

THE NATIONAL HOMEOWNERS ADVOCATE GROUP, LLC and THE TEXAS HOMEOWNER'S ADVOCATE GROUP

THE WHITE HOUSE RESPONSE TO MY LETTER

Harvella Jones - President, The National Homeowners Advocate Group, LLC
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By Harvella Jones – President

The National Homeowners Advocate Group

I sent it via certified mail directly to President Barack Obama at the White House, Washington, DC. Following is the copyrighted copy of the letter I sent in February to the President of the United States, Barack Obama:

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February 23, 2009

Certified Mail RR# 7006 3450 0000 8885 4545

President Barack Obama

The White House

1600 Pennsylvania Ave NW
Washington, DC 20500

Dear Honorable President Barack Obama:

First of all, congratulations on becoming our 44th President. You were sent by God. Thank you for wanting to serve the people of this great country.

This letter means so much to me and I didn't know how to express myself at first because I have been trying since 1990 to get someone's attention regarding homeowner association foreclosures, which are a bit different from the ones you may be familiar with..

Now that your attention is focused on foreclosures, there is something you need to know about how some of these people started on the road to losing their home as not all of these foreclosures started with the primary

lien holder, especially in Texas, California, Arizona and Florida..

A group of attorneys, members of an organization called the CAI which stands for The Community Association Institute (<http://www.caidc.org/>) organized a cottage industry that started about the same time in four core states—Texas, Florida, California and Arizona. This cottage industry involves the ability of a homeowner association to foreclose on the lien they place on your homestead if you do not pay the maintenance fees. It is a debt that falls under the jurisdiction of the Federal Trade Commission and the Fair Debt Collection Act but the FTC has turned its back on regulating this industry which includes the homeowner associations, management companies and the law firms that extort money from the homeowners, flipping titles and all sorts of unethical debt collecting practices. These entitles actually throw homeowners into a downward plunge into subsequent bankruptcies and second-lien foreclosures which oftentimes trigger the foreclosure by the primary lien holder which are the foreclosures you are currently interested in. The industry is not going to bring this abuse into the light. .

This foreclosure racket is slowly creeping across the country. In my opinion, the industry does not want to actually take possession of your home; they just want to extort huge sums of money from you in the form of attorney fees and fines. I actually lost my homestead in 1995 in Kingwood, Texas, so I know for a fact you can lose your house if you don't pay your maintenance fees, even if you are current with your primary lien holder mortgage payment as we were. It does not matter if you are having a dispute over improper amounts being assessed such as in my case; the association is always going to win as the law is on their side.

In Texas, we have Homestead protection under Article XVI, Section 50 of the Texas Constitution, but in 1987, there was a case law entitled Inwood vs. Harris 736 S.W. 2d 633 (Tex. 1987) that created "contractual liens" and placed them on property before closing, in which the liens "ran with the land"; thereby, stealing our ability to protect our homes from HOA foreclosures at closing. The developers of the land have a higher lien right than the homeowner at closing. When we try to fight this in court, the CAI attorneys characterize it as we "knowingly agreed to be a member of the HOA and to pay these fees and form this contract." The truth is we have to sign the closing documents or we cannot buy our homes, most of which are in HOA territory. We are told about the maintenance fees, but not told if they are not paid, our homeowner association can foreclose the lien. We are not told we have no homestead protection, even though the Texas Constitution does not list homeowner association maintenance fee foreclosures as an exception.

Throughout the states where these foreclosures are prolific, the core argument is homeowners knowingly formed "contracts". In Texas, the case law Inwood vs. Harris is very clear that these are "contractual liens" and not vendor liens, which would be acceptable by the Texas Constitution. Only three judges affirmed the foreclosures in Inwood and there was heavy objection by two dissenting judges—Justices Mauzy and Gonzales who were properly protecting the Constitution and explaining that maintenance fees are a regular debt and have no more higher authority than a car payment or any other debt. A non-foreclosable lien placed on your property for non payment is sufficient.

HOA (Homeowner Associations), Management Companies and attorneys have used this "loophole" to extort money from homeowners. Some of the tactics they use are returning maintenance fee payments to the homeowner if the money does not include attorney fees and/or fines assessed; or they will accept the payments but apply them first to attorney fees and fines, leaving the maintenance fees unpaid so they can later foreclose on the homeowner or at least threaten to do so if need be. Every band aid law that has been created, the industry has found a way to work around it.

