



HICKORY FARMS COMMUNITY NEWSLETTER

Upper Common Fall Flowers

HICKORYFARMS.ORG

P.O. BOX 2239, FAIRFAX, VA 22031

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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.

Nov 13 - Board of Directors Meeting

A reminder to please complete and return the HFCA survey.

Your Annual Assessment is due by Jan 1, 2019

Dear Hickory Farms Homeowner,

Your \$200 Hickory Farms Annual Assessment is due by January 1. Please send your check or money order to: HFCA, P.O. Box 2239, Fairfax VA 22031. If you have already paid, please ignore this mass mailing being sent to all homeowners.

The Assessment should be paid by the person who owns the home on January 1. Payments that are not postmarked or in the physical possession of the Treasurer by January 7 are late and the homeowner will be charged an additional \$50. Payments received after that date that do not include the additional \$50 charge (total payment is \$250) will be returned to the homeowner for non-payment. On February 1, delinquent accounts will be turned over to the Association's attorneys for collection. At that point, the amount owed by the delinquent homeowner will be \$250 plus attorney fees (another \$200+) and could include significant court costs if HFCA files a lawsuit. These procedures are in accord with the Hickory Farms Community Association Bylaws, which have no provision for waiver.

- Do not mail or hand deliver your payment to the Treasurer's house.
- Write the house number and street name of your property on your check.
- Moved? New homeowner? Email owner's name, address, and telephone number to Kirk_Randall@Hotmail.com, who maintains HF records.
- Renters & tenants, please give this notice to your landlord.
- Questions? Email Treasurer@Hickoryfarms.org

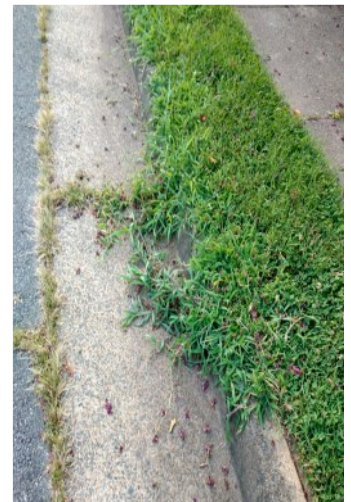
We All Agreed!

At property settlement we all agreed to abide by the Hickory Farms Deed of Dedication and Declaration, By-Laws, and Rules and Regulations.

Deed of Dedication and Declaration, ARTICLE VII – RESTRICTIVE COVENANTS, Article 4. *All lots and yards in the above described subdivision shall be maintained in a neat and attractive manner so as not to detract from the appearance of the above described development.*

Hickory Farms Rules and Regulations, 1.4 Maintaining Lots, Yards, and Carports, d) *All curbs, driveways and sidewalks of lots shall be edged as needed to maintain a neat appearance and so that grass does not grow over curbs and sidewalks.*

We are all responsible for maintaining the neat appearance of our lots by edging all curbs, driveways and sidewalks. Edging limits damage to the concrete outside your home thereby preserving your home's value. When your neighbors sell their home, the prospective buyers also decide if they want to live in our neighborhood. The neat and trimmed lawns can be major indicator of the quality and care Hickory Farms residents have toward their homes.



Social Committee News Flash Upper Common Monster Mash

Tigers, Princesses, Storm Troopers, Knights in Shining Armor, Batman and Witches all agree that Hickory Farms has the best Halloween parade!



Architectural Control Committee Activity

September 2018

Cotton Farm - 10000	Install Propane Tank
Farm House - 4325	Install Storage Shed
Harvester Farm - 4350	Replace Roof & Gutters
Still Meadow - 4327	Install portico, front door, trim & paint shutters
Still Meadow - 4334	Install New Roof & Skylights
Wheatfield - 10036	Install New Roof

Group Tree Work Purchase

Kirk Randall (Country Squire) is organizing a tree work group purchase for December/January, when rates are usually lower than other seasons. This is the fourth he has organized in recent years. If you are interested in participating, please email your name, phone number, email address, and street address to kirk_randall@hotmail.com (that's an underscore between names) or call 703-425-0210. Kirk will contact you in December. The tree company selected by Kirk will provide you with an estimate which, of course, you may decline. However, if you have an urgent need for tree service, this may not be the deal for you. Part of Kirk's agreement with the company will be that they can work us into their schedule and if a big storm comes thru and they get a flood or work, we may be bumped down the priority list. In other words, they give us a lower price in exchange for scheduling flexibility.

