

9 o'clock

I was functionally illiterate until I was 15. Having struggled my way through the illiteracy I eventually became a college professor, tenured at the College of Southern Nevada. Along the way I acquire six college degrees, including 2 masters and two Ph.D.s. Now retired, I spend most of my time as an author and researcher working on humanitarian projects.

I was born two years after Adolf Hitler committed suicide. Not since the Second World War have I observed the United States ignore such a universal, inimical problem as exists in Home Owners Associations (HOA) today.

When I started working on the problems relating to Home Owners Associations it became clear to me that homeowners were suffering from a condition similar to Post Traumatic Stress Disorder, which I later referred to as HOA Syndrome, as result of longitudinal harassment by the Home Owners Associations, Management Companies, Collection Companies and HOA Law Firms.

At that time I believed the solution to the problem was simple, direct and clear: inform Home Owners Associations about what was happening to the residence in the subdivision.

Having supplied that information in my publication, *HOA Syndrome: A Two Tailed Psychiatric Disorder*, I thought the HOAs would stop their comportment. I know now that I was delusional. My expectations of these members of the human race was well beyond their moral and ethical capacity.

Over the years, I have learned that as a result of the enormous amount of profiteering connected to the HOAs, Management Companies, Collection Companies, and HOA Law Firms there was and is no way that I could get them to stop.

Speaking with the owner of Nevada's largest collection company I queered, "Would you stop doing what you are doing if you knew that you were harming people"? As if he were stoned his response was immediate and emphatic, "No". It was clear to me that it was going to require government intervention to make them cease and desist from what they were doing to homeowners. To date our government has refused to take a role in preventing the abuse and corruption in HOAs.

To ensure that I clearly understood what was taking place in HOAs, I embarked on multiple legal cases. I made sure that those legal cases were only connected to me. With those cases I have moved through mediation, arbitration, small claims court, and District Court. Soon I will be before the Supreme Court. The research afforded me the information that I am passing on to you.

I can tell you as listeners that fighting HOAs is an enormous battle. I do everything Pro Se. This means that I am my own attorney. To accomplish this I had to learn about the law in ways that I would have never imagined. (Remember, Professor Solomon is not an attorney nor does he give legal advice.) This approach creates another problem.

The courts are not designed to handle Pro Se clients; they are not very inviting nor are they interested in solving the problem. To make matters worse the courts have been informed to stay out of problems related to Home Owners Associations. In case after case the courts

have turned these matters away, not only mine, but all others, to ensure that the HOAs are not disturbed by legal matters at the enormous expense of homeowners across the country. For myself, I rely on a philosophy garnered from Ayn Rand to motivate me. (Please watch the video of the movie, The Fountainhead)

I have tried a number of approaches to get the HOAs to stop doing what they're doing to homeowners. In one of many cases I offered to manage the Association for one dollar a year. My offer was rejected. In the end a management company was paid \$30,000 plus fees and expenses to be the Association manager.

In another matter I filed four separate lawsuits in one HOA. I sent an offer to the Association stating that I would drop all my lawsuits if they would stop fining and foreclosing on the homeowners in the Home Owners Association. They sent me a letter stating that is was against the rules. This, of course, was a complete lie.

To spare the homeowners the expense of my lawsuits I dropped everything against the Association.

So why is taking legal action such a problem in Homeowners Associations. In two words: Tort reform.

As a result of tort reform HOAs have subdivisions where homeowners are locked into a living nightmare and it's only getting worse.

I've said this before and I'm going to re-emphasize my statement to you: There is no money in resolve. The HOAs, Management Companies, Collection Companies and HOA Law Firms only make money, big money, when there are problems in the subdivisions. Therefore, if there are no problems, the business of the day is: Create problems for the better good of profit making at the expense of the homeowner.

The Home Owners Association Board of Directors is the only group with the power to inflict harm on the homeowners. They authorize any action that takes place in a subdivision. As a result Management Companies, Collection Companies and HOA Law Firms encourage HOAs to go after anything and everything in the neighborhood to increase their bottom line. The end result: Enormous amounts of money flow into Management Companies, Collection Companies and HOA Law Firms as they chauffeur groups of people, who do not own property within the subdivision and could care less about what they're doing to the homeowners or the subdivision, looking for CC&R violations.

