



HICKORY FARMS COMMUNITY NEWSLETTER

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P.O. BOX 2239, FAIRFAX, VA 22031

IN THIS ISSUE

Hickory Farms Calendar for 2018

All social committee activities are held in the upper Commons Field. For Board meeting location see page 12 and please contact a Board member.

Sept 9 - Board of Directors Meeting

Sept 22 - Volunteer Appreciation Celebration (ALL)

Oct 2 - Board of Directors Meeting

Oct 11 - HFCA Annual Meeting at Green Acres

Oct 20 - Monster Mash Bash (ALL) (*Growing and Growing Bigger!*)

Calendar	1
Nominating Committee	1
Annual Meeting Agenda	3
Annual Meeting Proxy Ballot	4
2019 HFCA Budget	5
Deed & Declaration Change	7
By-Laws Changes	9
Neighborhood Watch	10
Fuzzy Blankets & Fuzzy	
Streets	11
ACC Activity	12
Student Yellow Pages	13
Directory	14

Annual Meeting Approaching

The annual election of HFCA Board Members and Officers is now underway. The HFCA Treasurer, Dante, is the 2018 Nominations Committee Chairperson.

If you would like to nominate yourself or a neighbor for a Board position, please contact Dante at 703-978-0621 or dantegilmer@hotmail.com, so that he can include candidate names on the nominations slate to be voted on at our October Annual Meeting. Nominations will also be accepted from the floor at the Annual Meeting. To see who is currently on the Board of Directors, please [click here](https://hickoryfarms.org/archive/index.php) (https://hickoryfarms.org/archive/index.php)

Deed and Declaration Change Is Important and We Need Your Help!

To those who have signed and sent in the form, Thank You! To those who are wondering what this is all about, please read Bruce's article on page 7 carefully.

When Hickory Farms was started, the Board would send a letter, then fine, and then go to the lawyers. The homeowner would end up with the cost of the lawyers as well. Because of a Virginia court's ruling, we now have a letter, followed going to the lawyers. The proposed Deed and Declaration change returns the extra step before going to the lawyers and lowers everyone's costs.



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Let me help you protect your family, your income and your future through comprehensive financial planning. Please contact my office if you would like more information about the products and services that we offer. **-Debbie Lewis (Your Hickory Farms Neighbor)**

Deborah L. Lewis, Financial Adviser, offering investment and advisory services through Eagle Strategies LLC, a Registered Investment Adviser. Registered Representative, offering securities through NYLIFE Securities LLC (member FINRA/SIPC), A Licensed Insurance Agency.

Hickory Farms Annual Meeting

DATE: Thursday, October 11, 2018
LOCATION: Green Acres (in cafeteria),
4401 Sideburn Rd., Fairfax, VA 22030
TIME: 8 - 10 PM

PROPOSED AGENDA

1. Opening, Welcome and Introductions
2. Quorum Verification
3. Approve 2017 Annual Meeting Minutes
4. 2018 Review:
 - a. 2018 Property Inspection Results
 - b. Deed and Declaration Changes
 - c. Common Area Bamboo Eradication
 - d. Neighborhood Watch
5. 2018 Initiatives:
 - a. 2018 Property Inspections
 - b. Deed and Declaration Changes
 - c. Common Area Strategic Plan
 - d. Mapping
 - e. Insurance Assessment
 - f. By-Laws Changes
6. Budget:
 - a. 2018 Actual vs. Estimate, and 2019 Estimate
 - b. 2019 Assessment Amount.
Vote to affirm 2019 Assessment Amount
7. 2019 Board Elections
8. Open Floor Discussion
9. Volunteer Recognition
10. Adjourn

QUESTIONS? Email hfca@hickoryfarms.org

2018 Hickory Farms Community Association Annual Meeting Proxy For the Annual Meeting to Be Held October 11th at 8 PM Green Acres Center - 4401 Sideburn Road

Under the provisions of the Hickory Farms By-Laws, we need you in person at the Annual Meeting or your proxy in order to have a quorum at the Annual Meeting.

By email – Scan a completed and signed copy of this Proxy to Secretary at hfca@hickoryfarms.org

By Paper Proxy - Deliver or mail this signed paper proxy to Secretary, John Kitzmiller, at 4363 Harvester Farm Ln. by Wednesday, October 10th or have it delivered to the Secretary in person at the Annual Meeting.

Choose One Proxy Option:

I. Quorum Purposes Only Proxy: Check Here _____. No votes cast on my behalf.

II. Undirected Proxy: I, _____, homeowner and member of the Hickory Farms Community Association (HFCA), appoint the Secretary of the HFCA, or (print their name) _____ to be my proxy with all of the powers I would have if I were present, and cast my vote on any matter which may arise during the HFCA Annual Meeting of the members to be held on October 11th, 2018, or any adjournment meeting thereafter.

