

INDIANA BUILDER NEWS

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Congressman Dan Burton to address IBA Board of Directors on August 25

The Indiana Builders Association's board of directors will convene for a Board and committee session on Tuesday, August 25, 2009 at the Ritz Charles in Carmel, on the north side of Indianapolis. The Board meeting will begin at 4 pm with Congressman Dan Burton addressing the group.



Burton

Burton is currently serving his 14th term as a United States Representative from Indiana's 5th Congressional District. The 5th District lies in the heart of central Indiana and includes all of Tipton, Grant, Miami, Wabash, Huntington, Hamilton, and Hancock counties, as well as parts of Marion, Shelby, Howard and Johnson counties.

When Congressman Burton assumed the Chairmanship of the House Committee on Oversight & Government Reform in the 105th Congress, he became the first Hoosier Republican to Chair a full House Committee in more than 60 years. The last was Congressman William Robert Wood, who chaired the Committee on Appropriations during the 71st Congress (1929-1931). Congressman Burton currently serves as a Ranking Member of the House Foreign Affairs Subcommittee on IBA Board (see page 2 & 4)

IBA Home Energy Conservation Program accepting applications for auditors and contractors - Apply on-line at www.IBAEnergy.org -

The Indiana Builders Association is continuing preparations to accomplish its part of the Home Energy Conservation Program funded by ARRA in Indiana. IBA is building a database of auditors and contractors and we encourage interested companies and individuals to submit a formal application.

The website, www.IBAEnergy.org, includes details about the program and the ability to complete a formal application on-line. A link to the Energy Program website is also available on the home page of www.BuildIndiana.org.

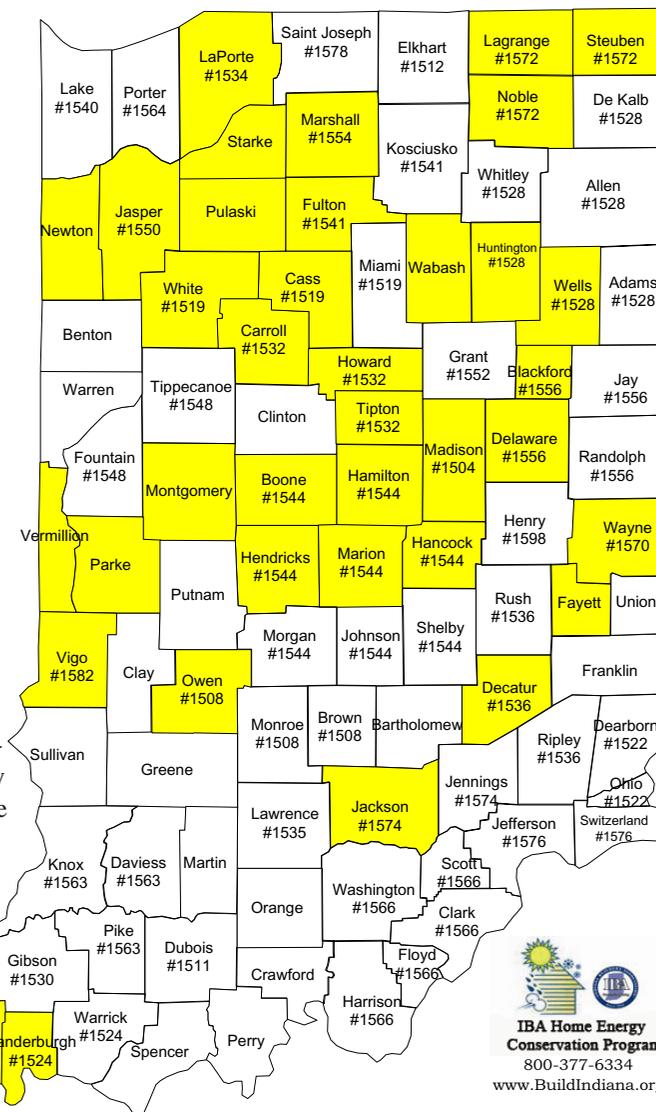
IBA's work encompasses the 37 counties identified in yellow on the map. "We have more than 3,000 homes to weatherize in those counties, thus the opportunity for audit and contractor work is significant," comments Mike Hannigan, Jr., Program Administrator. "The scheduling goals for completion of the projects are aggressive. We encourage your application to participate."

The Home Energy Conservation Program is designed to maximize the efficiency of homes particularly through stopping infiltration, insulating attics, installing sidewall insulation, installing hot water heaters, furnace tune-ups, and repairing or replacing combustion appliances.

IBA intends to engage independent auditors and contractors from across the state to complete work on approximately 3,334 low-income homes. All contracts awarded will be funded in whole by the American Recovery and Reinvestment Act of 2009 (ARRA). The IBA has an allocation of \$20,725,963.50 to weatherize 3,334 homes. All contracts are subject to the prevailing wage provisions of the Davis-Bacon Act.

Additional information about the program, including training requirements, is available on the home page of www.BuildIndiana.org and on IHCD's website, <http://www.in.gov/ihcda/2523.htm>.

If you have any questions, please contact Mike Hannigan, Jr., Program Administrator, at (800)377-6334, ext. 202.



Register now for the 2010 NAHB Builders Show - Book now and receive hotel accommodations low price guarantee-

Registration for the 2010 International Builders Show and Nextbuild[®] to be held in Las Vegas, NV on January 19-22 is available at www.BuildersShow.com. The Indiana Builders Association room blocks have been assigned to two hotels, Paris and Caesars Palace.