The order of the day is to inflict harm. And whenever possible foreclose, foreclose, foreclose. It is the foreclosure of homes where the big bucks are made. National firms are going after homeowners through the HOA creating and buying up liens so they can foreclose on homeowners. Management Companies, Collection Companies and HOA Law Firms make money whether they win or lose. Ultimately, it is the homeowner, the family, the innocent children, who suffer draconian consequences as a result of the corruption fostered by a government who chooses to turn their back on our most important resources.

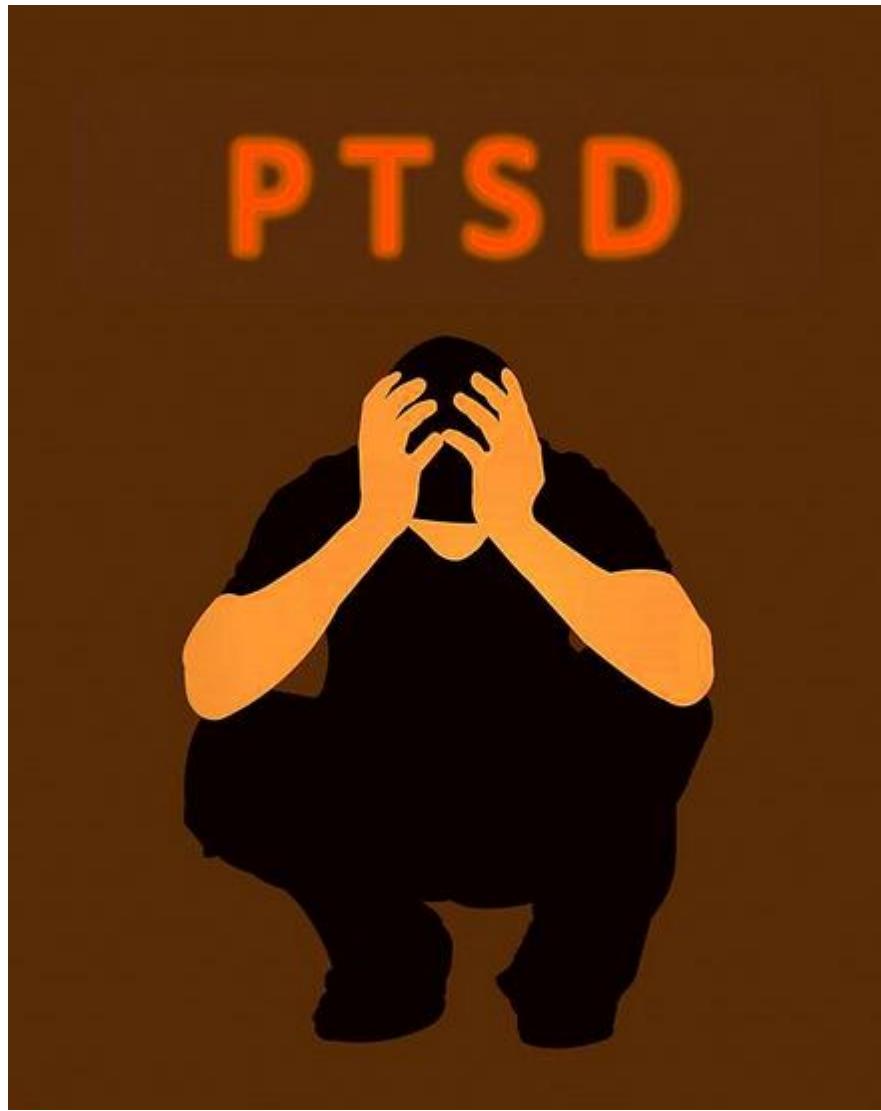
At this point I'd like you to capture some important concepts and terms that will help you keep up with what's happening in HOAs. I invite you to hear that in some cases, due to the lack of terminology, it was necessary for me to create terms and concepts to communicate with you, the listener and reader.