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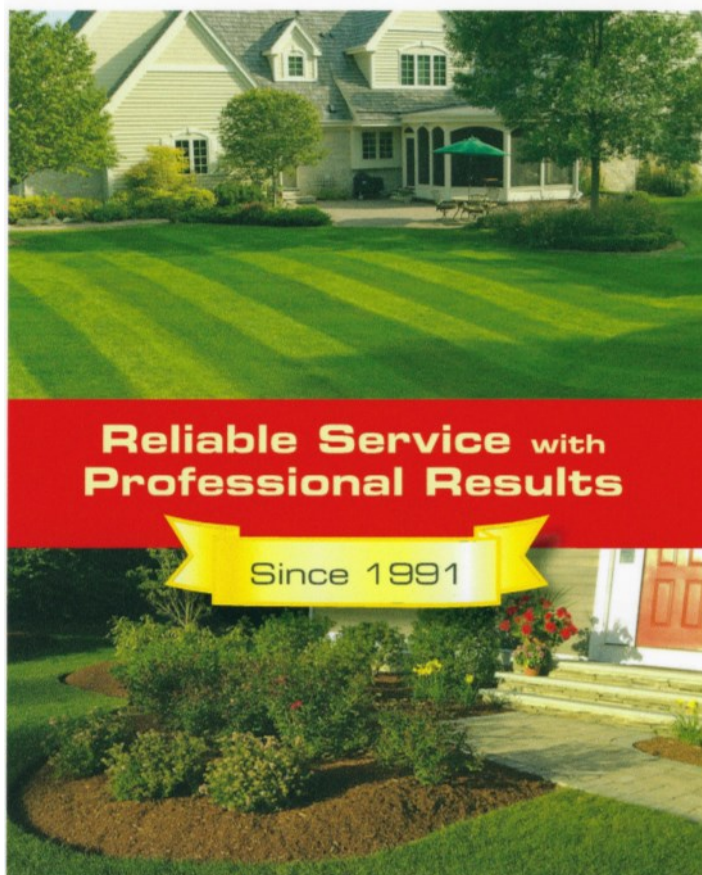
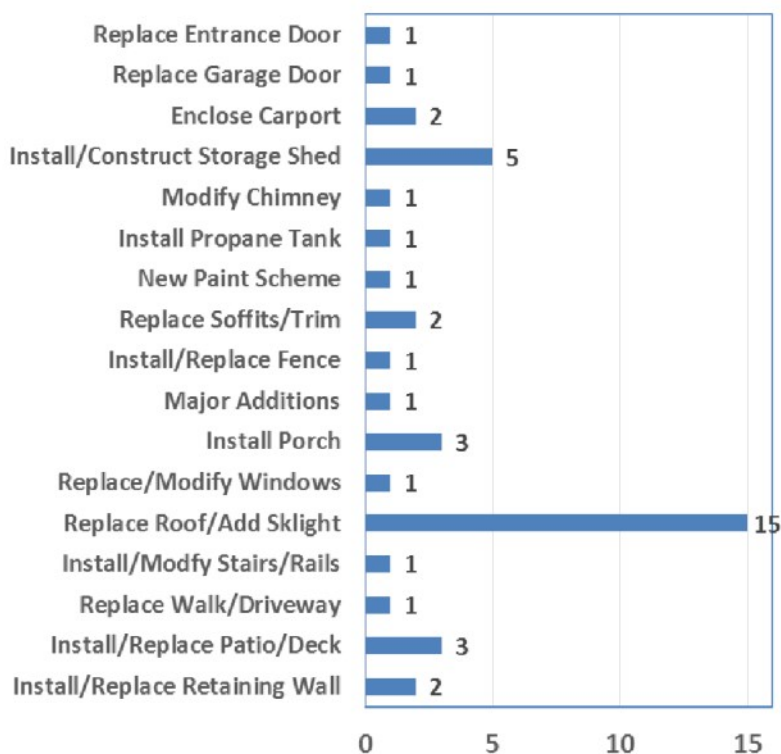


20% OFF
all Hickory Farms
Projects!
*Must be presented at time of estimate

ACC Year in Review - 2018

- 39 applications submitted & reviewed
 - Generally, one week or less turnaround time
 - Longest - 29 days
- Consideration of first propane tank installation
 - Thorough ACC evaluation with Board input
- Neighborhood-wide property inspection
 - Second consecutive year

2018 Application Summary



Professional Property Maintenance Inc.

