

**Establishing  
the  
New America**

*of independent HOA principalities*

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*George K. Staropoli*





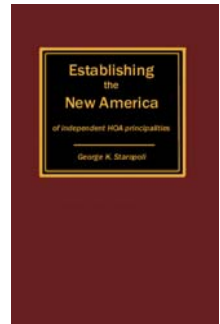
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## **Establishing the New America Of independent HOA principalities**

*Thank you George for everything that you do for so many people — Florida State Representative Julio Robaina*

*"I feel comfortable saying that George's points and writing have evolved but he has never compromised the message. I encourage everyone to take a look at his website [pvtgov.org](http://pvtgov.org) and look at his collection of books, especially his latest masterpiece "Establishing the New America." — Donie Vanitzian, author of the West Group treatise, *California Common Interest Development – Homeowner's Guide*.*



*"Kudos to George Staropoli for doggedly following the trends in this rapidly changing world of controlled living and using every venue available to report on his observations. His latest book contains a collection of those essays" — Shu Bartholomew, host and producer of the cable and internet cast radio talk show about HOAs, On The Commons <http://www.onthecommons.us>.*

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## Preface

Bill Moyers wrote about history and journalism (*Moyers On Democracy*, Bill Moyers, Doubleday, 2008), saying that “*Bad history can have consequences as devastating as bad journalism. . . . history is also what people think, and wish and imagine.*” He asked, “*What happens if the vivid representation of particular characters and people impress on the mind not ‘general truths’ but persistent lies*”?

First, let me say that I’m not a lawyer, and this is not a book on the law although it draws heavily on the political and legal systems. This little volume consists of a selection of my writings, mainly my Commentaries on my HOA Local Government web page, and from my numerous emails over the past eight years. During that time I was actively involved as an advocate for homeowners living in planned communities – HOAs or condos – in an attempt to clarify history and to inform the public, the media, the various state legislatures, and anyone who would listen.

My involvement has been primarily in two areas: constitutional reforms, and justice for homeowners living in these authoritarian regimes “sanctioned” by their state legislatures. Materials and incidents reflecting the fact that homebuyers are not told the whole truth about the loss of their rights and protections are provided in support of my arguments. When homeowners took possession of their restricted deeds, believing that the HOA was just like a social club, or part of this country under the laws of the land, the courts held them bound to the HOA-land constitution, the CC&Rs. Any onerous provisions were not given too much thought, because the buyers

believed that the laws would protect them or would not allow such onerous provisions. After all, the HOA takes care of everything, and this is America, the land of the free and of individual rights.

Without the protections of a bill of rights, homeowners live under the suffrage of their board. All usually goes fairly well until the homeowner disagrees with the board, or offends the “powers that be”, whereupon he quickly discovers that he has very, very little legal protections. And those that he still retains, requires digging into his own pocketbook to get the HOA to obey the laws, because the state doesn’t care. This could be within months, within a year or after 5 – 10 years. Your government considers it to be a private contractual matter – just between the parties without any affect on the interests of the public in general, or on public policy.

The chapters and topics need not be read in sequence. The reader is free to follow his own interests and concerns. The Commentaries are documented and supported by materials from case law, legal authorities and the writings and statements of the parties involved. The opinions are mine.

Further information can be found on my websites:

<http://pvtgov.org> -- Constitutional Local Government  
<http://pvtgov.wordpress.com> -- my Commentaries  
<http://azhoaoah.wordpress.com> -- Arizona OAH cases  
<http://YouTube.com/hoagov> -- HOA videos

George K. Staropoli, President  
Citizens for Constitutional Local Government, Inc.  
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## About the Author

George K. Staropoli has appeared before and made presentations to several state legislative committees, as well as has having submitted homeowner rights issues to the media and the public. His opinions and views have appeared in the national media: *Kiplinger's Personal Finance* magazine, *CNN/MoneyOnline* and in the *New York Times*, *L.A. Times*, *Palm Beach Post*, as well as on local TV news and in the *Arizona Capitol Times*.



Mr. Staropoli has been quoted in *Private Neighborhoods and the Transformation of Local Government (2005)*, AARP Policy Institute *Homeowners Bill of Rights* proposal (2006), and acknowledged in the Thomson – West legal treatise, *California Developments – Homeowner's Guide (2006)*.

His StarMan Publishing, LLC produced a 42 minute DVD, *Somewhere Over the Rainbow (2004)*, of the Arizona Legislative session documenting the loss of homestead protections and the right of the HOA to foreclose, and a 2 volume, 4 disk DVD series, *Homeowner Rights Advocacy 2006 (2006)*, documenting homeowner rights advocates at legislative sessions in Arizona and Texas. HOA videos produced and edited by his StarMan Publishing organization may be viewed on the YouTube [HOAGOV Channel](#).