The root of HOA Syndrome is intentional, longitudinal and methodical harassment levied upon a homeowner. Shortly after the individual takes possession of their property, the HOA strategically begins to focus on the homeowner's minor, if not non-existent infractions.

Like ravenous parasites, these organizations feed off of fear-based harassment. The homeowner, now locked into a mortgage, feels powerless over the HOA's relentless hounding for more and more money. Summarily, the evolution of schoolyard bullying and lunch money stealing has turned into adult comportment known in the legal world as racketeering, financial exploitation, extortion, and neighborhood money pilfering.

HOW DOES HOA SYNDROME DIFFER FROM POST TRAUMATIC STRESS DISORDER (PTSD)?



Post Traumatic Stress Disorder (PTSD) has its root, in most cases, in a single event (an auto accident, a physical fight, war, rape, a death, etc.). Sometimes individuals may acquire PTSD over time from such cases as ongoing molestation, living in a violent environment (as seen in our troops returning from Iraq and Afghanistan), extended chaos from fractured, fragmented relationships, or unsafe living conditions.

Though both HOA Syndrome and PTSD have similar signs and symptoms, HOA Syndrome has longitudinal, intermittent, intentional, and financial harassment as its primary ongoing characteristics.

HOA SYNDROME: A TWO-TAILED DISEASE



In the case of most psychiatric disorders, the diagnosis is one sided. The diagnostician focuses on an individual's psychopathology to discover if the signs and symptoms meet the criteria (standard) of a specific diagnoses or diagnosis: The Mood Disordered individual, the Sleep Disordered individual, the Schizophrenic Disordered individual, etc. There are a few psychiatric disorders such as Shared Psychotic Disorder and Stockholm Syndrome where

individuals and groups are diagnosed (i.e., they, more than one individual, are suffering from presenting Syndrome psychopathology as a member of the group).

Professor Solomon has identified HOA Syndrome as having two classifications and refer to it as a two-tailed disorder. The Syndrome may have opposite psychopathological outcomes on each individual from the same source, as a result of the same disease. Simply stated: The origin of the disease can produce diametrically opposing signs and symptoms given the same psychiatric diagnosis, HOA Syndrome. The disease manifests itself with different characteristics in the perpetrator-known as the capo—and the victim. Remarkably, both are homeowners in the same HOA with the Association being at the root of HOA Syndrome.

THE PREDATOR

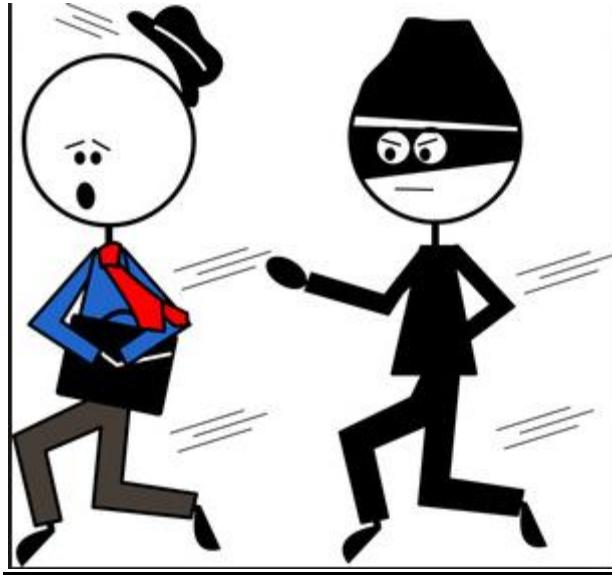


The predators, those in a position of authority (Capos) volunteer to be on the board of the HOA. The Capos gain power and an inflated sense of self. Remarkably, they hire outside agencies, at enormous cost to themselves and their neighbors, to oversee their infliction of harm-- fines and penalties.

