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# Free train ride lands three in court

Three 20-somethings from out of state were arrested in Ettrick for trespassing on Aug. 20 after they were caught hitching a ride on a CSX Transportation cargo train carrying grain. Aaron A. Boone, 22, of North Carolina, Emily C. Cross, 21, of Tennessee, and Mary A. Loesch, 22, of Ohio, are scheduled to appear in Chesterfield General District Court on Oct. 4 to answer for the misdemeanor charge against each of them. According to police, it appeared the threesome had been traveling on the train for some time.

In other crime reports:  
**Burge Avenue.** Someone stole a 2006 Kenworth dump truck loaded with tires and a 2002

## CRIME WATCH

Ford pickup in the 8900 block on Aug. 23. **Cricklewood Place.** An unlocked 1998 Pontiac was stolen on Aug. 21 from the 6000 block in the South Pointe Landing Apartments when the key was left in the ignition. **Gladstone Glen Place.** The suspect was observed standing at the window of his residence in the 1200 block masturbating at 6:15 p.m. on Aug. 23. Arden W. Searles III, 23, was arrested for indecent exposure later that day. **Midlothian Turnpike.** The armed suspect entered the Catherine Plus store in the 10800 block at 10:50 p.m. on Aug. 23 and demanded money from the clerks, who were unable to open the cash register. He escorted them to the rear office where they opened the safe. He

took the money and ordered them to lie on the floor as he made his getaway. **Old Bermuda Road.** The victim got out of her vehicle at 10:25 p.m. on Aug. 23 to open the gate to her residence in the 2300 block when the armed suspects drove up. They ordered her to lie down on the ground and took her purse before driving off. **Willis Road.** A locked GMC Yukon was stolen from a fenced lot in the 1700 block on Aug. 19, but was later recovered in a nearby hotel parking lot. A side window had been broken out to gain entrance, and the suspect(s) then punched the steering column to drive away. Several items were stolen from the inside of the SUV.

## Circulation now over 49,000 for Chesterfield Observer

This week, the Chesterfield Observer is increasing its circulation to 49,514, an increase of over 4,000. The newspaper has the third largest weekly circulation in Virginia behind two northern Virginia weeklies and ahead of Style Weekly (40,242, according to this year's Virginia Press Association listing), which is ranked fourth statewide.

Most of the Chesterfield Observer's circulation is sent bulk mail to 39,064 homes

and businesses in the county, an increase of 3,463. The remaining copies are available free at numerous pick up locations (see page 19) countywide, including libraries, post offices and many retail locations. The newspaper also has a Web site at [www.ChesterfieldObserver.com](http://www.ChesterfieldObserver.com).

Because its weekday Chesterfield circulation is greater than the Richmond daily newspaper and its ad rates are much lower, the

Chesterfield Observer was given the county commitment to carry legal notices earlier this year. According to the daily paper's Web site, its Monday-Friday circulation was 35,791 in March 2006.

The Chesterfield Observer's independent audit during the spring of 2006 reported a circulation of 45,068 with 35,601 mailed. An audit for 2007 is currently underway.

from ASSOCIATIONS, page 1

guidelines to follow, often relegating some services previously provided by state or local governments to community associations run by volunteers. Those obligations are taken on by homeowners at their real estate closings, though few realize what they're getting into until they actually read the legal documents when there's an issue with cutting a tree or painting their house.

"County governments are mandating community governments be established during the zoning approval process," said Brad Brady, senior vice president of Associa, the parent company of Community Group, which manages 270 associations in Virginia. "Counties are redirecting the cost of [some] municipal services and financial responsibility to these associations of homeowners. They weren't at the bargaining table [during rezoning], and the counties should bear some responsibility - including financial - about how these associations cope with their problems."

