be our first Garden Club meeting. Everyone is invited to come and bring your favorite topping. It's a good time to check us out and meet the members. We always like to have new members so mark your calendar. Call 495-6203 or 467-6967 for more information.

FALL MUM AND GARAGE SALE- We're planning this event around the middle of September. More details will be available at a later date.



Herbs & Hospitality

"When the South was in the glory of a never-ending June...we... lingered at the julep in the ever-brimming glass."

Clarence Ousley

Ingredients for Virginia's most traditional/hospitable summer cooler, the Mint Julep:

- *Take 3-4 springs fresh mint & press them well in 1TBS of white powdered sugar & 2½ Oz. water, extracting the mint oils & pour into a large glass
- *Put about 2 Oz. Cognac Brandy (some prefer 1 Oz. Peach & 1 Oz. common brandy) in glass
- *Fill glass with fine shaved ice
- *Put 2-3 sprigs of mint, with stems downward, into ice-- leaves above shaped into a bouquet
- *Finish decorating top with any of these: slice of orange, fresh berries, dash of rum, or sprinkled sugar; add straw.

For Teetotalers:

In ice cube tray, place one mint leaf in each cube, pour water in, freeze & use for ice tea. Freezing extracts mint oil out of the leaf.

Developers and realtors should be wary of property owner's act

By James J. Wheaton
Willcox & Savage, P.C.

While the local building industry focused its lobbying efforts this year on the numerous conditional zoning and impact fee bills that dominated the 1989 session of the General Assembly, a little-noticed bill carried over from last year's session was enacted with minimal opposition.

The Virginia Property Owners' Association Act, which will take effect on July 1, 1989, contains a number of potential traps for unprepared developers, builders and realtors.

The act applies to all lot owners in developments governed by declarations or other recorded instruments establishing homeowners' or other community associations with the power to impose and collect assessments or fees against individual lots.

Although the act excludes condominium, time-sharing and campground projects (because these have been the subject of previous laws), it covers any single-family or townhouse development with recorded restrictions that obligate an association to oversee or maintain common areas and give the association the rights to enforce restrictions and to collect mandatory dues.

The act applies even to existing developments that satisfy these requirements. Developers of property covered by the act, and builders that own lots in affected developments, need to be aware of several of the act's features.

Mandatory sales contract disclosure

Beginning on July 1, every real estate contract for a lot or home in a development covered by the act must contain a disclosure statement.

The disclosure statement must inform the purchaser that the property is subject to the act, and must notify the pur-

chaser that upon the purchaser's request the seller will request that the homeowners' association supply the seller with a disclosure packet containing detailed information about the restrictions, other rules and mandatory assessments that apply to the property being sold. The association may charge the seller a "reasonable" fee of up to \$100 for preparing the packet.

If the association fails to deliver the disclosure packet to the seller within 14 days after receiving the seller's request, however, the association may be liable to the seller for actual damages of up to \$500.

The act severely penalizes sellers that fail to include disclosure statements in sales contracts. If the disclosure statement is omitted, the purchaser has an automatic right to void the contract. Because this obviously gives the purchaser an easy out from a sales contract, both builders and their agents should be careful to comply with the disclosure requirement.

Liens for assessments

Most developments of the type covered by the act require or permit the association to collect dues or assessments from the lot owners and homeowners who are the association's "members." The association will often actually need these funds to maintain common areas and to carry out its other responsibilities. In the past, however, most associations have not collected these assessments from developers and builders. Although many recorded declarations technically provide that the assessments apply to all lot owners, practical considerations have made it difficult for associations to collect from builders and other owners of vacant lots.

By allowing associations to assert liens for unpaid assessments, the act now makes it much easier for associations to collect assessments from all lot owners, including developers and builders. Before the act,

associations had no realistic means of collection. An association could bring a legal action against a lot owner, but the cost of the lawsuit would usually have outweighed the unpaid assessments.

The act changes this situation. After July 1, an association will be permitted to record a notice of lien against a lot with unpaid assessments within six months after the assessments become due. The lot owner must receive notice before the notice of lien is filed, but the association will then have two years after filing the notice to bring an action to enforce the lien. Thus, as a practical matter, a lot owner will be unable to close a lot sale unless the assessments that are the subject of the recorded notice of lien have been paid.

Architectural restrictions and other rules

Most recorded declarations contain specific restrictions that apply to matters like fences, antennas and other uses of lots, and give the association the power to enforce the declaration's restrictions. Some declarations also give associations open-ended powers to perform architectural reviews and impose other rules.

The act now supplements these existing powers by giving the board of directors of an association new authority to impose any rules that are consistent with the association's general powers under its declaration. An association's members can overrule its board of directors at a special meeting, but the new discretion is obviously very broad.

The act will permit the association, or any complaining member of the association, to bring a lawsuit for damages or an injunction against a lot owner violating any restrictions (including any requirement that building plans be submitted to architectural review). The

prevailing party in the lawsuit will be entitled to recover its attorney's fees.

Additional developer responsibilities

The act also creates additional burdens for developers. Declarations usually provide for the developer to retain control over the association until most of the lots in the development have been sold. The developer will therefore have, during the early life of the development, all of the responsibilities that will later belong to the individual homeowners who will serve on the association's board of directors. While it controls the association, a developer will therefore be subject, for example, to the requirement that the association prepare disclosure packets whenever requested by sellers of lots.