Once in power, they impose more and more punishment on their fellow neighbors. The threat of fines, liens and foreclosure on their neighbors cause these HOA Board members to lose all touch with reality. Almost as if in a psychotic state or delusion, their actions continue, all the while knowing what they are doing to others. As time passes, some HOA Board members become sadists who stand in judgment and control of their fellow human beings. They turn their backs on those in need, especially the elderly, who are not in a position to defend or protect themselves, easy prey for the HOA. While this is taking place, private for-profit companies reap the bounty of their free HOA laborers, becoming tantamount to Nazi concentration camp Capos.

This tail of HOA Syndrome seems to spur, for some, the sadistic side of their personality. At the time of the writing of this article I have yet to uncover the origin of their sadism: Were they bullied on the school yard? Molested by their neighbors? Traumatized by a death in the family? Is there a neurological anomaly that fosters their cruel behaviors? Or, are they taking the path of their predecessors and going along with the cruelty just to be a part of a group of predators?

THE VICTIM



Having signed "The Document", the Covenants, Conditions and Restrictions (CC&Rs) the homeowners, unwittingly subordinate their constitutional rights to the HOA. The legal statutes (laws that feed the CC&Rs) are literally the hammer that repeatedly raises and pounds the entire neighborhood into submission: Both psychological and physiological ruination. Like something out of Rod Sterlings' "Twilight Zone, The Monsters are Due on Maple Street", individuals roam the neighborhoods pointing their fingers at each other searching for the transgressions of their neighbors. "They have a weed"! "Look at the color of their door"! "There, see? They have a brown spot in the lawn"! And on and on and on. As time passes, some homeowners, residing in these HOA communities, become stricken, individually and collectively with HOA Syndrome. After a while they begin to go after those neighbors whom they do not like. Each home exists like an island in the middle of a separate country, no longer functioning as a community. Desperate and despondent, the homeowners have acquired so

much pathology that the collective nihilism (hopelessness) is visually apparent. Malignant apathy runs rampant throughout the neighborhood.

TERMS AND CONCEPTS

From a psychiatric point of view, how is HOA Syndrome manifested? Because this is a newly identified psychiatric disorder it is important for the reader to capture an understanding of some terminology used in this research article.

BARBED WIRE SICKNESS



An overwhelming sense of futility and meaninglessness of existence; involuntary confinement, sadness and depression.

BULLYING

What is Bullying?



Bullying is when someone keeps doing or saying things to have power over another person.

Much of what takes place in HOAs meets the standard for bullying. Whether the bullying is against a young person or an elderly person, this bulling has a tremendous psychological affect on those who are in HOAs. It is a great surprise that while bullying has become a national concern; the bullying continues to be an increasing problem in HOAs.

CONSPIRACY



An agreement between two or more parties to deprive a third party--or group--of their legal rights with the goal of deceiving them in order to obtain an illegal objective.

CAPO (KAP-O)

