



SHAW & LINES, LLC

ATTORNEYS AT LAW

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Don't Hate The Players Understand The Game!

Authored and presented by
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This document is intended to provide general information. It does not and cannot provide specific legal advice. For additional information or answers to questions, you may contact Augustus H. Shaw IV, Esq. of Shaw & Lines, LLC at 480-456-1500 or send questions to ashaw@shawlines.com.

This course is approved by Community Association Managers International Certification Board (CAMICB) to fulfill continuing education requirements for the CMCA® certification. www.Camicb.org.



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THE HOA “PLAYERS”

- The Owners.
- The Board of Directors.
- The Manager.

The Role of HOA Owners

- Pay Assessments.
- Follow the Restrictions, Rules and Regulations.
- Elect or remove the Board of Directors.
- Amend the CC&Rs, Articles of Incorporation and Bylaws.
- Vote on “Member Issues.”

The Role of HOA Board of Directors

- Enforce the Restrictive Covenants.
- Protect the Common Property of the Association.
- Collecting Assessments.
- Building a Sense of Community.

The Role of HOA Board of Directors

Create policies and procedures regarding governance of the HOA.

Hire and monitor the Manager, HOA Employees and Vendors.


Decide how Association funds are to be spend.

The Role of HOA Management

Act as a liaison for Owners.

Implement the Policies of the Board of Directors.

Supervise HOA Employees and Vendors.

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The Role of HOA Management

Enforce the Restrictive Covenants, Rules and Regulations as instructed by the Board of Directors through policies.

Collect Assessments as instructed by the Board of Directors through policies.

What is the Proper Relationship Between the Board of Directors and the Owners

Owners may influence Board Members but not override them.

The Board should listen to Owners but make independent judgments.

Board Members and Owners should act civilly toward each other.

What is the Proper Relationship Between the Board of Directors and the Manager

- The Board of Directors Creates Policies – the Manager Implements/ Enforces and Explains the Policies.
- The Manager is the CEO of the HOA.
- The Manager is the “boss” of all Association employees and vendors, not the Board or the Owners.

What is the Proper Relationship Between the Owners and the Manager

- The Manager is the main point of contact for the Owners.
- The Manager does not work for the Owners; rather, the Manager works for the Board of Directors.
- The Manager cannot make decisions without Board approval.



SHAW & LINES, LLC
HOA & CONDO LAWYERS

Questions?

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SHAW & LINES, LLC
COUNSELORS TO COMMUNITY ASSOCIATIONS

“DOING BETTER WHAT IS ALREADY BEING DONE.”

Shaw & Lines, LLC is an award winning law firm that focuses its practice to Homeowner Association Law, General Real Estate Law, Bankruptcy, Fair Housing and General Business Law. The Firm was founded and continues to operate on the goal of promising and providing efficient, competent and quality legal services to its clients. Shaw & Lines, LLC distinguishes itself by efficiently and effectively “doing better what is already being done.”

Attorneys

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Advising Boards

Collecting Assessments

Enforcing Restrictions

Drafting Documents

Negotiating Contracts

Educating Managers

Guiding Development

Leading the Industry

LEGAL SERVICES

GENERAL CORPORATE COUNSEL

Advising developers and community associations on forming corporations, funding reserves, compliance issues, and other general counsel matters.

COLLECTING ASSESSMENTS

Applying efficient, fair and effective collection strategies proven to recoup unpaid assessments, including collection demand letters, litigation, overseeing payment agreements, recording liens, wage and bank garnishments and foreclosures.

ENFORCING RESTRICTIONS

Employing tactical approaches to remedy violations and enforce restrictions, including mediation efforts and enforcement litigation.

DRAFTING, INTERPRETING AND AMENDING DOCUMENTS

Our attorneys are experienced in drafting and amending association documents that are easy to read, understand and apply. We also assist you in analyzing and interpreting provisions of association documents to help you better understand their meaning and application.

LITIGATION AND BANKRUPTCY

Providing competent and assertive representation for community associations in court on matters typically involving assessment collection, enforcing restrictions, foreclosure, defending community associations in lawsuits and protecting rights in bankruptcy.

