



# HICKORY FARMS COMMUNITY NEWSLETTER

Spring is here!

HICKORYFARMS.ORG

P.O. BOX 2239, FAIRFAX, VA

## IN THIS ISSUE

**Hickory Farms Calendar for 2019** For Board meeting location see page 11 and please contact a Board member.

*April 09, 2019 - Board of Directors Meeting*

*May 14, 2019 - Board of Directors Meeting*

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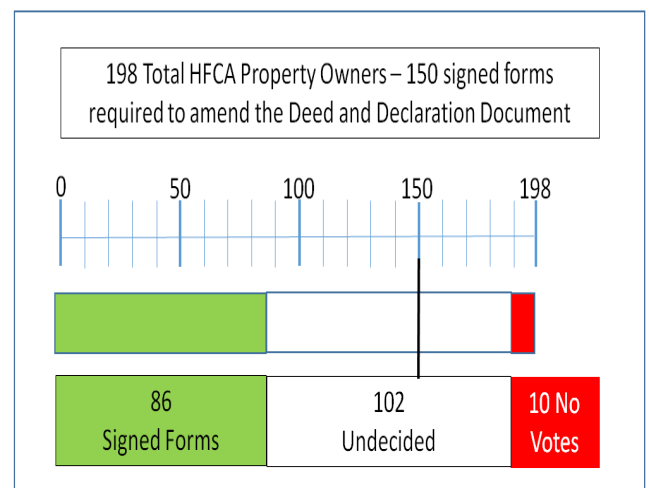
**When Vandals Strike** Vandals armed with spray paint defaced several wooden fences owned by Harvester Farm homes facing Burke Station Road in early March. An officer of the West Springfield District office of the Fairfax County Police responded promptly. He was unsure whether these images are gang-related "tags." He did note, however, that the Police Department has a no-tolerance policy that requires the affected homeowners to remove the graffiti within 15 days; they will be so notified by mail. Whether these images are found to be gang-related or not, the fact is that they detract from our community, especially during this critical home sales period when shoppers pass by this graffiti on their way to visiting a house that is for sale. It is critical that this graffiti be cleaned up as soon as possible. If you see vandalism within our neighborhood, please call the police non-emergency number at 703-691-2131. If you can't remove the graffiti yourself, please contact the Board of Directors at [hfca@HickoryFarms.org](mailto:hfca@HickoryFarms.org) for assistance.



## Deed and Declaration Amendment Status

86 signed amendment forms have been received. 10 no votes have been received. We need 150 signed forms to apply the amendments - **ONLY 64 to go!!!** Thanks for the 96 property owners who have responded so far. If you are one of the remaining 102 undecided property owners, **PLEASE** either sign and send in your Amendment Forms (see page 5 in this newsletter) or send in a NO vote to our [hfca@hickoryfarms.org](mailto:hfca@hickoryfarms.org) email address.

(For the complete article, see page 4)



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David Cortez

571-313-9550

[HM-On-Site@Hotmail.com](mailto:HM-On-Site@Hotmail.com)

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References Available

# Fairfax

## MEMORIAL



### Fairfax Memorial Park

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### Fairfax Memorial Funeral Home & Crematory

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(703) 425-9702 – [www.fmfh.com](http://www.fmfh.com)



## Student services Yellow Pages

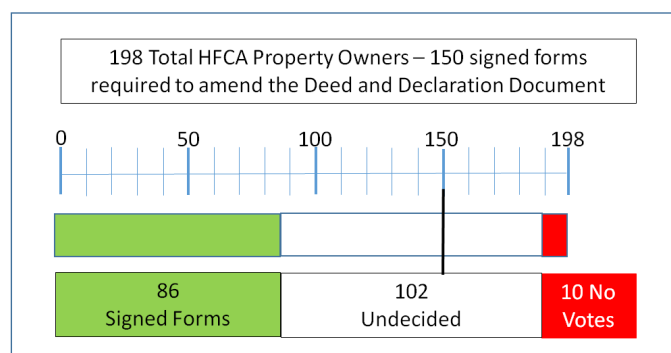
Here is the latest version of the HF Newsletter Student Yellow Pages. If you wish to offer services such as snow removal, raking leaves, lawn mowing, babysitting, general home maintenance, etc., email [kirk\\_randall@hotmail.com](mailto:kirk_randall@hotmail.com)