III. Directed Proxy: I vote for the following agenda issues at the Annual Meeting:

Elections of Board Members:

Bruce Bernhardt	For____ Against____ Abstain____
Jim Bever	For____ Against____ Abstain____
Debbi Buchanan	For____ Against____ Abstain____
Dante Gilmer	For____ Against____ Abstain____
Telah Jackson	For____ Against____ Abstain____
John Kitzmiller	For____ Against____ Abstain____
Kirk Randall	For____ Against____ Abstain____
Melissa Stark	For____ Against____ Abstain____
Charles "Chuck" Stewart	For____ Against____ Abstain____
Write In Candidate:	_____
Write In Candidate:	_____
Write In Candidate:	_____

Your Name (printed) _____

Signature _____

Street Address _____ Date _____

Note: Under the HFCA By-Laws, no person other than the Secretary may vote more than four proxies.

Hickory Farms Community Association (HFCA)

Proposed 2019 Budget

Income	
Annual Assessments (198 homes at \$200 each)	\$39,600
Assessments — Late Fees	0
Interest - Money Market Acct	\$12
Advertising	\$1200
Total	\$40,812
Expenses	
Common Grounds Maintenance	\$23,000
Common Grounds Improvement	\$7,000
Common Grounds Remediation	\$4,000
Insurance - Director's Liability & Surety	\$2,000
Insurance - Commercial Crime Insurance	\$600
Insurance - General Liability	\$300
Legal Fees	\$2,000
Postage	\$250
Neighborhood Watch	\$200
Printing	\$1,500
Social Activities	\$1,500
Tax Preparation	\$325
Taxes	\$240
Administration	\$800
Total Expenses	\$43,715
Net Income (loss)	(\$2,903)
Notes: 1. \$40,000 Reserve Fund as of 10/09/2018 – It is HFCA policy to maintain a reserve fund invested in low risk financial instruments. 2. The 2018 budget and setting of the 2019 annual assessment were approved by the HFCA Board of Directors on September 11, 2019. Under the Hickory Farms Bylaws and the Virginia Property Owners Association Act, the Board of Directors must approve a budget and set an annual assessment for the forthcoming year.	



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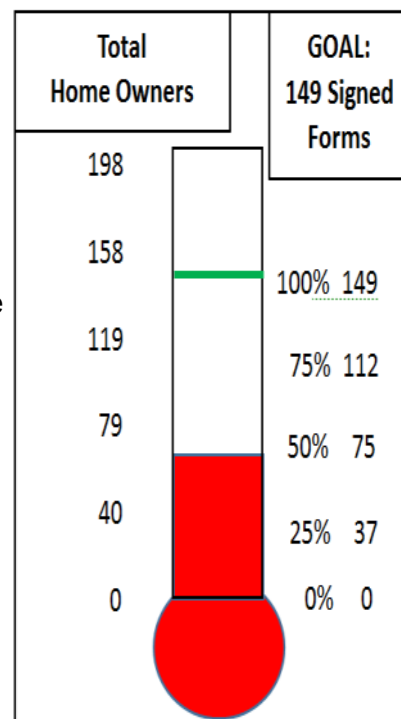
Final Push to Approve Deed and Declaration Changes – Request Response from 122 Hickory Farms Property Owners!

Attached to this newsletter is a form for amending out Hickory Farms Deed of Dedication and Declaration of Covenants (Deed and Declaration) document. During the 2017 HFCA Annual Meeting a detailed presentation presented the background for the proposed amendment. The HFCA Board recommended amending the Deed and Declaration document and those in attendance at the meeting agreed with the recommendation by the Board. In summary, two court cases in Virginia* have ruled that Homeowner Association authority to assess penalties for violations of Association covenants and rules and regulations must be expressly stated in Association governing documents. When our documents were created in 1975, the wording used in the documents did not include such an express statement. Following review of the court decisions, review of Virginia Property Owners Association Act (VPOAA) provisions and discussion with our attorney, the attached Amendment Form was developed to include express language in our Deed and Declaration document which complies with VA court decisions and VPOAA provisions. In order for the amendment to become effective, 75% (149 of our 198 property owners) must approve the amendment in writing. If more than 25% (50) of our HF homeowners reject the proposed amendment, the changes will not be effective.