NAHB has secured some great rates at most of the Las Vegas hotels! But for many properties, these rates will only be guaranteed if you register for the Show and book your room before August 31, 2009. All of the Las Vegas



hotels in NAHB's hotel block will be offering rooms for \$44 to \$199 a night! Rates at Paris will be \$80 during the week and \$120 on the weekend. Rates at Caesars Palace are \$96 during the

week and \$144 on the weekend. These great rates are limited and available online at www.BuildersShow.com. The rates are only guaranteed for the month of August - and only a limited number of low rate rooms are available at each hotel - so register immediately.

Hotel rates are subject to change after August 31, 2009. These rates are only guaranteed if you provide your name, dates and credit card information by August 31, 2009. This year NAHB Convention (see page 7)

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Work your membership and watch your membership work for you

Summer is in full swing and I hope everyone in this association is working together to be part of Indiana's economic recovery.

High unemployment and faulty appraisal practices are continuing to slow the housing recovery. NAHB has been working hard all year to address these issues with Congress. It seems that climate change, new taxes, and health care reform are more important than Fixing Housing First which would get millions of people back to work.

The value of your membership has never been more important than it is now. If you are not already helping this industry by participating in the VOTERVOICE program, please sign up today. A link is available on the home page of IBA's website, www.BuildIndiana.org. It's easy and effective. You CAN make a difference in these times when it seems the world is going crazy.

Over the past few years, IBA has been building its technology network. I encourage all of you to make sure you are in the loop.

IBA's website, www.BuildIndiana.org is your association's communication link.

IBA Board (from page 1)

the Middle East and South Asia. Also, he is a Senior Member on the Oversight and Government Reform Committee.

Burton, an Indianapolis native, received the Honorary Degree of Doctor of Humanities from Capitol University of Integrative Medicine. As a proud veteran of our Armed Forces, he served in the U.S. Army and the U.S. Army Reserves from 1957 to 1962.

Before his election to Congress, Burton held office in the Indiana State Senate from 1969-70 and 1981-82, as well as in the Indiana House of Representatives from 1967-68 and 1977-80. The Burton family resides in Indianapolis, Indiana.

Several committees will meet prior to the board meeting and all members are invited to attend the meetings of their choice. See the list on page 4.

All members are invited to join IBA leaders for lunch from 11:30 am to 12:30 pm at the Charleston's Restaurant, 14636 US Highway 31, Carmel, IN 46032. Meal prices are in the \$9-\$20 range.

All meetings will take place at the Ritz Charles, 12156 N. Meridian Street, Carmel, IN 46032. The Ritz Charles is located north of Indianapolis.

Members do not need to make reservations for the board meeting as there will not be a meal function. Attendance will be taken at the door for IBA records.

The Hampton Inn Indianapolis North (12197 N. Meridian Street, Carmel, IN 46032) and the Hilton Garden Inn Indianapolis/Carmel (13090 Pennsylvania, Carmel, IN 46032) are both across the street from the Ritz Charles. Reservations for the Hampton Inn may be made at www.hamptoncarmel.com or by calling 1-800-HAMPTON. Reservations for the Hilton Garden Inn may be made at www.indianapolisicarmel.gardeninn.com or by calling 317-581-9400.

Questions? Call IBA at (800)377-6334.



President's Message

By Dennis Spidel,
GMB, CGB, CGR, CGP
Spidel Custom Homes and
The Lakeshore Design Center,
Angola
President,
Indiana Builders Association

Staff works very hard to keep this site new, fresh and informative.

This year, several issues of the Indiana Builders News, the official publication of the Indiana Builders Association, have been published on this site only rather than in hard copy paper form. This format allows you access to the publication, including all of the past three years issues, anytime. We can help you link up, save this site to your favorites and make it so easy for you to be a part of the network.

I love the fact that I can pull up an issue from months or even years past and access the information when I need it. Almost every local builders association within Indiana also has a website. I urge you to visit

those. You can access them through the IBA website, www.BuildIndiana.org by going to Consumers, Find a Local. Take time to browse them. You will be amazed what you will find in these individual association sites.

I would like to personally thank **Calvin Bolt**, a builder from the BA of Kosciusko-Fulton counties. Calvin gave a thoroughly researched and informative presentation on CO alarms. After his speech, the mandatory use of these devices was removed from the new residential building code. It is estimated that their use would add an additional \$1,000 to a new home. Good work Calvin!

Thanks to President **Jerry Breek** and all of the members at the Madison County HBA for the opportunity to speak to their association on current state and national issues. Madison County is one of our central Indiana associations that are showing a slight gain in their membership. Executive Officer **Donna Jacobsen** is doing a good job keeping the group informed, active and growing.

Work your membership and watch your membership work for you. You will not be disappointed.



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The importance of political action

The Indiana Builders Association's mission is to educate its members, the general public, elected officials and regulatory bodies to maintain and develop workable and affordable regulations and laws that enable the citizens of Indiana to own a home.

That mission is carried out each and every day by the Board of Directors, your leadership team, and the IBA staff to make Indiana an attractive place to build a home and for consumers to buy a home.

Belonging to the builders association gets you into the federation of the local, state and national organizations. Your local association handles all sorts of activities ranging from governmental affairs to educational programs and home showcases. Your national association has a top-notch lobbying team in Washington, DC fighting daily on your behalf for affordable housing.

Your state association is primarily focused on protecting and promoting affordable housing in the Indiana General Assembly and with Indiana's regulatory bodies. The issues are complex and many, and even though the industry is down, the issues do not go away. On the regulatory front, we are deeply immersed in Indiana's code adoption process for the 2009 Residential Code. Our team of members and staff are going through the code book line by line to protect your ability to create the American dream of homeownership.

On the legislative front, the last session of the General Assembly had numerous issues of interest to the home building industry, including proposals that would have implemented school impact fees, changed the delay of reassessment of subdivided lots to one year, water nuisances, and various bills on homeowners association regulations. IBA also shepherded through a bill that made the property tax deduction on model homes apply to the 2008 payable 2009 tax bills.



