



# No Escape from the HOA

How Your Law Firm May Have to (unfortunately) Deal  
with Homeowners Associations

APRIL 1, 2023

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# ADMIRALTY LAW!



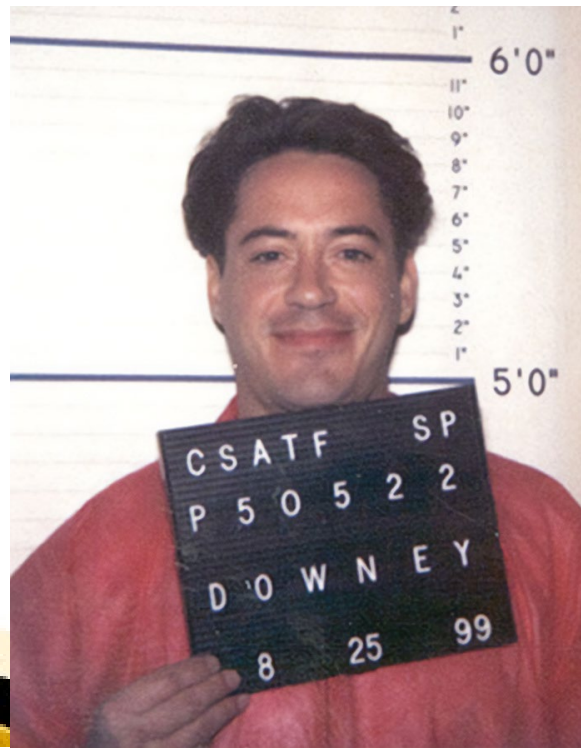
# Bankruptcy

- HOAs **SHOULD NOT** contact a debtor in bankruptcy directly about their debt
- Liens are important!
- If assessments increase, file for an increase in assessment



# Criminal Law

- Call the Police!
- 50-C No Contact Orders



# Family Law

- Make sure to address who pays the HOA dues
- Make sure that the addresses are updated with the HOA



# IMMIGRATION LAW

- Make sure that the addresses are updated with the HOA
- Cultural Issues



# LITIGATION

- ▶ **Who wins? Probably not the HOA.**
- ▶ **Set realistic expectations**



# Real Estate

- ▶ **Verify assessments (duh)**
- ▶ **Transfer Fees?**
- ▶ **Three year statute of limitations on HOA liens**





# *C Invs. 2, LLC v. Auger*

- ▶ **Marketable Title Act – 30 Years**
- ▶ **How does this impact older communities?**



# Trademark/Copyright

- ▶ **Some HOA names are trademarked - check before using**
- ▶ **Some HOAs try to use trademarked names, which causes problems – don't name your HOA after the country club down the street**



An aerial photograph of a residential neighborhood, showing houses, streets, and trees, all overlaid with a semi-transparent blue filter. The image is used as a background for the text.

# QUESTIONS?

**BAGWELL HOLT SMITH P.A.**

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Michael Ganley is a partner at Bagwell Holt Smith P.A. in Chapel Hill, and lead's the firm's full-service, comprehensive community association practice, representing homeowners associations, townhome associations and condominium associations throughout North and South Carolina. Mr. Ganley resolves disputes with vendors, collects delinquent assessments, mediates conflicts among homeowners, amends covenants and by-laws, and litigates matters on behalf of HOAs.

Mr. Ganley is active in the Real Estate Section of the North Carolina Bar Association and the South Carolina Community Association Law Committee and has served on the board of directors for regional non-profit organizations.

A native of Syracuse, New York, Mr. Ganley obtained his undergraduate degree in Political Science, with minors in Psychology and Religious Studies, from Niagara University, and obtained his law degree from Campbell University in 2009. Mr. Ganley is licensed to practice law in both North Carolina and South Carolina.