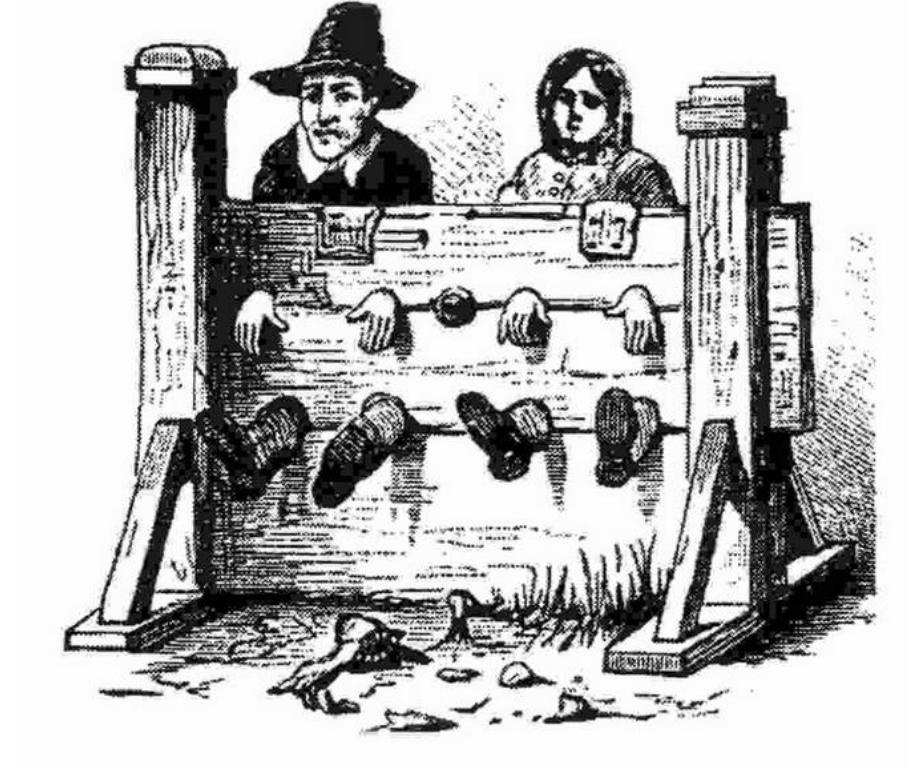


A position of authority occupied by a fellow homeowner--a HOA Board member. Capos--concentration prisoners themselves--who for extra food, better housing and less manual work, would carry out and commit horrible atrocities against their fellow inmates at the instructions of their immediate Nazi SS supervisors. They more often than not treated other inmates--homeowners--with extreme harshness, brutality and cruelty.



Covenants, Conditions and Restrictions (CC&Rs) are applied to homeowners who live in areas that have a Home Owner's Association (HOA). The CC&Rs set forth particular rules that must be followed by the purchaser/homeowner. Failure to comply with the CC&Rs can result in warnings, fines and legal action against the homeowner, including foreclosure. An agreement to purchase in a HOA community is assessed as an agreement to follow all CC&Rs and give up individual rights.

DRACONIAN LAW



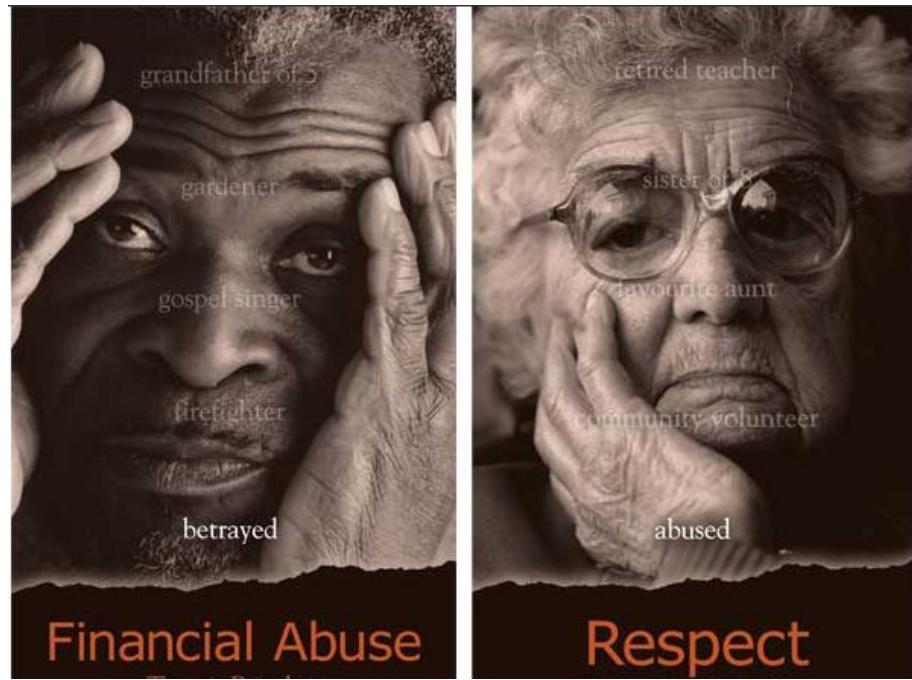
Draconian Law or their applicator is considered to be of excessively harsh and severe disproportion to the reality of the infraction: Steal a piece of bread lose a finger; steal a loaf bread lose your life. This approach is both authoritarian and tyrannical, an extreme and severe form of repression and relentless cruelty. Members of the Board of Directors of the HOA inflict these Draconian judgments on their fellow homeowners. As time passes the severity of the infliction of pain on the homeowner increases as the Board member gets more and more pleasure from his or her actions.