The meetings of the HOA's are not well attended, often there is not a quorum, however, it is the perfect feeding ground for the board to create rules and regulations to further constrict the enjoyment of property in the community.

Texas has the added problem of being legislated by a senator who owns more management companies than anyone else in the country and creates laws supposedly for the benefit of homeowners when in fact they benefit his management companies as every law he has supported and/or written has a loophole that benefits his management companies and the HOA's they work for. His name is Senator John Carona.

<http://www.ahrc.se/new/index.php/src/news/sub/article/action/ShowMedia/id/3680>

I am requesting and recommending that this Senator be thoroughly investigated as his power spreads across this country and what is going on with these homeowner associations is second only to the savings and loan scandal in the 80's, unfortunately most of which started in Texas

Advocates in this state and elsewhere have done everything we can to return our homes to what our forefathers intended and that is that we not be put out of our homes for nonpayment of debts. Placing a lien on your home for nonpayment of the maintenance fees is sufficient...to foreclose is punitive and against our Constitution.

We can no longer address this problem alone. Homeowners do not have the money or the power to stop it in their individual states. We need you to step in, President Obama. You are our only hope. I missed my

opportunity when you were running for office to discuss this with you at dinner when your campaign committee had set up a few dinner slots with your campaign workers. I have so many emails most of the time, I occasionally miss important emails and I missed yours; by the time I saw it, the opportunity had come and gone.

I hope to be able to meet with you or your designated staff member to work on this chronic situation. We need oversight created for homeowner associations as some of them handle millions and millions of our dollars but they are not held accountable for anything. Homeowners have no where to go to file a complaint. If we go to court, we generally lose as we represent ourselves (and you know what they say about someone who represents him or herself) and if we are lucky enough to get an attorney who will take our case, we must pay in the neighborhood of \$5,000 to \$10,000 to get representation. Since we are usually talking about maintenance fees under \$500.00, it does not seem practical to throw thousands of dollars at the issue. Occasionally, a monied person will come along and file a lawsuit in which a couple of things will come out of it that helps the masses.

It is time for this industry to be regulated by the Federal government. Since you are working on the issue of foreclosure at this time, what better time than to set up regulations.

Did you know that the homeowner associations are "mandatory" at closing? This should be changed to "voluntary" as we are the United States with decision rights. We have choices.

Homeowner's have the right to have their attorney fees paid if they prevail in a lawsuit. One of the reasons why it is so difficult for a homeowner to get representation is because we cannot pay our attorneys and if we win, it is questionable if the loser (HOA) will be ordered to pay the homeowner's attorney fees.

Homeowners across the country, especially in Texas, California, Florida and Arizona, must have places where they can report problems with their HOA's without having to file a lawsuit or pay out thousands of dollars wrongfully to keep from being foreclosed. Generally there are district attorneys already in place or Justice of the Peace courts in place that can handle these types of complaints and bring in revenue for the county.

On behalf of the homeowners in Texas, I have written a letter to the Federal Trade Commission regarding the practice these debt collectors have of returning the money to homeowners for more money, applying the money to attorney fees and fines first and failing and refusing to submit an accounting of the debt when the homeowner ask for it. These violations should be enforced by the Federal Trade Commission but currently the FTC is not protecting consumers in this area of property rights. It is not sufficient that each individual state is left to create and regulate its own laws in regard to our homes as it pleases.

Other advocates in various other states feel as though you will not do anything to help us and do not care about us. I feel differently and that is why I am writing this letter. You have already shown more interest in what happens to homeowners than has been shown in the past eight (8) years. We knew that former President Bush cared nothing about our property rights. I believe you deserve a chance to prove you do. If you are not asked to help, how can you know help is needed?

It would be a great injustice to work on the foreclosure issue you are currently working on and eliminate this part of the foreclosure issue. Since some legislators are land owners, they are not going to bring this subject up.

Many homeowners have no idea that they can lose their home to a neighborhood association if they do not pay their maintenance fees. Most of them think they are protected by their Constitution. Advocates in all of the core states have fought for years to bring our homestead protection back to us without any luck. It will take intervention at the Federal level.

There is no place for homeowners to go. Whatever we do results in nothing. We have no one to help us. Every where we go for help is corrupt—the courts, the legislators and various State and Federal agencies. Everything is tainted. Homeowners have no power.