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Landscape Design + Installation

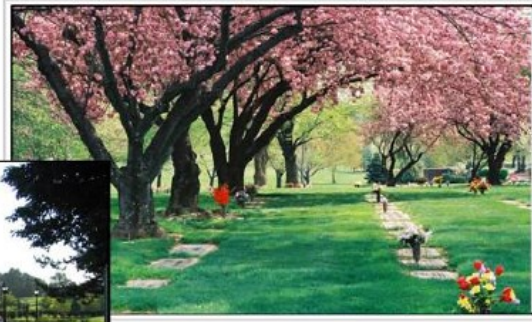
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Let me help you protect your family, your income and your future through comprehensive financial planning. Please contact my office if you would like more information about the products and services that we offer. **-Debbie Lewis (Your Hickory Farms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

Birds of Hickory Farms

—Bob Cosgriff (Cotton Farm Road)

The annual fall migration is underway and will continue into November, since different types of birds migrate at different times. The fall migration is more diffuse than the northbound spring migration. It is sometimes easy to overlook migratory birds this time of year, especially small songbirds. They are not in their bright breeding plumage. In fact, many birds molt into totally different plumage in the fall and those that don't change are not quite as vivid as they were earlier in the year. Because they are not breeding or protecting territory, they are not as vocal as they are in the spring and summer. It might also be that in March we are looking forward to the end of winter and the start of spring, whereas in September, we are perhaps not looking forward to the onset of winter and therefore are not eagerly watching for birds!

One danger for migrating birds this time of year is the possibility of a hurricane. Although birds can't know from hundreds of miles away what the weather will be at their ultimate destination, they can sense and react to conditions as they approach a region where a strong storm is located. In the fall, strong winds inflowing from the north toward a hurricane located to the south of us as was Hurricane Florence can speed birds along their way—up to the point where the winds become too strong and the rain too heavy for safe flight. So they will 'dam up' until the conditions change in their favor before moving on to the south. This means that some birds might move through (or depart from) here a bit later than normal this year. It might also mean that some rarities might be blown off-course and end up here unexpectedly. This weather factor may have been in play on September 20th when I had three very good sightings. At 10:25 in the morning, I saw two Broad-winged Hawks circling over the lower common grounds. This date falls right during the peak week for this species in Virginia. However, most of these hawks move in large flocks down the ridges to the west of us. (A good spot to see these impressive "kettles" of Broad-winged Hawks is at Snickers Gap where Route 7 crosses the Blue Ridge Mountains.) However, sometimes there are stragglers who move east of the mountains, and that is apparently what I observed. The first neighborhood record for Broad-winged Hawk was exactly five months ago, less a day, when one north-bound hawk flew over the upper common grounds (neighborhood bird #120). The other sightings came that same evening around 6 p.m. First, I saw an American Redstart (a warbler) at our feeders. This was the first of this species seen in our yard this year, bringing our 2018 total to 62. Shortly thereafter, another lovely warbler, a male Northern Parula, appeared out back. While not a new 'yard year bird,' it is always a nice one to see.

Going back to the subject of hawks: a neighbor told me that she had found a large, dead bird. Her description of size and color made me think it might be a hawk, and indeed, it was: a juvenile Red-shouldered Hawk. There was a nesting pair somewhere in our area along the creek between George Mason Forest and our northern path. I was not able to locate the nest during the breeding season, but this dead bird was most likely one of the offspring of that pair.