These disclosure packets will require a substantial amount of preparation, and will add to the administrative burdens of the developer's staff. The developer may also find itself required to pay any penalties imposed for failing to provide timely disclosure packets. The act also requires associations to keep detailed bookkeeping and administrative records. Because every lot owner in the development will be entitled to inspect these records, the developer will have increased responsibilities during the time when it is maintaining the records.

Obviously the act charts new ground in giving homeowners' associations — and through their associations, individual homeowners — new rights and enforcement mechanisms that were not previously available. The act also creates new pitfalls for developers and builders. Realtor and building groups around the state have already announced that they will seek changes in the act from next year's General Assembly, but in the meantime,

the industry will need to make significant adjustments, including changes to form purchase contracts, before the law takes effect in July.

(Wheaton is an attorney with Willcox & Savage, P.C.)



New act highlights

By Michael A. Inman
McCardell, Inman, Benson, Strickler
& Humphreys, P.C.

When the Virginia Property Owners' Association Act goes into effect July 1, there are a number of rules about which both home buyers and homeowner association members should be aware. Following are the highlights of this important new law:

- The law applies to all property owners' associations in existence and to all new associations.
- The law makes association records available for examination and copying by members in good standing.
- The law requires sellers to disclose in the sales contract that the lot is located in a development subject to the property owners' association act and that the act requires the association to provide the seller, within 14 days of written request, a disclosure packet. Failure to provide a disclosure packet is grounds for voiding the contract.
- The law prescribes that the disclosure packet contain: the name of the association and registered agent; a copy of the declaration, articles of incorporation, rules and regulations, and architectural guidelines; a copy of the current budget and income/expense statement for previous fiscal year; statement of fees and assessments currently imposed; anticipated capital expenditures; status of reserve or replacement funds; pending suits or unpaid judgements; insurance coverage; statement as to whether any improvement on the lot violates the

instruments; and any rights of refusal in favor of the association.

- The buyer must request the disclosure packet in writing or the seller has no duty to produce it.

- The association may charge the seller a fee up to \$100 for preparation of the disclosure packet. Failure to produce the packet within 14 days results in a waiver of any claim for any delinquent assessments or violation of declaration rules, regulations or guidelines in existence. In addition, the association may be liable to the seller for up to \$500 if it fails to meet the request.

- These requirements do not apply where the sale is under court order, is a foreclosure or is a gift.

- The property owners' association board of directors will have the power to establish rules and regulations regarding common areas unless such power is reserved in the declaration to membership. Any rules and regulations adopted must be published. Members may convene and vote to repeal the rules and regulations.

- The board of directors is given the power to assess charges for violations, but a hearing is required.

- The board of directors is given authority to levy periodic special assessments for appropriate purposes. It is also given the power to deny use of common areas to non-payers and to establish lien rights.

- The law gives associations the power to sue for non-compliance with this law or the declaration. The prevailing party will be able to recover its attorney's fees and costs.

(Inman is a partner in the law firm of McCardell, Inman, Benson, Strickler & Humphreys, P.C.)

REMINDER TO SAILORS WITH TRAILERS

The spring and summer season is now in full swing again. For those who have to trailer their boats to the parks, please remember to park your trailer in the street after launching and not in the parking lot. Your cooperation in this matter is greatly appreciated.

BOTULISM DANGER

During the warm weather, the ducks are very prone to the fatal disease, Botulism. Do not throw food in the lake for them to eat. Feed ducks only in dry areas.

ANOTHER GENTLE REMINDER

Pet owners, please do not walk your dogs in the common areas. Also remember, it's the law, pick up your dog's waste and dispose of it properly. **THANK YOU!**

PEACE AND QUIET

OUR NEIGHBORHOOD IS LOSING ITS PEACE AND QUIET. WE MUST ASK THAT IF YOU KEEP YOUR DOG OUTSIDE, YOUR DOG REFRAINS FROM ANY UNREASONABLE AMOUNT OF BARKING. REMEMBER, ACCORDING TO VIRGINIA BEACH CODE, IT IS UNLAWFUL FOR YOUR ANIMAL TO DISTURB YOUR NEIGHBORS.



LAKE CHRISTOPHER ARCHITECTURAL NOTES

- Note 1: On the opposite side of this page is an Architectural request form. Please use this form to submit your request to the committee. A copy of this form will be included in all future newsletters or you may contact Hartman Reality to receive a copy of the request form.
- Note 2: Due to the new large trash cans supplied by the city, a number of complaints have been made by home owners that the cans are not being kept out of sight. In accordance with Article VII, Section 7 of the Declaration of Covenants, all trash cans are to be stored in such a manner so that they cannot be seen from adjacent and surrounding property. Please help keep this from becoming a continuous problem.
- Note 3: Spring is the time we all start to plan those projects we have put off all winter. The committee will be meeting the 2nd and 4th Monday of each month starting in May to help speed up the approval process. Please help us by submitting your request as soon as possible to help avoid any delay in starting your work.
- Note 4: A copy of the Architectural guidelines can be obtained by a phone call to Hartman Reality. All exterior changes must be submitted for approval prior to starting any work. Do not hesitate to call if you have a question. A phone call now could save a problem later.



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