CAI (Community Association Institute) advocates have put fear into the hearts of legislators in ways unknown to me. These CAI attorneys have covered up their abuse with verbiage about property values going down if they cannot foreclose and the need for "some" foreclosures and to keep their foreclosure hammer. My family and I were the victim of "some" foreclosures. Even though we were right in our dispute regarding the unauthorized increase of maintenance fees, the fact Texas's HOA's can foreclose, we lost our homestead. These types of foreclosures are generally not for the good of the community but for lining the pockets of management companies, attorneys, HOA's and other special interest groups. These foreclosures are also used to cleanse the neighborhood of what they consider to be undesirables which include minorities, senior citizens, Hispanics and Vietnamese.

Property rights are a neglected part of the government and advocates across the country are hoping and praying that now is our time as well.

This is not just a Texas problem or a California problem and so forth, this is a national problem. President Obama, you were prayed into office and we need you to help us in this matter. All of us want legislators who are ethical and who abide by the Constitution they vowed to protect and preserve. It is not convenient to take the Constitution down off the shelf and dust it off when it is self serving but to protect the rights (including property rights) of all persons.

Please advise if I may meet with you to discuss this further or since you are now President of the United States, how does one get this type of problem on the drawing board? I remain,

Respectfully submitted,

Harvella Jones

(Mrs.) Harvella Jones

President

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The green card that was returned to me showed the White House received the mail on April 9, 2009—not a bad delivery time to the White House. Nice going, Post Office.

Not being familiar with what was going to happen with this type of mailing, I waited for what I thought would be a standard thank you for writing, now go play in the traffic type response. Instead I got what appeared to be a real answer put together by a real person with a small window of opportunity to actually meet with the President one day regarding this matter.

Am I now in the real files of the President or just another person added to the FBI list—only time will tell? At any rate, the above letter is in the White House somewhere in someone's file and the seed of truth has finally been planted in history so that one day it will be watered, fed and sprouting with the truth of what happened to our property and Constitutional rights.

If we are blessed by God, one day there will actually be a meeting at the White House while President Obama is there and I will be invited to sit down with other individuals and groups who believe in 100% full property and Constitutional rights with no exceptions. I certainly can dream--can't I?

Below is the response I received from The White House Office of Appointments and Scheduling—bon appetite:

The response:

White House Scheduling Request

Friday, April 24, 2009 5:24 PM

From:

"FN-WHO-Scheduling" <.....*email address removed*>

To:

harvellajones@yahoo.com

Dear Mrs. Jones,

Thank you for contacting the White House to request a meeting with President Obama. The President values each and every opportunity he has to meet with individuals who are committed to improving their communities and our country as a whole. Unfortunately, the constraints of his schedule and the volume of inquiries are such that the majority cannot be accommodated. It is with sincere regret that we must decline your request for a meeting.

We appreciate you submitting your thoughts on homeowner association foreclosures. The constraints of the President's schedule and the volume of submissions are such that President Obama is unable to personally read each policy proposal or meet with all of the individuals who send them. However, each submission is read and considered by members of the White House staff. Occasionally, individuals or groups will be invited by the White House to share their ideas in further detail. Please note that you will be contacted only in this event, and the volume of inquiries is such that the majority cannot be accommodated. We do encourage you to contact your congressperson for further discussion on this topic.

As a community organizer, candidate, and now as President, Barack Obama has maintained a deep faith in the power of grassroots activism and engagement in the political process. We thank you for your interest in arranging a meeting with the President, and for your correspondence. We appreciate your understanding.

Sincerely,

The White House Office of Appointments and Scheduling

End of White House Response to my letter...

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One of my father's favorite movies was *The Bridge on the River Kwai*. They use to run it quite a bit on television but I have not seen it in a while. At any rate, it was about building a bridge, but someone wanted to blow it apart so they planted dynamite charges strategically around the bridge. When the charges went off, there was no sign of damage but as Alec Guinness, I believe it was him, confidently sat on the banks of the river smoking a cigarette, while the other workers panicked, the bridge began to fall until it was completely destroyed. I probably recited that incorrectly; however, the main point is while the letter I wrote and the response I got may seem trite, small and useless, I counter with another little story that started in 1990, when my advocacy work began and no one knew about the case law *Inwood vs. Harris* that started the homeowner association foreclosure cottage industry in 1987, until two people, my husband and I, planted a seed of information that was watered, fed and sprouted and now when I go to Austin to testify, I can barely do so for the crowd. Do not overlook the seed.

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Harvella Jones – harvellajones@yahoo.com

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