The obvious question is: what was the cause of death? There are a few possible causes. Hawks can be killed by other hawks or by large owls, such as Great Horned Owl or Barred Owl. They can die of diseases brought on by parasites. They can have accidents that injure them and thus prevent them from hunting. And they can die of starvation or exposure to severe weather. The body of this bird was largely intact, so I don't think it was attacked by another raptor in order to eat it. (However, if it had tangled with another raptor and was injured, it might have succumbed to loss of blood and/or infection). If I had to surmise a cause of death, I would pick disease (such as West Nile Virus) or starvation. Young Red-shouldered Hawks leave the nest about six weeks after hatching and are then fed by the parents for several more weeks while they learn to fend for themselves. Perhaps the prolonged rains we've experienced this summer from Gordon and Florence prevented successful hunting by the parents and the juvenile. This could have led to starvation, weakness, and then death from exposure for this bird. Mortality for this species is typically 50% or higher in the first year.

As a last item, I have sent the 2018 data from our bluebird trail to the Virginia Bluebird Society, which compiles information from around the state and publishes the results. This will let us know how we did this year compared to other areas within Fairfax and elsewhere in Virginia. The data include numbers of nesting attempts by Eastern Bluebirds, Tree Swallows, Carolina Chickadees, House Wrens, and "other," numbers of eggs laid/hatched, number of birds fledged,

types of predation, and trends. In our case, we had eight bluebirds fledged for eight eggs laid, but lost nine fledglings to predation by House Sparrows. We also lost a Tree Swallow to House Sparrows even before an "attempt" (defined as one egg laid). So what could have been a very good year turned out to be a below-average year for our trail overall. I'll pass on the statewide results with the first article next year. Until then, enjoy the fall and keep your eyes on the skies for the birds of Hickory Farms.

HICKORY FARMS COMMUNITY ASSOCIATION 2019 BUDGET				
		2018 Budget	Projected Yearend 2018 Income & Expenses	2019 Proposed Budget
INCOME				
Assessments		39,600	39,600	39,600
Assessments - Late Fees		500	400	0
Interest - Money Market		0	12	12
Advertising		300	1,332	1,200
TOTAL INCOME		\$40,400	\$41,344	\$40,812
EXPENSES				
Common Grounds Maintenance		23,000	25,343	23,000
Common Grounds Improvement		7,000	7,000	7,000
Common Grounds Remediation		4,000	4,000	4,000
Insurance - Director's Liability & Surety		1,850	1,850	2,000
Insurance - Commercial Crime Insurance		500	500	600
Insurance - General Liability		275	250	300
Legal Fees		2,000	1,003	2,000
Postage		250	100	250
Neighborhood Watch		150	150	200
Printing		1,700	1,400	1,500
Social Activities		1,500	1,500	1,500
Tax Preparation		400	275	325
Taxes		300	138	240
Administrative Fees		300	704	800
TOTAL EXPENSES		\$43,225	\$44,213	\$43,715
INCOME LESS EXPENSES		-\$2,825	-\$2,869	-\$2,903
Annual Dues			\$200	\$200
\$40,000 Reserve Fund as of 10/09/2018 – It is HFCA policy to maintain a reserve fund invested in low risk financial instruments approximately equal to the Association's Annual Assessments				

An Exciting Opportunity!

Chuck Stewart has been serving double duty for Hickory Farms, both as a busy President and as interim editor of our Newsletter. We urgently need a editor to take over the Newsletter, which is the means through which homeowners and residents are kept up-to-date with current happenings in the community. Please, please email Chuck at President@Hickoryfarms.org to learn more about this exciting opportunity.



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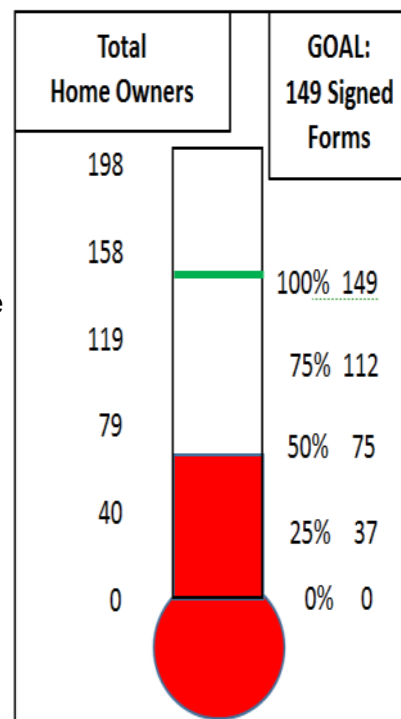
Final Push to Approve Deed and Declaration Changes – Request Response from 122 Hickory Farms Property Owners!