GHETTO



An Urban area, in this case, defined as a HOA community because of social, legal or economic pressure exerted on members of the community by the HOA Board and Management Companies.

ELDER ABUSE



A single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person(s).

Elder abuse continues to be an a going problem in HOAs. Elders are an easy target for HOAs to go after. Elders are easy money for HOAs as elders have a very difficult time defending themselves and at the same time are enormously embarrassed that they cannot take care of themselves.

Having once built their lives to get the home where they now reside, HOAs, Management Companies, Collection Companies, and HOA Law Firms work to target elders in their own homes, inducing enormous stress; both physical and psychological. It is my hope that you have listened to the section on science and are aware of what's happening when stress is inflicted on the body. Elder abuse is also referred to as: "elder mistreatment," "senior abuse," "abuse in later life," "abuse of older adults," "abuse of older women," and "abuse of older men."

GHOST LAWYERING



With this concept law firms are prompting members on the Board with legal direction and advice. These Board members then parrot that information in meetings as an attempt to appear knowledgeable in the field of HOA law. Ultimately the goal is to scare and intimidate.

While ghost lawyering is against the law, to my knowledge, there has never been a case against a law firm for ghost lawyering.

HOSPICE NEIGHBORHOOD



Neighborhoods where sick and elderly people reside. As is often the case one partner dies before the other, leaving the other to fend for themselves as they move closer to the end of their life.

INTERMITTENT EPISODIC REMISSION



Moments in time (minutes, hours, days, weeks, etc.), where an individual is free of existing psychophysiological pathology; unpredictable periods where pathology is not evident or recognizable.

LIEN



A legal claim or a "hold" on some type of property, whether personal or real, making it collateral against monies or services owed to another person or entity. Any property that carries a lien can be forced into sale by the lender or HOA, in order to collect what is owed or

claimed to be owed. If the borrower decides to sell the property, the lien holder must be paid before the title will be cleared for transfer to a buyer.

MALICE AFORETHOUGHT



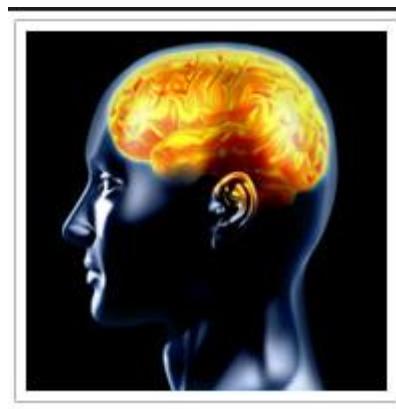
An intention to commit an act (or omission) and a "high degree of probability" that such an act or omission will result in the death or serious injury of another person in the form of money, or physical or emotional harm.

MULTIGENERATIONAL EQUITY THEFT



I'm going to turn this area over to Professor Solomon so he can give you a diagrammatic presentation of Multigenerational Equity Theft (see video).

PSYCHOPHYSIOLOGICAL



A mind-body illness; any stress-related physical illness.

RACKETEERING



An organized conspiracy to commit extortion; an enterprise that has committed any two of 35 crimes--27 federal crimes and 8 state crimes--within a 10 year period.