Inside the Issue
By Rick Wajda
Chief Executive Officer
Indiana Builders Association

Our daily legislative and regulatory grind is accentuated by a strong political action program known as the Association to Build a Better Indiana (ABBI), IBA's political action committee. Please see page 5 for the updated PAC report for our Indiana local

associations' participation in the Association to Build a Better Indiana.

These funds are used to support your State Senators and Representatives (if they are pro-housing). These funds are used for you and others in your local association to attend your state candidates' political events.

ABBI is one of the reasons Indiana has unique housing laws and the reason that we have one of the highest percentages of homeownership in the country. These things don't happen by accident!

I understand the downturn in the industry has tightened the belt of local associations and its members; however, this program is critical to the continued success of our legislative and regulatory efforts to elect

a pro-housing General Assembly and state-wide elected officials.

Your Board of Directors has set a goal of \$20 per member per year to fund our activities. Please feel free to contribute any amount you see fit as it is a small price to pay for keeping your industry alive and poised for a comeback when the economy improves. Contributions can be mailed to: ABBI, 101 W. Ohio St., Suite 1111, Indianapolis, IN 46204. Please note which local association you belong to so we can attribute the funds accordingly.

Thank you for your membership to this great association and for your part in keeping housing affordable in the state of Indiana.

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Those performing remediation now have something to lien on

Written by: Matthew Voors, attorney with Frost Brown Todd, LLP.

As those in the construction industry know, the Indiana Mechanic's Lien Statute ("Statute") was enacted to provide contractors, subcontractors, materialmen and laborers an avenue to secure payment for work they perform on a property. Usually, the work provided or materials supplied are identifiable because the contractor or material supplier can point to an improvement or repair on the property resulting from the work or materials. Unfortunately, not all work that may be performed on a property is so easily categorized. While the Statute provides a general guideline to determine whether the work is properly lienable, the application of the Statute to any given work is for the court to decide.

In *Midwest Biohazard Services LLC v. Hugh H. Rodgers and The Hugh C. Rodgers Trust*, No. 41A05-0805-CV-290, the Indiana Court of Appeals addressed the issue of whether a contractor hired to dispose of biohazardous waste in a home was entitled to assert a mechanic's lien under the Statute. On October 5, 2001, Hugh C. Rodgers



Voors

("Rodgers Sr.") conveyed his home and property to The Hugh C. Rodgers Trust ("Trust"), but continued to live in the home. Sometime in 2007, Rodgers Sr. died at his home; however, his body was not discovered for several days. Between Rodgers Sr.'s death and the time his body was discovered, his body began to decompose, allowing fluids to escape from the body and soak through and penetrate the carpet and subfloor and down into the basement. The decomposition of the body also caused contaminants to be absorbed in materials throughout the home.

After Rodgers Sr.'s body was discovered, Hugh H. Rodgers ("Rodgers Jr.") contacted John Ward from Midwest Biohazard Services, LLC ("Midwest Biohazard") and asked for an estimate to remediate and dispose of biohazardous waste from the decomposition of Rodgers Sr.'s body. Midwest Biohazard prepared an estimate for services, including removal of carpet and pad in the affected areas of the home and cleaning and disinfecting the ceiling, walls, and floors throughout the home, including the basement. Midwest Biohazard submitted a quote to Rodgers Jr. to perform the work, estimating the remediation work would total \$13,500.

On September 21, 2007, Rodgers Jr. and

Midwest Biohazard entered into a contract for Midwest Biohazard to perform the work. A few days after Midwest Biohazard began performing decontamination services, Rodgers Jr. notified Midwest Biohazard that he would not pay for the work it performed. As a result of Rodgers Jr.'s failure to pay Midwest Biohazard for the services it performed, Midwest Biohazard filed a Notice of Intention to Hold Mechanic's Lien with the Johnson County Recorder's Office.

On December 19, 2007, Midwest Biohazard filed a Complaint to foreclose on its mechanic's lien. In response, Rodgers Jr. and the Trust filed a Motion to Dismiss, arguing that Midwest Biohazard was not entitled to assert a mechanic's lien for the work it performed on the home. On April 23, 2008, the trial court granted Rodgers Jr.'s Motion to Dismiss and dismissed Midwest Biohazard's claim to foreclose on its mechanic's lien. Midwest Biohazard appealed.

On appeal, the Indiana Court of Appeals agreed with Midwest Biohazard and determined that its mechanic's lien was valid. In reaching its decision, the Court of Appeals looked at the Statute to determine whether the type of work Midwest Biohazard performed was the type of work entitled to protection under the Statute. Specifically, the Court observed that the Statute allows a contractor to assert a mechanic's lien on the property where the work was performed or material supplied up to the value of the work and/or materials.

The Court noted that while courts must strictly construe mechanic's liens when evaluating the scope of the lien and those entitled to claim a right to assert a mechanic's lien, the Statute must be liberally interpreted once the claimant meets this burden. The Court reasoned that such a policy is neces-

sary to effectuate the intent of the Statute's underlying policy - to prevent an owner from enjoying the fruits of the labor and materials furnished by others without recompense.

Under this statutory framework, the Court of Appeals found that Midwest Biohazard was a contractor performing labor under the Statute and that it performed the type of work expressly contemplated by the Statute. The Court observed that while the word "repair" was not defined in the Statute, it has been defined by Webster's Dictionary as "to restore to a sound healthy state." The Court held that under this definition, Midwest Biohazard clearly falls within the scope of the Statute's protection, as Midwest Biohazard was restoring the home to its original condition. The Court of Appeals also noted that such an outcome was consistent with the intent of the Statute in that the work Midwest Biohazard performed no doubt increased the value of the home because a buyer would be willing to pay more for a house that was free from biohazard contaminants than for the same home in a contaminated state.