CONTRACT NEGOTIATION AND REVIEW

We help review, interpret and negotiate contracts between vendors.

PROPERTY TAXATION

Assisting planned community associations in reducing tax liability for common area property tax liens.

CONSTRUCTION AND LAND DEVELOPMENT

Advising developers of community associations concerning applicable city ordinances, planning restrictions and similar land use issues.

GENERAL REAL ESTATE LAW

A multifaceted real estate practice offering clients a wide range of services for issues pertaining to zoning regulations, ordinance violations, land use and other general real estate and legal matters.

INSURANCE DEFENSE

Representing Insurance Companies in defending claims against their insured.

EDUCATING COMMUNITIES

Offering the Lunch & Learn Lecture Series and the Community Association Desk Reference Set for community association professionals to “be in the know” concerning changes in the law and effectively managing community associations.



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EDUCATION

University of Arizona James E. Rogers College of Law - J.D. 2000

University of Arizona - B.A. 1996

PROFESSIONAL LICENSES

Member, State Bar of Arizona.

Member, U.S. District Court Bar for the District of Arizona.

Member, State Bar of Nebraska.

Member, U.S. District Court Bar for the District of Nebraska.

Member, United States Tax Court Bar.

PROFESSIONAL LEGAL EXPERIENCE

Shaw & Lines, LLC

Founding Member and Managing Member (April 2005 – Present)

Provide legal advice to Homeowner Associations, Property Owner Associations, Office Condominium Associations and non-profit corporations in a variety of general real estate and corporate transactions. Specifically, creation of corporate entity for homeowners' associations, creation and interpretation of governing documents of homeowner associations, creation and negotiation of complex sales and lease agreements, creation of land conveyance documents, representation of home owner and property owner associations in zoning matters, representation of homeowners' associations in collection litigation matter and document enforcement matters.

CONTINUING LEGAL EDUCATION SEMINARS TAUGHT

February, 2020 – State Bar of Arizona CLE Panel Entitled *Fundamentals of Administrative Adjudication in Homeowners Association (HOA) Disputes*.

January, 2020 - Community Associations Institute College of Community Association Lawyers National Law Seminar CLE Entitled *Vexatious Litigants – How to Handle the Frivolous Filer*.

January, 2019 - Community Associations Institute College of Community Association Lawyers National Law Seminar CLE Entitled *ETHICS: Call to Duty: Ethics and Politics Concerning Duties Owed*.



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February, 2018 - Community Associations Institute College of Community Association Lawyers National Law Seminar CLE Entitled *Navigating the Nuances of the Fair Housing Act*.

June, 2017 - Arizona State Bar Convention CLE Panel Entitled *Advanced Issues in Land Use: Navigating the Dangers of Deed Restrictions in Residential and Commercial Development*.

January, 2017 - Community Associations Institute College of Community Association Lawyers National Law Seminar CLE Entitled *The Insurance Defense Dilemma; Conflicts of Interest Regarding Insurance Defense Under a Reservation of Rights*.

May, 2015 - Community Associations Institute National Annual Conference Seminar Entitled *I am the Association! How to Handle the Overbearing Board Member*.

November, 2014 – State Bar of Arizona CLE Seminar Entitled *Let Slip the Dogs of Peace: The ADA, Fair Housing Act and the Use of Service Animals to Help America's Returning Veterans*.

April, 2013 - Arizona Association of Landlord-Tenant Attorneys CLE Seminar Entitled *An Overview of Property Tax Appeals, HOA Laws and Remedies When a Foreclosure Goes Wrong*.

February, 2011 - Community Associations Institute (Central Arizona Chapter) Trade Show Seminar Entitled *Going Rogue, What to do with the Rogue Association Board Member*.

May, 2010 - Community Associations Institute National Annual Conference Seminar Entitled *Board Member Decision Making – The Business Judgment Rule Plus*.

January, 2010 - Community Associations Institute College of Community Association Lawyers National Law Seminar CLE Entitled *Board Member Decision Making – The Business Judgment Rule Plus*.