Since the 2017 Annual Meeting last October, multiple articles have been included in the HF Newsletter seeking writing approvals from all 198 HF property owners. To date, 75 property owners approved the Amendment and signed the Amendment Form. To date, one property owner has responded by email with a NO vote on the amendment. For the 76 property owners that have responded, **thank you!** For the 122 property owners who have not provided input to this very important decision, **we need to hear from you - now.** We are planning to complete the Amendment approval process in time for our 2018 Annual Meeting in October. To meet this schedule, please complete one of the two following actions:

If you agree with the HFCA Board recommended changes to the Deed and Declaration document, please sign the Amendment Form and mail it to: HFCA, P.O. Box 2239, Fairfax, VA 22031. If your property is owned by one person, one signature and date are required. If jointly owned, both signatures are required. If your property is part of a Trust, the Trustee must sign the Amendment Form.

If you do not agree with the Amendment, please send your NO vote back to me via text (703-989-0751) or email (hfca@hickoryfarms.org).



Please don't put this off! We need to hear from the remaining 122 property owners as soon as possible! If you have any questions, please call me directly at 703-989-0751 and leave a voice message, I will return your call!

Thanks! Bruce Bernhardt, HFCA Vice President

* Court cases: **Farran v. Olde Belhaven Towne Owners Ass'n** Case No. CL-2009-11786, 80 Va. Cir. 508; 2010 Va. Cir. LEXIS 92 and **Shadowood Condominium Assn., vs. FC Redevelopment & Housing Authority**: VA Supreme Court, 6/22/2012

HFCA President's Note: This is an opportunity to avoid spending Association funds up front in seeking individual property owner's compliance. What is there not to like?! Skeptical? Call Bruce!

**INSTRUMENT FOR OWNER AGREEMENT TO
AMENDMENT OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF HICKORY FARMS COMMUNITY ASSOCIATION**

The undersigned Owner(s) of the Lot in HICKORY FARMS COMMUNITY ASSOCIATION listed below, hereby execute(s) this instrument to evidence his/her/their agreement to amend the DEED OF DEDICATION AND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, of HICKORY FARMS COMMUNITY ASSOCIATION in the following manner:

First, to amend Article V, Section 1 by adding a new subsection (g), which states as follows: (A portion of the existing text follows in brackets for purposes of context; the new language is double-underlined)

[ARTICLE V - PROPERTY RIGHTS]

[Section 1. Owners' Easements of Enjoyment. Every member shall have a right and easement of enjoyment in and to the Common Area and such easement shall be appurtenant to and shall pass with the title to every assessed lot, subject to the following provisions:]

(g) the right of the Association to assess charges for rules violations in accordance with provisions of the Virginia Property Owners Association Act, as the same may be amended from time to time, or in accordance with any other provision of Virginia law that may authorize assessment of such charges, as is more fully described in Article VIII, Section 1 hereof.

Second, to amend Article VIII, Section 1 by adding a new subsection (g), which states as follows: (The new language is double-underlined)

Article VIII, Section 1:

Section 1. Enforcement. (a) The Association, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

(b) In addition, the Board of Directors shall have the authority to assess charges for violations of the Declaration or Bylaws of the Association and and/or of the Rules and Regulations adopted pursuant to authority given in those documents, in accordance with provisions of the Virginia Property Owners Association Act as the same may be amended from time to time, or in accordance with any other provision of Virginia law that may authorize assessment of such charges.

I/We agree to the adoption of these Amendments:

Signature of Owner

Date

Signature of Co-Owner (if any) Date

Owner's Name Printed

Co-Owner's Name Printed (if any)

Address of Home: _____

Amendments to By-Laws Up For Approval at October 11 Annual Meeting

In consultation with our attorneys, the Board of Directors (BOD) has drafted proposed amendments to the Association's By-Laws, which have not been substantially updated since 1987. These amendments are to be considered by the Members at the October 11, 2018, Annual Meeting. The current By-Laws may be viewed at <https://hickoryfarms.org/archive/By-Laws.htm>. The proposed By-Laws may be viewed at <https://1drv.ms/b/s!Ari3TYN7I4KegaBdRcaVrrZRGTVWjQ>. If you cannot access this link, please email Kirk_Randall@Hotmail.com. You are welcome to present your comments in advance of the meeting by emailing the BOD at HFCA@HickoryFarms.org.