SUPER PRIORITY LIEN

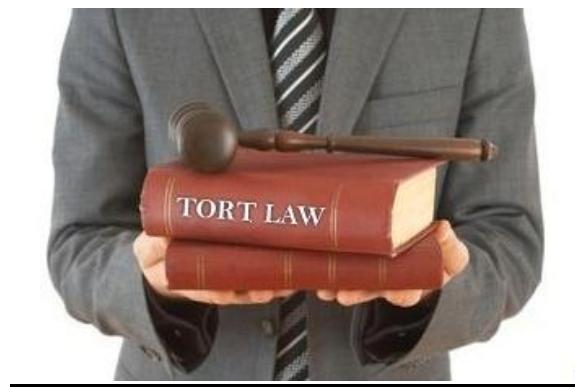


A type of lien available only to HOAs. Unlike any other, this liens usurp all other lien laws. This means that if you have a mortgage on your property, a first, a second, etc., the Super

Priority Lien stands in front of those mortgages or other liens. If the property is foreclosed on it wipes out all the other mortgages.

Upon the foreclosure the homeowner loses their property to the HOA, but is still responsible for the unpaid mortgage(s).

TORT



Intentional wrongs against a person: Assault, battery, false imprisonment, HOA Syndrome, infliction of emotional distress, and physical harm.

UNJUST ENRICHMENT



Enrichment at the expense of another where an obligation to make restitution arises, regardless of liability or wrongdoing.

VICARIOUS LAWYERING BY PROXY



This is a process used by lawyers to generate more and more money. Professor Solomon has been involved in a number of these cases. When a homeowner moves out of a HOA community, but still has legal issues and problems, the former homeowner may still take action to regain and recoup whatever funds they believe they have lost.

HOA Law Firms steps in and defend those cases. No matter what happens with respect to legal fees the Association is charged for those cases. In one case Professor Solomon sued for \$100. The legal bill to the Association is currently in excess of \$15,000 and growing, as the case

is still pending. Ultimately, the law firm charges the HOA for that legal bill rather than issue a check for \$100. Additionally, the attorneys made sure Professor Solomon was not allowed to enter into Small Claims Court; always arguing that HOAs, whether or not they go through mediation, are not allowed into Small Claims Court. This forces the case into District Court. The purpose, legal fees, more and more legal fees. So the concept of vicarious lawyering by proxy means that they are using someone else outside of the Association to produce legal fees that are charged to the Association. It is unlikely that the Association knows what's going on.

In my opinion, Homeowner Associations, Management Companies, Collection Companies, and HOA Law Firms are at the root of a new form of child abuse. As a result of the actions of the few, children are abused as a result of the HOAs, Management Companies, Collection Companies, and HOA Law Firms.

These groups inflicted enormous amount of stress on the children through their parents and guardians; the people who own the property. As the property owner's become stressed the children live in that stressed environment.

History tells us that once these children grow up and move into adulthood they're going to have great resentment over what they have been through. I believe these former HOA children, soon to be adults, are going to retaliate in droves.

It is more than disturbing to me that there have been no tracking systems set up, locally or nationally, to find out where these families are going once their homes are foreclosed upon or they've left the neighborhood due to HOA Syndrome.

The enormous psychological and physical stress on these families takes them down a road that will ultimately come back to haunt Homeowner Associations, Management Companies, Collection Companies, and HOA Law Firms. Our Federal Government must step in and disband the HOAs, Management Companies, Collection Companies, and HOA Law Firms before it is too late.

If there are any problems in the Association and the homeowner wants to confront those problems, the HOA Board of Directors, Management Companies, Collection Companies and HOA Law Firms will always parrot, "You knew what you were getting into before you bought a home in this HOA community".

I would argue that this is absolutely not true. The documents which I've included will show you that the CC&RS are voluminous and overwhelming in nature, written by lawyers with the intent to confuse.

If you attempt to get clarification before you buy you are directed to hire an attorney. If you want to get clarification after the fact your directed to hire an attorney.

The listener and reader should understand that HOAs exist outside the confines of Constitutional Law, a legal provision provided by our own US government. As Home Owners Associations have turned into ghettos and private villages, they operate by another set of rules and regulations created for and by the HOA to keep their homeowners in line, provide money, lots of money for the Management Companies, Collection Companies and HOA lawyers.

Although I cannot prove the following statement, it is my belief that the reason the government has not stopped the HOA, Management Companies, Collection Companies, and HOA Law Firms is because of the enormous amount of double taxation revenue flowing into the system that goes into the pockets of the government.