While those contractors involved in remediation services may not be the type one usually thinks of when asserting a mechanic's lien, the Court of Appeals' decision in *Midwest Biohazard* clearly identifies them as among those entitled to protection. It is important to note that while the facts of the case relate to residential construction, its application could extend to other types of projects. Based on the Court's reasoning, the Statute's protection could extend not only to those performing remediation (such as mold and radon) in residential homes, but also to those performing remediation (such as hazardous material and soil and groundwater contamination) in large commercial projects.



IBA BOARD & COMMITTEE MEETINGS

August 25, 2009
Ritz Charles

12156 N. Meridian Street, Carmel, IN 46032

Time	Committee	Room
8:30 - 9:30 am	Senior Officers	Carmel B
9:30 - 11:30 am	Executive Committee	Carmel B
11:30 - 12:30 pm	Lunch with IBA leaders & colleagues at Charleston's Restaurant, 14636 US Highway 31, Carmel, IN 46032	
12:30 - 1:30 pm	Rural On-site Wastewater Sub. Finance Committee Local Presidents & Area Vice Presidents	Carmel C Carmel A Carmel B
1:30 - 2:30 pm	Housing Protection Fund Board Green Building Committee	Carmel B Carmel C
1:30 - 3:30 pm	Joint Meeting of the Local Executive Officers', Membership, & Associates'	Carmel D
2:30 - 3:30 pm	Remodelers' Land Use Committee	Carmel A Carmel B
2:30 - 4:00 pm	Codes Committee	Carmel C
3:30 - 4:00 pm	Executive Committee	Carmel B
4:00 - 6:00 pm	Board of Directors'	Carmel E

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Indiana Builder News to publish five issues online only

The Indiana Builders Association will continue to publish the Indiana Builder News monthly, keeping members abreast of the latest housing information available. In 2009, IBA will publish hard copies of seven issues and publish five issues only online. The issues to be published online only include April, June, July, September and November.

In 2007, IBA began publishing issues on their website, www.BuildIndiana.org. Since then, all issues remain available on the website for easy, convenient access for members.

"I appreciate being able to refer back to articles in specific issues as I need them," said Dennis Spidel, GMB, CGB CGR, President of the IBA. "Online access allows me to have the information at my fingertips immediately."

For two years, IBA has been allowing members the opportunity to opt out of the printed version of the newspaper and access it strictly online. "Several members have chosen to no longer receive the printed version," continues Spidel. "As our industry and the world goes green, it is a natural

progression for people to utilize the internet for information."

If you would like to opt out of all printed issues or if you do not have internet access and would like a copy printed on paper and mailed to you of the online only issues, please call IBA at (800)377-6334.

Association to Build a Better Indiana Goals and Contributions

(As of July 20, 2009)

2009	2009 Actual	2009 Goal	Members	Chairperson	Local Association	2008
100%	2160	2160	108	Cheryl Blair	East Central Indiana	100%
100%	2540	2540	127	Fred Kreigh, GMB, CGB	Northeast Indiana	100%
46%	720	1560	78	Larry Mosier, CGP	LaPorte County	113%
8%	660	8060	403	B. Sodo, GMB, CGB	Northwest Indiana	58%
0%		1840	92	Mark Rosenberger	Dearborn County	100%
0%		3320	166	Tom Schroering	Dubois County	106%
0%		8660	433	Doug Miller, CGB, CGP, CAPS, GMB	Elkhart County	103%
0%		8420	421	Orrin Sessions	Fort Wayne	103%
0%		480	24	Jerry Elpers	Gibson County	0%
0%		340	17	Greg Bowers	Grant County	0%
0%		380	19	Stephen Robinson, GMB, CGB, CGR, CAPS, GMR, CGP	Henry County	0%
0%		2880	144	Lynn Harrison	Howard County	113%
0%		21620	1081	Curtis Rector	Greater Indianapolis	73%
0%		640	32	Brian Brock	Jackson-Jennings Counties	0%
0%		780	39	Eric Maple	Jasper County	0%
0%		4280	214	Doug Harvey, CGB, CGR, CAPS	Kosciusko-Fulton Counties	103%
0%		4140	207	Pat Foley	Greater Lafayette	61%
0%		700	35	Joseph Jennings	Lawrence County	101%
0%		500	25	Jim Stuart	Madison County	0%
0%		920	46	Jason Large	Marshall County	100%
0%		2580	129	Tracee Lutes	Monroe County	100%
0%		380	19	Joey Martin, CGA, CGP, CAPS	North Central Indiana	100%
0%		5100	255	Ben Houser	Porter County	102%
0%		400	20	Bill Webster	River Valley	0%
0%		4580	229	David Eckrich, Jr	St. Joseph Valley	106%
0%		300	15	Kenny Pfeiffer	Southeastern Indiana	0%
0%		6660	333	Kenneth Smith	Southern Indiana	36%
0%		7740	387	Carl Shepherd	Southwestern Indiana	81%
0%		5560	278	Rick Jenkins	Greater Terre Haute	2%
0%		1340	67	Ross Montgomery	Vincennes Area	47%
0%		1180	59	Joe Elstro	Wayne County	0%
6%	6,080	110,040	5,502		Indiana	74%

Model home deduction

In response to IBA's successful lobbying efforts in the Indiana General Assembly this year, the Indiana Department of Local Government Finance has released a memorandum and form for builders to fill out to claim a property tax deduction for the 2008 payable 2009 tax year for a model/spec home.

Visit IBA's website to download the application at <http://www.buildindiana.org/>

[pdf/ModelHomeActApplication.pdf](http://www.buildindiana.org/pdf/ModelHomeActApplication.pdf).