According to Assistant County Attorney Rob Robinson, Chesterfield does not mandate that every new neighborhood have a community association, but the county code does require one when "there is to be commonly held property or open space." Most of today's communities have open space - even if it just surrounds the road sign at the community's front door. Open space also includes playgrounds, trails, pools and other recreational facilities.

"No one has data on how many community associations there are in Chesterfield, the Richmond metro or around the state," said Lucia Anna Trigiani, attorney for Troutman Sanders in McLean, Va., who represents the Community Association Institute (CAI), a national trade group. "Virtually every [residential] development now being built in the commonwealth requires an association."

Community and condo associations are a growth industry, years ago spawning the CAI with legal representation and lobbying power, local CAIs, and local association management groups. The CAI showed its clout in 2001 when it persuaded state government to change the Property Owners Act so that members of the association were unable to learn salaries of paid staff without approval from an association's board of directors. But most associations are not large enough to afford paid staff and instead use volunteers or hire a community management group.



Page Dowdy/Chesterfield Observer

**This rental property** is being sued by the Brandermill Community Association for not keeping the yard free of debris and maintaining the home's exterior.

As association liaison, Schrier fields calls and e-mails from frustrated and angry homeowners daily. Many of the complaints involve responsibilities of the board of directors and developers; enforcement of covenants for homes, sheds, fences and oversized vehicles like boats; open space; and rental properties.

She said association boards have to provide notice of meetings and can go into closed session only for legal reasons provided by law. Two months ago, an Ashley Woods homeowner near Monacan High School sued her community association's board for allegedly holding illegal meetings. Catherine Hundley wants the Chesterfield Circuit Court to "interpret" Ashley Woods' applicable laws and bylaws and have the association pay her legal fees and court costs.

Generally, board members cannot be sued personally, but Schrier cautioned that if a board's actions are malicious and random, there can be individual, legal consequences. Boards do have the fiduciary responsibility to enforce rules and covenants "even if they haven't been for awhile. The association has a lot of power if it uses it properly," Schrier explained.

Some of the citizens at last week's meeting told their stories dispassionately, but many others had fervor. She cautioned property owners from withholding assessments in a dispute. Last year, Donald M. Banks in the Newberry Towne Association sued for up to \$100,000 when his condo flooded due to alleged drainage problems. When the association didn't address the flooding, he retaliated by not paying his assessments. In response, the association took away his two assigned parking spaces and denied him access to Newberry's recreational facilities.

Some disgruntled members give up their disputes over time, not wanting to risk a lawsuit against an association that uses community funds for legal expenses.

But sometimes it's the community association that comes after the property owner. Late last month, the Brandermill Community Association (BCA) sued seven of its property owners for not maintaining their properties. The community of 3,700 homes takes in about \$2 million a year and has a staff of 25 full- and part-time employees, two of whom monitor covenant enforcement. A panel of residents review covenant enforcement actions before the elected board approves legal action - a rarely-used option, but one supported by many in the community, if deemed necessary. The BCA sued for outstanding assessments (including fines), late fees, attorney's fees and court costs.

Two of the Brandermill properties are rental units. Charles and Rebecca Hite are accused of not keeping the yard clean and using a blue tarp to cover the roof of their rental property in Crosstimbers Terrace. The roof was damaged four years ago in Hurricane Isabel. Eastern Equities Management Corp. in Norfolk is also accused of not maintaining the yard of its Fox Chase Road property. The house there allegedly has mold, rotted wood, needs painting or staining, and has Isabel damage.

The other five defendants - Richard and Darlene Swed (roof repairs on Spring Gate Court); Earl and Elizabeth Jessup (mold removal and painting on Fox Chase Drive); George and Glenda Hill (yard maintenance and damage siding on Cradle Hill Court); Michael Bowen and L. W. Johnson (rotting wood and driveway restoration on Fortunes Ridge); and Salina Michens Shaw (mold and rotting wood on Northwich Road) - live in their homes.

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Map showing location at Midlothian Turnpike, Courthouse Rd, and Henric Rd.