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: _____

Neighborhood Watch Schedule Fall 2018

Day of the Week	Date	Person 1	Person 2
Fri	Oct 5	Pete Scala	Rose Scala
Sat	Oct 6	David Cain	
Fri	Oct 12	George Rosenkranz	Bob Montgomery
Sat	Oct 13	Jim Bever	Barbara Bever
Fri	Oct 19	Bruce Bernhardt	Nancy Bernhardt
Sat	Oct 20	John Kitzmiller	
Fri	Oct 26	Ron Arnold	Charles Walters
Sat	Oct 27	Dave Dempster	Dawn Dempster
Fri	Nov 2	Susan Mulliner	Brenton Mulliner
Sat	Nov 3	David Froberg	Beverly Froberg
Fri	Nov 9	Debbi Buchanan	Michelle Bush
Sat	Nov 10	Will Lunsford	Mark Jean-Pierre
Fri	Nov 16	John Coyne	Linda Coyne

Day of the Week	Date	Person 1	Person 2
Sat	Nov 17	Rick Loranger	Judy Loranger
Fri	Nov 23	Harry Herchert	Ginny Herchert
Sat	Nov 24	Jason Zhao	Laura Feng
Fri	Nov 30	Kirk Randall	Albert Chong
Sat	Dec 1	Daniel Turner	Angela Turner
Fri	Dec 7	Brian Roethlisberger	Rob Mikula
Sat	Dec 8	Wendy Chen	Tony Dong
Fri	Dec 14	David Tropiano	Sarah Tropiano
Sat	Dec 15	Pam Barrett	Tom Barrett
Fri	Dec 21	John Coyne	Linda Coyne
Sat	Dec 22	Jim Marshall	Carol Marshall
Fri	Dec 28	Harry Herchert	Ginny Herchert
Sat	Dec 29	Rick Loranger	Judy Loranger

We are working to enlist 50 residents/teams on the roster! Contact Debbi Buchanan at 703.307.7323 or simplydebbi1@gmail.com for information or to be added to the roster.

Hickory Farms Annual Meeting Highlights

At the October 11th Annual Meeting, the Members approved amendments to the following Articles: III/5, IV/6, V/3, VI/4, VII/2(g), X, XI/5, and XII (Corporate Seal). You can see the revised document at <https://hickoryfarms.org/archive/By-Laws.htm>

President Chuck Stewart presented Common Areas Coordinator Melissa Stark, Treasurer Dante Gilmer, and ACC Chairperson Brian Roethlisberger with plaques in appreciation for their superb contributions to the Hickory Farms Community over recent years.

Attention All Landlords Make sure the Treasurer has your current contact information so you may receive newsletters and other information such as notices of Annual Assessments. If your property is being managed by a real estate agent, please ensure the agent's contact information is also given to the Treasurer. Please email owner name, street address of owner, owner's email address, street address of Hickory Farms property, and telephone number to Treasurer@HickoryFarms.org. Please also send it to Kirk Randall, who maintains the Hickory Farms owner database to Kirk_Randall@Hotmail (that's an underscore between names). We need this information immediately since we are preparing to send out Annual Assessment bills in early November.

HFCA Board & Volunteers

Members & Officers

President: Chuck Stewart

Vice President: Bruce Bernhardt

Secretary: John Kitzmiller

Common Areas: Melissa Stark

ACC: Brian Roethlisberger

Treasurer: Dante Gilmer

Assistant Treasurer: Jim Bever

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 & David Tropiano

Newsletter Editor: Chuck Stewart (**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 are held at 7:30 at 10110 Round Top Ct. Contact a Board member for more information.

Please email President@HickoryFarms.org if you plan to attend so he may fit you into the agenda.

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