A memo with additional details is available on-line at http://www.in.gov/dlgf/files/090528_-_Rushenberg_Memo_-_Model_Residence_Deduction_for_the_2008_Assessment_Date.pdf.

The form is also available on-line at http://www.in.gov/dlgf/files/State_Form_53947.pdf.



APPLICATION FOR MODEL RESIDENCE DEDUCTION FOR 2008 ASSESSMENT DATE
State Form 53947 (5-09)
Prescribed by the Department of Local Government Finance pursuant to IC 6-1.1-12.6-2.1

YEAR _____
File Mark

*INSTRUCTIONS: 1. To be filed in person or by mail with the County Auditor of the county where the property is located.
FILING DATE: Must be filed by December 31, 2010.
2. See reverse side for additional instructions and qualifications.*

APPLICANT INFORMATION		
Name of applicant		Telephone number ()
Business address (number and street, city, state, and ZIP code)		
PROPERTY INFORMATION		
Address of model residence (number and street, city, state, and ZIP code)		
Legal description	Key number	Assessed value of structure
As of March 1, 2008, was the property: <input type="checkbox"/> Partially completed <input type="checkbox"/> Fully completed		Was structure still a model residence on January 1, 2009? <input type="checkbox"/> Yes <input type="checkbox"/> No
Is the property located in an allocation area as defined by IC 6-1.1-21.2-3? <input type="checkbox"/> Yes <input type="checkbox"/> No		Are there other deductions applied to this property? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes", please list:
Have you filed for this deduction on other properties located in Indiana, either alone or as a member of an affiliated group? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes", please list below.		
PROPERTY ADDRESS (number and street, city, state, and ZIP code)	KEY NUMBER / LEGAL DESCRIPTION OF PROPERTY	COUNTY
CERTIFICATION		
I / We certify under penalty of perjury that the above and foregoing information is true and correct and that the applicant was, to the best of our knowledge, eligible for the deduction as of December 31, 20 ____.		
Signature of applicant	Date (month, day, year)	
Signature of authorized representative	Date (month, day, year)	
ASSESSING OFFICIAL USE ONLY		
Address of property (number and street, city, state, and ZIP code)	Key number / legal description of property	Is property eligible for deduction? <input type="checkbox"/> Yes <input type="checkbox"/> No
Assessed value of structure	Assessed value of land	Total assessed value
Signature of assessing official	Date (month, day, year)	

INSTRUCTIONS AND QUALIFICATIONS

GENERAL INSTRUCTIONS

- Applications must be filed during the periods specified. Once the application is in effect, the application must be refiled annually.
- This application may be filed in person or by mail. If mailed, the mailing must be postmarked before the last day of filing.
- Any person who willfully makes a false statement of the facts in applying for this deduction is guilty of the crime of perjury and on the conviction thereof will be punished in the manner provided by law.

BENEFITS AND ELIGIBILITY

"Model residence" means real property that consists of a single family residence, single family townhouse, or single family condominium unit that has never been occupied as a principal residence, and is used for display or demonstration to prospective buyers or lessees for purposes of potential acquisition or lease of a similar type of residence, townhouse, or condominium unit on the same property or other property.

Eligible applicants are entitled to a deduction from the assessed value of the residence in the amount of 50% of the assessed value of the model residence for:

- Not more than one assessment date for which the model residence is assessed as a partially completed structure;
- The assessment date for which the model residence is first assessed as a fully completed structure; and
- The two (2) assessment dates that immediately follow the first assessment date.

LIMITATIONS

- A property owner may not receive the deduction for more than three (3) model residences in Indiana for a particular assessment date. Owners of model residences who are part of an affiliated group (as defined by 50 IAC 25-2-2) may not exceed an aggregate of three (3) model residence deductions for a particular assessment date.
- The owner's regular office space is not considered a model residence for purposes of the deduction. However, use of a garage or other space in a model residence to store or display promotional materials or meet with prospective buyers or lessees will not disqualify the model residence from the deduction.
- A property owner may not receive a model residence deduction for a model residence located in an allocation area as defined in IC 6-1.1-21.2-3.
- A property owner that qualifies for a model residence deduction and also qualifies for a deduction under another statute with respect to the same model home for a particular assessment year may not receive a deduction under both statutes for that year. In the event that a model home owner applies and is determined to be eligible for more than one deduction, the auditor shall apply the deduction that results in the greater property tax saving for the owner of the model residence.
- A person who owns a model residence and claims the deduction must provide the county auditor with a notice that informs the auditor of a transfer of ownership of the model residence. This notice shall indicate whether the new owner is eligible to receive the model residence deduction and must be submitted to the county auditor at the same time that a sales disclosure form is filed under IC 6-1.1-5.5.
- The deduction allowed for a model residence is terminated if the model is sold after the assessment date of a particular year but before January 1, of the following year to a person who does not continue to use the property as a model residence.

RECEIPT FOR APPLICATION FOR MODEL RESIDENCE DEDUCTION	
Name of applicant	Date filed (month, day, year)
Key number / legal description	
Signature of county auditor	Date signed (month, day, year)

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General Assembly passes budget, adjourns Special Session

Lawmakers in the Indiana General Assembly were called back to work in June by Governor Mitch Daniels after failing to pass a budget before the General Session adjourned on April 29th. Lawmakers had until midnight of June 30th to pass a budget acceptable to Governor Daniels or face a state government shutdown. In typical fashion the session was filled with tensions and compromises, but ended with a new



Proactive Politics
By Gretchen White,
Government Affairs
Director,
Indiana Builders Association

budget signed by Governor Daniels just hours before the deadline. The final bill was approved by the House 62-37 and Senate 34-16.