Why homeowner Associations? Should the government take over these organizations? If they did our government would have to justify the absence of Constitutional Law in HOAs.

As this HOA crisis gets worse and the matter of foreclosures increase across the country, I believe banks will stop loaning to developers of HOA subdivisions. It's coming soon; these HOA developers and HOAs are making arrangements to open private lending institutions to circumvent this inevitable problem.

Buyers who continue to believe that they will be safe in the subdivisions will then be forced to use lending institutions owned and operated by HOAs. These institutions will garner more and more control, institute more fees and charges and cause more problems for homeowners.

Increased discrimination will prevail and homeowners will be at the mercy of the HOA and lending institutions to be able to buy or sell their property.

To truly understand what has happened and what you have been listening to requires you to suspend your disbelief. To see things as they are, rather than you want them to be, is very difficult. It is one thing to suspend one's disbelief for an hour and 45 minutes while

watching movies such as Star Wars or Jurassic Park and get caught up in thinking the story is actually true. It's quite another to look at the reality in which you live and see it for what it is.

Though the CC&Rs contain statements that the "rules and regulations are reasonable", I believe there is nothing reasonable about them. Statutes and CC&Rs make reference to specific laws that govern the HOA. The reality is there's no one around to enforce those laws. You may not go to the court system, or State Bar or to the Ombudsman's Office, unless you're given permission.

In the Clark County, Nevada, there is one office for over 2 million homeowners. This has been created, by design, so that problems cannot be handled. While the Management Companies, Collection Companies and HOA Law Firms have armies to support what they're doing to the homeowner, the homeowner has virtually no support to help them resolve the problems.

In my work, in this entire book, I have avoided using names of individuals whom I've dealt with. Whom I believe are corrupt and have acted unconscionably. I'm going to break my own rule.

Her name is Lindsay Lucas. She is a Property Manager. Listen to the message that is left by Lindsay Lucas. (Listen to the video) Her actions cost this homeowner 1.2 million dollars by illegally restricting her from obtaining information needed to purchase a HOA property.

Here are a few thoughts regarding how I take care of matters in HOAs . As I have said throughout this sight, I cannot give you legal advice, but I can tell you what I have done and what I have found to be successful in fighting the corruption in HOAs.

I send all letters by mail certified. I go to my local post office, gather a stack of certified mail cards and fill them out so they are ready when needed. This extra 5 minutes will help me trace every document and communication with the HOA.

When I issue checks to the HOA I always note in the memorandum section, "Paid Under Protest". This was one of the first lessons I learned when I finally was heard by the judge. Though the judge ultimately denied hearing the case because it was a HOA forcing me into arbitration, he did state, "Why did you pay it anyway"? I learned a lesson. By paying under protest I have stated that I didn't want to pay, but felt that I had no choice.

I always follow up every payment by checking to make sure that the check is cashed. It's now a common practice to target homeowners by not cashing the homeowners checks. More and more management companies are claiming that they did not receive the check. This puts the homeowner in default, starting the process of adding on late fees and charges. As the homeowner gets angry the matter gets worse. More and more homeowners in the country have lost their home to this process.

If I am fined I always pay that fine. After I pay the fine I file the necessary documents for mediation to get that money back from the HOA. It is unfortunate that as a result of this comportment the HOAs, Management Companies, Collection Companies and HOA lawyers that

they make money, whether they are right or wrong. The goal is always--"there is no money in resolve".

Whenever possible I file injunctions. It is only through the injunctive process that I am allowed to go to court. Under those circumstances the judge can make a decision forcing the HOA, Management Company, Collection Company and HOA lawyer to cease and desist their actions.

Unfortunately, as a homeowner, you will pay HOA legal fees and you will pay your own attorney fees. So, in essence, you are paying to sue yourself.

Throughout this section of the book I hope I have provided you with enough incentive to do the following: **Don't buy a home in a HOA.** Don't put your family at risk. Don't put your children at risk. Do not allow yourself to live under the stress and pain that comes with living in a Home Owners Association.