

February 14, 2018

RE: Proponent for HB 2629

To: Kansas Local Government Chair and Committee Members

From: Nila Ridings

History: Owner in an HOA and one of the original homeowners involved with the creation of the *Kansas Uniform Common Interest Owners Bill of Rights Act*. Spent the past ten years involved in three different breach of contract lawsuits with my HOA. Advocate For HOA change on a state and national level. Tens of thousands of hours of research resulting in speaking, writing, and educating home/condo owners/buyers, and attorneys regarding HOA issues, corruption, and abuse for the past five years.

1. The need for HB 2629: Kansas stands out nationally as one of the states with the most abusive HOAs. Examples: The Wichita case where a condo owner was beaten with a crow bar resulting in massive amounts of time in county, state, and federal court. The Olathe case where hundreds of thousands of dollars were spent on litigation over landscaping with a small wall, which also occupied county and state courts. The Overland Park HOA where I live has been involved in countless lawsuits. Lytle vs Quivira Falls resulted in the HOA being found guilty on all counts of the lawsuit, including a KCPA violation. My first lawsuit was to access records after discovering \$10M (yes, million) was and still is unaccounted for. The president died shortly after I filed the lawsuit. His successor lied to the judge and committed perjury stating there were no records and was later caught shredding records. She was also self-dealing HOA projects through her decorating and publishing businesses. My second and third lawsuits were precipitated by massive damage to the interior of my townhouse due to failed/no maintenance on the exterior. Second case settled with a non-disclosure placed on me. Third case has continued for four years. We settled in mediation and the HOA later decided they changed their mind about the terms and conditions. They've engaged with four different attorneys. We've had four trial dates. Six months ago the judge denied my counter claims. Awarded summary judgment for the HOA to foreclose and take my mortgage-free property when the HOA has breached their CC&Rs! Once again, my only recourse was to withhold the dues and hire an attorney. I recently learned the judge and his wife have extensive HOA board involvement in their own HOA. Additionally, the same property manager is working with their HOA and named as witnesses for the board of my HOA. Tomorrow, I have a hearing with the chief judge on a motion to remove the current judge because none of this has been disclosed to me by the judge himself; violations of the Kansas Judicial Codes of Conduct. The legal expenses have wiped out my retirement and will force me into bankruptcy. If the HOA is allowed to foreclose and take my home, I will be homeless, too. I have stress related diseases including loss of all the pigment in my skin (Vitiligo) and had cancer less than one year ago.
2. Homeowners severely struggle to absorb the cost of these legal battles against their HOAs. It is difficult to find an attorney to defend the homeowners because they know from the start the HOA has more financial resources and access to the legal teams of their insurance companies. It's nothing more than financial suicide for the homeowner that litigates in hopes of finding justice. The HOA attorneys know this and I believe they use the courts as weapons of mass destruction against the homeowners.

3. It is imperative for the consumer protection division of the Kansas Attorney General's office to become involved so the 'cash cow' that is feeding the HOA attorneys and destroying the homeowners can be annihilated. It will not only benefit home and condo owners and taxpayers, but the real estate industry. I'm being told by Realtors in Kansas and across America more and more buyers are demanding non-HOA properties. It is nothing more than propaganda that HOAs 'protect' property values.
4. **Few people realize the massive risks involved when a buyer purchases in an HOA! They are signing away their Constitutional Rights. They are becoming business partners with all of their neighbors in a non-profit corporation. And they are becoming the GUARANTOR FOR PAYMENT ON ALL DEBTS, LOANS, LAWSUITS, SETTLEMENTS, LIABILITIES, CONSTRUCTION DEFECTS AND DISASTER REBUILDS FOR THE ENTIRE HOA.**
5. Our legislators will benefit all Kansans when they remove these massive powers from the corrupt and abusive fiefdoms known as homeowners associations. Across America Kansas gained a great deal of respect when the *Kansas Uniform Common Interest Owners Bill of Rights Act* was passed. Please lead the way once again by passing HB 2629.

Thank you for the opportunity to present this written testimony. Your commitment to public service is greatly appreciated.

Respectfully,

Nila Ridings
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