The \$27.8 billion two-year budget left the state with a \$1 billion surplus and included the following language of interest for IBA members:

* Delay of reassessments: Property tax reassessments were scheduled to begin July 1st but instead will begin in 2010. Language to delay reassessments came at the request of local governments to provide additional time after many did not mail property tax bills on time and others have not reconciled 2007 bills.

* Creation of a Solar Roof Vents or Fans Tax Deduction: Language created an Adjusted Gross Income tax deduction to individual taxpayers for the purchase and installation of solar-powered roof vents or fans retroactively beginning January 1, 2009. The vent or fan must be powered by solar energy and used to release heat from a building. The credit is equal to the lesser of one-half of the amount paid for labor and materials for the installation or \$1,000. In order to obtain the deduction, a taxpayer must file proof of the costs for the installation of a solar powered roof vent or fan and a list of the persons or corporation that supplied labor or materials for the installation.

The legislature and Governor Daniels were forced to be creative with less revenue and many state agencies will receive less funding for operations as well as individual programs. The good news is that the state has a budget and is operational. The bad news is as budgets at the state and local levels of government become increasingly strained, officials are motivated to find new or additional revenues through fees, taxes, etc. The special session ended after passage of the budget, but work continues to preserve IBA's legislative successes while fending off any future attempts to hinder the Association's mission of advocating for safe and affordable housing.

NAHB Convention *(from page 1)*

hotel room reservations will be guaranteed with credit card information at the time of booking the room. The credit card will be charged in mid December which is when the hotels will receive all the reservations from NAHB. This charge will be for first night's room and tax. Reservations can be cancelled without penalty until Friday, December 11, 2009. After December 11, 2009 all hotel room cancellations will be assessed a \$21 processing fee. In addition, if the room is canceled after the hotel's dead-

line, the entire deposit is forfeited. Most hotels' cancellation deadlines are 72 hours, however there are a couple of exceptions with longer deadlines. Please refer to your housing and registration confirmation for the hotel's exact cancellation policy.

Questions about housing should be directed to Barbara Rapp at (800)368-5242, ext. 8115; (202)266-8115 or via email at brapp@nahb.org.

Registration for a Member Full Registration Package, allowing attendees to go to any of the 175+ education seminars, and includes access to the exhibit floor all four days, will be \$295 IF registered by January

18, 2010. After January 18, the on-site fee will be \$425.

New this year – a member 4-day exhibits registration will be free if registered by December 11, 2009. There will be no charge for registration for a 4-day member exhibit floor pass IF registered by December 11. From December 12 to January 18, the exhibit floor pass will be \$75 and after January 18, the onsite price will be \$125.

Members who have not registered for the show as an NAHB member in the past are eligible for the first time attendee rate of \$100. For more information about the Show, visit www.BuildersShow.com.

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The **Certified Aging-in-Place Specialist (CAPS)** designation program teaches the technical, business management, and customer service skills essential to serve the aging-in-place market.



Registration Form: (one form per attendee)

Name _____
 Company _____
 Address _____
 City/State/Zip _____
 Phone _____ Fax _____
 E-mail _____ Local HBA _____

Green Building for Building Professionals (CGP, CGB, CGA, GMR)

In the "Green Building" course, learn how green homes provide buyers with lower energy costs and higher value. This 2-day course for building professionals discusses strategies for incorporating green-building principles into homes without driving up the cost of construction. You will learn how green homes provide buyers lower maintenance, better indoor air quality and better long-term value. Techniques are also discussed for competitively differentiating your home products with increased indoor environmental quality as well as energy and resource efficiency.

Instructor: Stephen Robinson, GMB, GMR, CGB, CGR, CAPS, CGP

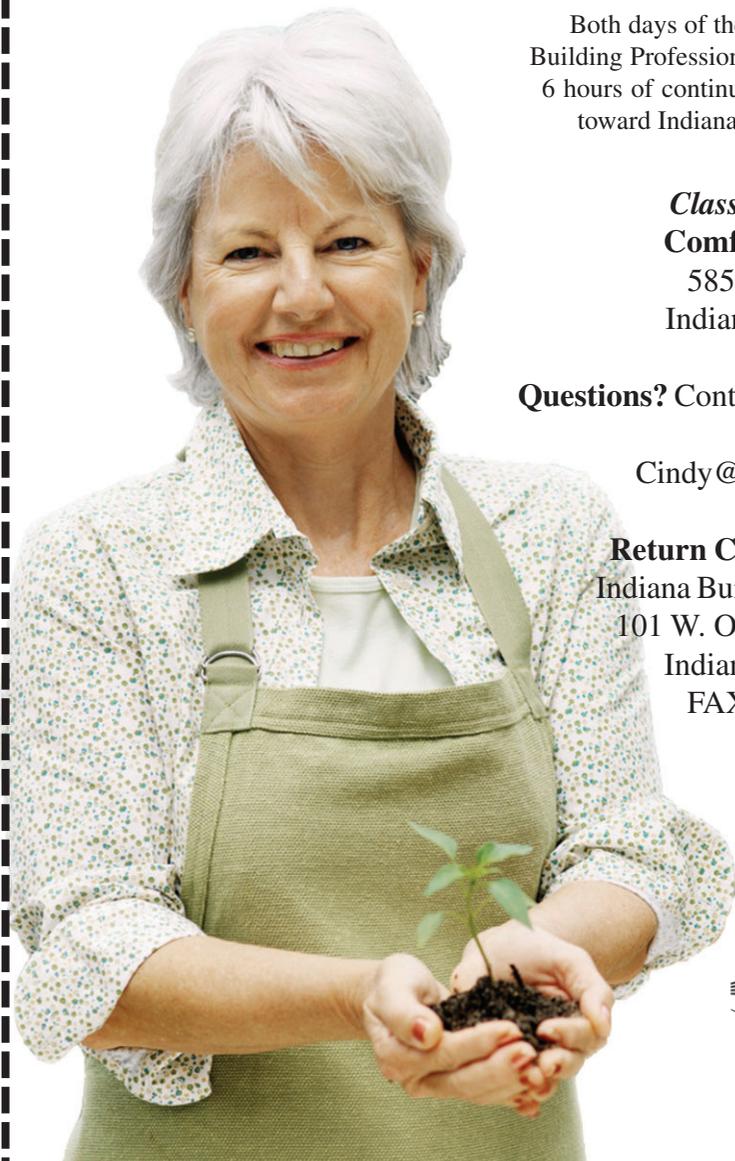
____ **Sept. 14-15, 2009 Indianapolis - \$300 HBA Member / \$325 NAHB Members / \$350 non-HBA Member**

