

A GENTLE FIRST NOTICE

Sara Barry, CMCA PCAM, UNLV Certified Paralegal
Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP

Regardless of how gentle that first notice of violation is worded, owners frequently take offense as you are entering into the home. This is their last safe place to get away from this stressful world and at times, not even there.

At a meeting one month, a woman who had received our "Courtesy Notice," stated that the letters were extremely harsh and offensive. Mind you, the letter had in huge letters at the top of the page "COURTESY NOTICE" and was quite harmless in just bringing the matter to the owner's attention. Quickly thinking on my feet, I asked the Board if they would like to appoint her to head an Ad Hoc Committee to work on this "Courtesy Notice" to make it more "use" friendly. The Board quickly agreed and we informed this woman that our intent was to just kindly bring it to the owner's attention and not be intrusive or offensive. She agreed to head a committee to work on a format as she was sure she could do a much better job.

The woman gathered up a few of her neighbors and others in attendance who agreed to help her and worked diligently for a month on this gentle notice. She presented it to the Board at their next meeting and it was adopted for our use in noticing owners in the future.

Our Ad Hoc Committee Chair was so proud of her contribution to her community and started to attend the meetings. She was amazed, however, to be sitting in one of the meetings where an owner showed up to state that the "Courtesy Notices" were so harsh and offensive.

The Board was able to state that homeowners who had been advised in the past of their issues had prepared this current version of the notice to make it more user friendly and felt that they had done everything within their power to be less "offensive." Our Ad Hoc Committee Chair would actually go up to the complainer after the meeting, introduce herself and talk about her intent with the letters and most of the time defused the irate owners. This may not work all of the time, but this community was able to defuse many situations with the help of their appointment of this one purpose Committee and their valued contribution.