The proposed amendments under consideration are:

- Article III, Section 5 – Description of proxy reworded; no change in substance.
- Article IV, Section 6 – Authorizes the BOD to vote by email and requires that such actions be recorded in the minutes of the next meeting of the BOD.
- Article V, Section 3 – Existing language requires election to the BOD be made by written ballot only. The amendment authorizes that the Members present at the meeting may unanimously agree that votes may be cast by another method, including election of candidates by voice vote acclamation.
- Article VI, New Section 4 – Announcement of Board of Director meetings shall be published where it is reasonably calculated to be available to a majority of the Members (i.e., Newsletter).
- Article VII, New Section (g) adds a new duty of the BOD to ensure an orderly transition of custody of the Association's books and records when members join or depart from the BOD.
- Article VIII, Section 7(d) – Under the current By-Laws, the Treasurer is required to "cause an annual audit of the Association books to be made by a public accountant at the completion of each year." The proposed amendment provides that the Treasurer "cause an annual review of the Association books to be made by a public accountant or a minimum of three Hickory Farms Association members at the completion of each year."
- Article X – The existing language states "The books, records and papers of the Association are to be subject to inspection by any member. Copies of the Declaration, the Articles of Incorporation and the By-Laws of the Association may be purchased at cost." The following language was recommended by the Association's attorney: "In compliance with the requirements of Virginia Property Owners Association Act, as it may be amended from time to time, the Association shall keep detailed records of receipts and expenditures affecting the operation and administration of the Association. All financial books and records shall be kept in accordance with generally accepted accounting practices. The books, records, and papers of the Association are to be subject to inspection by any Member, subject to the exclusions in the Virginia Property Owners Association Act as that Act may be amended from time to time. If a Member requests copies of the Association's books and records, the VPOAA permits the Association to impose and collect a charge, reflecting the reasonable costs of materials and labor, not to exceed the actual costs of providing such documents. The 1) Articles of Incorporation 2) Deed of Dedication and Declaration of Covenants, Conditions and Restrictions, 3) Rules and Regulations, 4) By-Laws of the Association and 5) minutes of meetings shall be made available for viewing by Members on the Association's web page."
- Article XI, Section 5 – New provision that the Association's reserve fund shall be invested prudently by the BOD such that it can be accessed readily, when needed.
- Article XII -Corporate Seal Deleted – The Association is no longer required to maintain a corporate seal.

Neighborhood Watch Schedule

September 2018

We are working to enlist 50 residents/teams on the roster! Contact Debbi Buchanan at 703.307.7323 or simp-lydebbi1@gmail.com for information or to be added to the roster.

Day of the Week	Date	Person 1	Person 2
Friday	Aug 31	Rick Loranger	Judy Loranger
Saturday	Sep 1	Harry Herchert	Ginny Herchert
Friday	Sep 7	Jason Zhao	Laura Feng
Saturday	Sep 8	Brian Roethlisberger	Rob Mikula
Friday	Sep. 14	Wendy Chen	Tony Dong
Saturday	Sep. 15	David Tropiano	Sarah Tropiano
Friday	Sep. 21	Pam Barrett	Tom Barrett
Saturday	Sep. 22	Jamie Cutierrez	Ed Wagner
Friday	Sep. 28	Jim Marshall	Carol Marshall
Saturday	Sep. 29	Eric Maribojoc	Clarisa Dacanay

Come raise a glass to our amazing team of Hickory Farms volunteers! Meet, mingle and connect with refreshments and light hors d'oeuvres. Hickory Farms residents of all ages are invited!

Date: 09/22/2018 (Sat.)