Both days of the Green Building for Building Professionals are approved for 6 hours of continuing education credit toward Indiana's real estate license.

**Classes are located at:
 Comfort Inn & Suites
 5855 Rockville Road
 Indianapolis, IN 46224**

**Questions? Contact Cindy Bussell
 (800) 377-6334
 Cindy@BuildIndiana.org**

**Return Completed Form:
 Indiana Builders Association
 101 W. Ohio St., Ste. 1111
 Indianapolis, IN 46204
 FAX (317) 917-0335**



Classes are 9 a.m. to 5 p.m.

Business Management for Building Professionals (CGP, CAPS, CGB, CGR, CGA)

Whether you are starting a new business or want to improve your current business, this course can provide you with a variety of essential "tools" for your business management toolbox. This course discusses the components of a business plan; defining and staffing your business; performance tools for managing and monitoring administration, sales, and production, and strategies for managing common challenges experienced in startup businesses. By using case studies and sample forms, your instructors give you practical and applicable tools for management success.

Instructor: Guy East, GMB, CGA, CGB, CGR, CAPS, CGP

____ **Sept. 16, 2009 Indianapolis - \$175 HBA Member / \$200 NAHB Members \$225 non-HBA Member**

Marketing & Communications Strategies for Aging & Accessibility (CAPS)

Seventy-seven million potential customers are waiting to hire your company. Baby Boomers are approaching retirement age, while their parents have retained their own homes later in life than any previous generation. As a result, communities specifically designed for older homeowners constitute a growing segment of the remodeling market. Learn how your firm can identify and serve the needs of an aging population.

Instructor: Guy East, GMB, CGA, CGB, CGR, CAPS, CGP

____ **Sept. 17, 2009 Indianapolis - \$175 HBA Member / \$200 NAHB Members \$225 non-HBA Member**

Design/Build Solutions for Aging & Accessibility (CAPS)

Over a lifetime a house fills with memories. Physical limitations often force older people out of their homes when sensible remodeling could preserve a cherished way of life. The "Home Modifications" course teaches remodelers the relevant codes and standards, depicts common barriers, and demonstrates how to redesign living areas for safety and comfort.

Instructor: Guy East, GMB, CGA, CGB, CGR, CAPS, CGP

____ **Sept. 18, 2009 Indianapolis - \$175 HBA Member / \$200 NAHB Members \$225 non-HBA Member**

____ **\$25/course additional charge if registering within 14 days of class**

Total Amount Due: \$_____ Fees due prior to course.

Payment Method: Check Enclosed Invoice (HBA Members Only)

MasterCard Visa

Card # _____ Exp. Date _____

Signature _____

Cancellation Policy:

Written cancellations made prior to 14 days of course will receive a refund less 50% administrative fee. Registrants who fail to attend the course without 14 days prior written notification are liable for the entire fee.

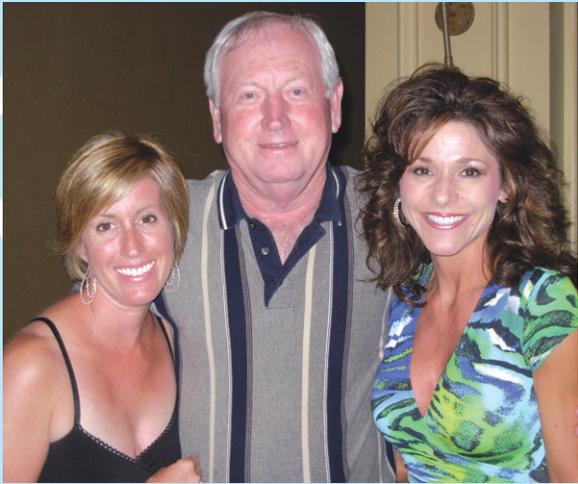
Graduation Fees: \$145 HBA members/\$245 non-HBA members payable to NAHB University of Housing.

Annual Renewal Fees: \$50 HBA members/\$75 non-HBA members payable to the NAHB University of Housing.

CAPS continuing education requirements: CAPS designates are required to complete 12 hours of continuing education every 3 years, and 6 of the 12 hours must be from an NAHB University of Housing course and the remaining 6 hours may be earned by completing approved state and local seminars, NAHB seminars, or college courses related to the building industry with a maximum of 2 hours earned by participating in community service projects (work done for the public good without compensation).

CGP continuing education requirements: CGP designates are required to complete 12 hours of continuing education every 3 years. 6 of the 12 hours must be from NAHB University of Housing educational activities. A minimum of 8 hours is required to come from green building industry related educational activities.

News from around the state



Ken Smith, HBA of Southern Indiana PAC Chairman, gathers for a picture with Lynn Wajda (left) and Julie Thieneman. Thieneman, wife of home builder Steve Thieneman, was recently named Mrs. Indiana and will represent the state in the national competition.



Greg Furnish, CGP, (left), IBA Executive Committee member, gathers for a picture with Charlie Smith, HBA of Southern Indiana Parade Chairman, at the HBA of Southern Indiana's annual banquet and awards program earlier this summer.