January, 2007 - Lorman Educational Services Seminar Entitled *Issues Concerning the Development, Creation and Operation of the Arizona Office Condominium Association*

June, 2006 - Arizona Association of Community Managers Seminar Entitled *Changes in the Laws Affecting Community Associations*.

May 2005 - Maricopa County Bar Association Seminar Entitled *How to Collect Assessments and Enforce Restrictions Concerning Homeowner Associations*.



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ARTICLES AND PUBLICATIONS

Winter (2018) Community Associations Institute Central Arizona Chapter Magazine
Community Resource Article Entitled *Can a HOA Waive its Rights to Enforce the CC&Rs.*

Spring (2018) Community Associations Institute Central Arizona Chapter Magazine
Community Resource Article Entitled *Going Paperless: The Legal Requirements of HOA Digital Record Keeping.*

Fall (2017) Community Associations Institute Central Arizona Chapter Magazine
Community Resource Article Entitled *Reserve Accounts 101 – What They Are, How They Work and Are They Required.*

Spring (2017) Community Associations Institute Central Arizona Chapter Magazine
Community Resource Article Entitled *You're Hired! Important Considerations Concerning HOA Service Providers.*

Spring (2016) Community Associations Institute Central Arizona Chapter Magazine
Community Resource Article Entitled *There is Method to the Madness: How to Choose the Best Method of Enforcement.*

Fall (2014) Community Associations Institute Central Arizona Chapter Magazine
Community Resource Article Entitled *The Importance of Trade Names and Trademarks in the Social Media Age.*

Spring (2013) Community Associations Institute Central Arizona Chapter Magazine
Community Resource Article Entitled *The Hatfields and the McCoys: HOA Involvement in Neighbor Disputes.*

September/October (2012) Community Associations Institute National Magazine
Common Ground Article Entitled *Curmudgeon Cure.*

Issue 4 (2011) Community Associations Institute Central Arizona Chapter Magazine
Community Resource Article Entitled *Association Record Keeping in the Digital Age.*

Issue 1 (2011) Community Associations Institute Central Arizona Chapter Magazine
Community Resource Article Entitled *We Are All in This Together - Sustaining Members' Interest in Their Community Association.*

Issue 4 (2010) Community Associations Institute Central Arizona Chapter Magazine
Community Resource Article Entitled *Why HOAs are Good in a Bad Economy.*



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Issue 2 (2010) Community Associations Institute Central Arizona Chapter Magazine
Community Resource Article Entitled *The Ins and Outs of Owner Bankruptcy – What Community Associations Need to Know*.

Columnist for the weekly Column entitled “Ask the HOA GUY” published by the
Arizona Republic and the *East Valley/Scottsdale Tribune* (2004-2006).

LECTURER FOR THE FOLLOWING HOA ACADEMIES:

2010-Present City of Scottsdale, AZ HOA Academy.

2010-Present City of Chandler, AZ HOA Academy.

AWARDS AND ACHIEVEMENTS

2010 Leadership Centre Brian L. Zemp Community Leadership Award.

2008 Member – Community Association Institute College of Community Association
Lawyers.

2006 Leadership Centre Instructor of the Year.

SERVICE TO COUNTY

Honorably discharged from the U.S. Navy, August 1992.

SERVICE ORGANIZATIONS

Board President, Tempe Preparatory Academy (2020 to Present); Board Member, Tempe Preparatory Academy (2018 to Present); Member, Community Associations Institute College of Community Association Lawyers Board of Governors (2017); Vice President, Central Arizona Chapter of Community Associations Institute (CAI) (2014 - 2015); Member of the Board of Directors (2013 - 2016) of the Central Arizona Chapter of Community Associations Institute (CAI); Member, State Bar Committee of Minorities and Women in the Law (2002-2003); Vice Chair, City of Tempe Redevelopment Review Commission (2003-2004); Secretary, Maricopa County Bar Association Foundation (2002-2003); Member, Maricopa County Board of Adjustment (2005-2006); Member, Maricopa County Community Development Advisory Commission (2005-2006); Member, Maricopa County Merit Commission (2006); Member, City of Tempe Transportation Commission (2009-2011); First Vice Chairman, Arizona Republican Party (2010 – 2012).