Time: 5:00pm - 7:00pm EDT

Location: Hickory Farms - Upper Commons

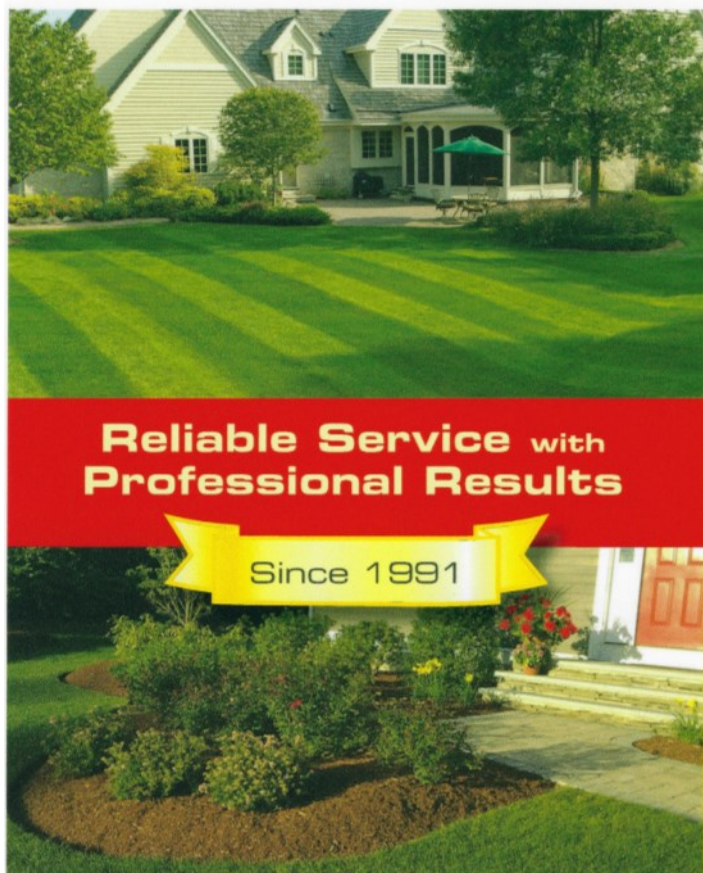
RSVP: <https://bit.ly/2MVN0gb>



Fuzzy Blankets and Fuzzy Streets

Everyone likes fuzzy blankets, but not fuzzy streets. Fuzzy streets are streets, curbs or sidewalks with weeds growing in the cracks. They create an abandoned look or even apocalyptic esthetic that does not enhance curb appeal. If you use a lawn service, consider the question; if the lawns service does not remove the lawn falling down the curb into the street, or the even the grass growing between the asphalt and the concrete, am I receiving full value for my money? Is this image of the property that you liked enough to buy?

Grass and weeds growing in the cracks in the asphalt exert a tremendous pressure on the asphalt or concrete. This in turn can break the asphalt or concrete. Weeds can reclaim unused roadways and contribute to urban blight. Here are some photos from our HF neighborhood.



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Architectural Control Committee Activity

July 2018

Cotton Farm - 10005 Replace Roof & Gutters
Cotton Farm - 10000 Install Propane Tank

August 2018

Still Meadow - 4301 Remove carport window
Farm House - 4358 Install New Patio & Walkway
Farm House - 4356 Install New Shed

September 2018

Still Meadow - 4327 Install portico, front door, trim & paint shutters
Still Meadow - 4334 Install New Roof & Skylights
Wheatfield - 10036 Install New Roof



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Paul Cannata (18) 786-445-5318	Mowing, shoveling, cleaning, mulching or just about any odd job you can come up with.
Dominic Cannata (17) 703-568-9896	Mowing, shoveling, cleaning, mulching or just about any odd job you can come up with.
Cody Dempster (16) (Home) 703-503-0561 (Text) 703-776-0101	Yard work (raking leaves, lawn mowing, etc.) snow shoveling, housework
Erika Maaseide (16) 703 659-5321	Babysitting; has experience with Special Needs children
Dylan Mehrman (16) 478-230-5066	Lawn mowing
Britney Mulliner (17) 571-474-7277	Babysitting (6 years experience including newborns) and dog
Anna Rashkover (17) 703-426-2451	Babysitting, dog sitting & dog walking



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www.fairfaxcounty.gov/alerts

HFCA Board & Volunteers

Members & Officers

President: Chuck Stewart

Vice President: Bruce Bernhardt

Secretary: John Kitzmiller

Common Areas: Melissa Stark

ACC: Brian Roethlisberger **Volunteer Needed**

Treasurer: Dante Gilmer

Assistant Treasurer: Jim Bever

At Large - Neighborhood Watch: Debbi Buchanan

At Large: Telah Jackson & Kirk Randall

Webmaster: Bryan Crabtree

Community Yard Sale: Pete Scala

Valued Volunteers

HFCA Email (Listserv): Stefan Schwarz & Kirk Randall

Newsletter Editor: **Volunteer Needed**

Social Committee: Meredith Perkins, Lauren Crabtree, Melissa Stark, Krissy Lunsford, Sarah Tropiano & Angela Turner

Architectural Reviews (ACC): Brian Roethlisberger (Chair) , Debbi Buchanan, Keith Ferguson, Donna Garfield, Ed Kiechlin, Kirk Randall & Josef Gasimov

Newsletter Delivery: John Kitzmiller, Heather Webb, Dante Gilmer, Sondra Arnold, Ed Kiechlin, Claire & Sean Coleman & Debbi Buchanan

Email Us

HFCA Board: hfca@hickoryfarms.org

Brian: acc@hickoryfarms.org

Bryan: webmaster@hickoryfarms.org

Chuck: president@hickoryfarms.org

Dante: treasurer@hickoryfarms.org

Melissa: commonareas@hickoryfarms.org

Board Meetings

Board Meetings are held at 7:30 at 10110 Round Top Ct. Contact a Board member for more information.

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