Bridgette Buchanan (15) 703-307-7323	Babysitting and dog sitting
Britney Mulliner (17) 571-474-7277	Babysitting (6 years experience including newborns) dog sitting.
Cody Dempster (16) (Home) 703-503-0561 (Text) 703-776-0101	Yard work (raking leaves, lawn mowing, etc.) snow shoveling, housework
Dominic Cannata (17) 703-568-9896	Lawn mowing, shoveling, cleaning, mulching, any odd job.
Dylan Mehrman (16) 478-230-5066	Lawn mowing
Erika Maaseide (16) 703 659-5321	Babysitting; has experience with Special Needs children
George Codding (13) 703-223-4101	Shovel snow
Kent Codding (17) 703-317-7319	Shovel snow
Paul Cannata (18) 786-445-5318	Lawn mowing, shoveling, cleaning, mulching, any odd job.

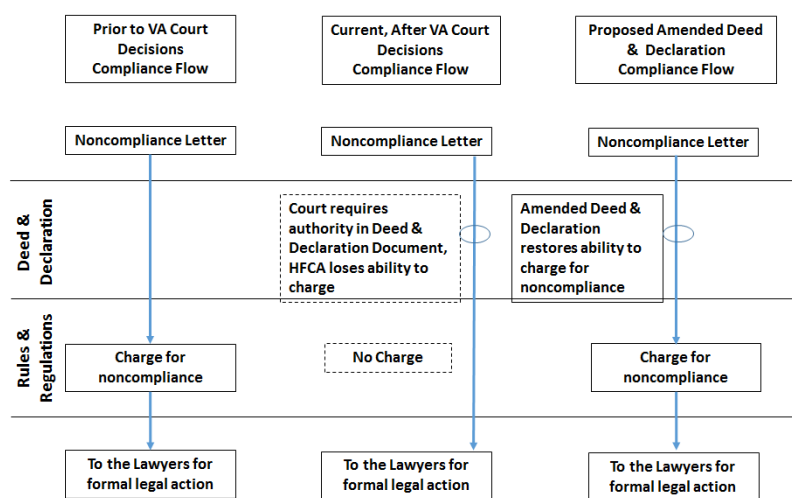


## Deed and Declaration Change Final Countdown Underway!

For the past year and a half, a proposal to amend our Deed and Declaration founding document have been circulating through our neighborhood. A change to the Deed and Declaration document requires 149 of our 198 property owners (75%), in writing to make the change. To date, 86 property owners have approved the changes by filling out the Deed and Declaration Amendment form. Also, 10 property owners have indicated that they disapprove of the changes. **Thanks to those 96 property owners for responding! 102 property owners have not provided a position** – for or against. We need to hear from the remaining 102 property owners! And **we need to hear from you NOW!**



The need for the amendments is driven by Virginia court decisions that now require an express authority in a Deed and Declaration document in order to assess charges for violations of the Homeowner Association Deed and Declaration Restrictive Covenants, Bylaws and Rules and Regulations. Our Deed and Declaration document, written in the mid-1970's, does not have that express language. From our establishment in 1975 up until the court decisions, Hickory Farms established charges for non-compliance. The charges are defined in our Rules and Regulations document. As your volunteer Board of Directors, we previously had three options to deal with non-compliant property owners. First option, interact with a property owner directly to resolve the issue. On a positive note, this option works 98 to 99% of the time! Second option, after non-response from property owner, initiate charges for non-compliance. Third option, seek legal action for non-compliance. The first option involved volunteer actions and communications with individual property owners. The second option involved notice and then application of charges to the non-compliant property owner. The third option involves legal fees that the Association would need to extend until the legal case was decided, meaning our overall expenses would increase and put upward pressure on the Annual Assessment each Hickory Farms property owner pays (currently \$200 per year). Without the Deed and Declaration amendments, we do not have option number 2. To enforce our Restrictive Covenants, Bylaws and Rules and Regulations, we would need to proceed directly from Option 1 interaction to Option 3 legal action, increase our legal expenses, which will result in higher Annual Assessment fees. The Board would like to avoid increasing the Annual Assessment fee and believes the Deed and Declaration amendments will assist in keeping the Annual Assessment as low as possible.



If you have already sent in your approval (or disapproval) **thank you!** If not, attached to this newsletter is the **Deed and Declaration Amendment Form**. Please fill it out completely at the bottom and return it to: **HFCA, P.O. Box 2239, Fairfax, Virginia 22031**. If you have any questions or if do not approve of the Deed and Declaration Amendments, please call or text me at 703-989-0751 or send an email to [hfca@hickoryfarms.org](mailto:hfca@hickoryfarms.org) noting your disapproval. We need to count every homeowner!

Please do not let this go another month for you to respond. In order to keep Hickory Farms as a great place to live, **we need your participation and response!**

Thanks!

Bruce Bernhardt

HFCA Director and Vice President

703-989-0751

**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: \_\_\_\_\_



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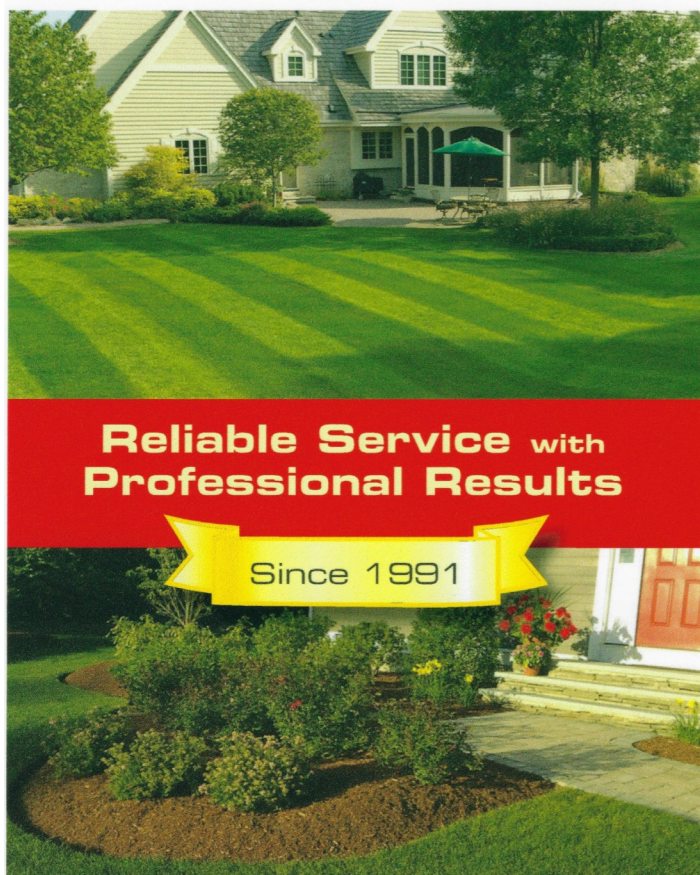


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**Are Your Window Shutters Faded?** Many homeowners had their original window shutters replaced during the siding/windows/roofing group purchase that I organized for the community in 2004. During a recent walk through the community, I noticed that some shutters are prematurely faded. Mid-America will replace faded shutters under their lifetime warranty. If you want to submit a claim, call 800-521-8486 and describe your shutter-fading problem or submit a claim at <https://csportal.boral.com/warranty-claims/?brand=mid-america>. You will need a copy of your receipt from the installation contractor (Sunshine Contracting, if you participated in the 2004 group purchase) and photographs of one or two of the faded shutters. The replacement shutters will then be shipped to your home. Raised panel shutters seem to be fading faster than the louvered shutters, so you might ask for louvered replacements. Mid-American's warranty is for the shutters only, so you will have to reinstall them yourself or hire a handyman to do the work for around \$40 or so per window. For installation, you might consider Newsletter advertisers David Cortez On-Site (571-313-9550), whom I used, and Sunshine Contracting (703-499-8654). Note: If you install them yourself, you MUST line up the peg holes on the new shutter with the old shutter. Most of the homes in our community did not come with shutters on side windows. The general rule is that if a window is visible from the street, your home looks more classy if it has shutters. So, it might be worth an extra \$100 or so to get one or two extra sets of shutters while you're dealing with the warranty claim.

If you want to replace your shutters with a different color, there is an additional charge of \$10 per pair. Also, if you want to change the style of your shutters with a different style, there is an additional charge of \$10 per pair. (Prior ACC approval required.)







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## Neighborhood Watch Schedule March 2019

Day of the Week	Date	Person 1	Person 2
Fri	Mar 1	Pete Scala	Rose Scala
Sat	Mar 2	George Rozenkranz	Bob Montgomery
Fri	Mar 8	Jim Bever	Barbara Bever
Sat	Mar 9	Bruce Bernhardt	Nancy Bernhardt
Fri	Mar 15	John Kitzmiller	

Day of the Week	Date	Person 1	Person 2
Sat	Mar 16	Ron Arnold	Charles Walters
Fri	Mar 22	Dave Dempster	Dawn Dempster
Sat	Mar 23	Brenton Mulliner	Susan Mulliner
Fri	Mar 29	David Froberg	Beverly Froberg
Sat	Mar 30	Will Lunsford	Mark Jean-Pierre

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

### 2018 HFCA Income and Expense Statement

INCOME		EXPENSES	
Annual Assessments	\$39,600	Common Areas: Maintenance	\$25,343
Assessment Late Charges	\$400	Common Areas: Improvement	\$3,084
Newsletter Advertising	\$1,332	Common Areas: Remediation	\$6,913
		Insurance	\$2,484
		Printing	\$1,442
		Legal Fees	\$502
		Taxes and Fees	\$1,386
		Social	\$1,474
		Miscellaneous	\$93
		Tax Preparation	\$275
		Postage	\$242
Total Income	\$41,332	Total Expenses	\$43,238
Net Income/(Loss)	(\$1, 906)		

Notes: 1. The above is the activity of HFCA 2018 checking account.

2. The balance of the HFCA Savings-Money capital market account as of Dec. 31, 2018 was \$40, 007.43.

A big "**Super Thanks**" to HFCA non-Board Member homeowner & Volunteer Ken Sorg for helping Dante & Kirk & Jim with the annual review!



## HFCA Board & Volunteers

### **Members & Officers**

President: Chuck Stewart

Vice President: Bruce Bernhardt

Secretary: John Kitzmiller

Common Areas: Melissa Stark

ACC: Pam Barrett

Treasurer: Jim Bever

Assistant Treasurer: Dante Gilmer

Neighborhood Watch: Debbi Buchanan

At Large: Telah Jackson & Kirk Randall

Webmaster: Bryan Crabtree

Community Yard Sale: Pete Scala

### **Valued Volunteers**

HFCA Email (Listserv): David Tropiano, Kirk Randall & Stefan Schwarz

Newsletter Editor: Chuck Stewart (**Volunteer Needed**)

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

Architectural Reviews (ACC): Pam Barrett (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

Pam: acc@hickoryfarms.org

Bryan: webmaster@hickoryfarms.org

Chuck: president@hickoryfarms.org

Jim: treasurer@hickoryfarms.org

Melissa: commonareas@hickoryfarms.org

**Board Meetings** are normally 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.

## JOIN OUR LISTSERV

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