IBA Past President Mike Hannigan, Jr. (left) catches up with an old friend Bob Hawley at the HBA of St. Joseph Valley monthly membership meeting.



IBA CEO Rick Wajda (seated left) and IBA's Home Energy Conservation Program Manager and IBA Past State President Mike Hannigan, Jr. (standing) recently met with HBA of St. Joseph Valley President Mike Everett (seated center); and Real Services representatives Rich Gadacz and Becky Zaseck.



Calvin Bolt, CGR, (left), Warsaw, receives a Spike Award from Builders Association of Kosciusko-Fulton Counties President Dan Schlatter, CGB, CGP, CAPS, CPBD, at a recent monthly membership meeting.



IBA leaders catch up with members of the House of Representatives at a recent event in Fishers. Pictured are (left to right): Brian Keene, Lafayette; State Representative Randy Truitt (R-Lafayette); State Representative Brian Bosma (R-Indianapolis); and Dave Compton, Fishers.

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Legislature passes new homeowner's association law

Written by: Jeffrey M. Bellamy, Esq.

On July 1, 2009, a new law went into effect changing how Homeowner's Associations operate. Signed into law on May 13, 2009, these new provisions will require all Homeowner's Association documents to be written and enforced in compliance with the new law. This will impact residential developments that have not yet incorporated or otherwise adopted governing documents by July 1, 2009, and all new associations created thereafter. While many changes only apply to newly created associations, an existing association may elect to be covered by the new provisions by amending its governing documents. Other changes, though, will apply to all associations regardless of when created.



Bellamy

Application of the New Law:

The first step to understanding these changes is to understand how the new law is applied. While the July 1, 2009 date is relevant, the act covers any organized entity, incorporated or not, that governs or otherwise manages individually owned residential dwellings. Thus, the act would cover a single family residential develop-

ment and condominiums. However, where the statute provides that the new law's application is distinctly linked to the subdivision of property those provisions *would not* impact condominiums. The reason for this is Indiana's Planning and Zoning statutes specifically provide that condominiums are not subdivisions and cannot be governed by local subdivision control ordinances. Therefore, when dealing with a condominium development regime read the act carefully to determine if certain provisions are based upon the subdivision of property.

Provisions that Apply to All Associations:

In 2007 a bill was passed by the General Assembly that essentially emasculated an Association's ability to enforce its lien rights for collection of delinquent assessments. While not fully restoring the potency of an association's ability to collect delinquent assessments, the new Act makes several improvements that make lien enforcement viable. The prior law caused HOA liens to expire after one year, thereby forcing associations to either lose their secured claims against the real estate liened, or to initiate foreclosure litigation sooner than preferred. The new bill creates some balance by prohibiting an HOA from foreclosing its lien within the first year of being filed, but allows the lien to remain in force

for five years, rather than the previous one year expiration date. The prior law required an HOA to foreclose on its lien within 30 days of being notified by the property owner to do so; the HOA now has one year from the date of that notice to initiate foreclosure. The language of the lien statute, though, is specifically keyed toward subdivided land. Therefore, it would not alter the lien provisions contained in the condominium statute.

Finally, the new law requires an HOA's Board or other governing body to address an item of business at a regularly scheduled meeting, or a special meeting if one is not scheduled, if the Board is petitioned by at least 10 percent of the members of the Association. This provision, though, duplicates requirements of the existing Non-Profit Corporation Law, but would also apply to organized, but unincorporated associations.

Provisions Applying to Associations Formed After July 1, 2009:

Several provisions of the new law relating to the operation of Associations only apply to new associations formed after July 1, 2009, or existing Associations that elect to opt into the law. Opting in requires either a majority vote of the members of the Association unless the existing governing documents require a greater than majority vote to amend those documents. It is unclear from the language of the law if an existing association that opts in retains the ability to opt out later. As such, an existing association should tread cautiously down the path of opting into the new law as the law does not state if they can opt out later. These provisions, excepting a contract voting provision, are *not* linked to the subdivision of land and therefore would include condominiums as well as subdivided developments.

A new association is required to maintain a current roster of all members of the HOA, including the member's mailing addresses, legal description of a member's property, and electronic mail addresses or fax numbers of its members. Electronic mail addresses and fax numbers may be kept only by the consent of the member. This roster must be made available to any member upon request and can be used only for Association related business. However, maintaining member privacy once the roster is distributed is not discussed in the statute.

The law requires that an HOA must prepare an annual budget to be approved by a quorum of the members. Either the proposed budget or a notice that the proposed budget is available must be sent to the members. In the absence of a quorum, an Association's Board may approve an interim budget not to exceed 110 percent of the last approved budget, but, only if the Associations governing document permit such an interim budget. If the governing documents do not permit an increased interim budget, then the last approved budget can be used as an interim budget until a quorum approves a budget. Further, if a proposed budget results in a change in member assessments, that change must be

specifically noted in the budget notice.

Regarding entering new contracts or special assessment for projects, an association is not permitted to enter into any contract, regardless of the budget process, that increases a member's assessments by more than \$500 per year without first holding two meetings regarding the contract and the contract must be approved by at least two-thirds of the members of the association, regardless of the quorum provisions contained in the governing documents. Likewise, an association may not borrow more than \$5,000 or 10 percent of the last approved budget, whichever is greater, unless the debt is approved by a majority of the members. However, this section does link the voting rights for such an approval to subdivided property giving each lot or unit one vote. This would not alter condominium voting procedures as some condominium arrangements do not provide for 'one unit = one vote' but set voting, assessments, and other rights and responsibilities to the size of the living unit at issue, thus giving proportionate rights to the owners based on the size of their condominiums. Other than this particular voting provision, condominiums formed after July 1, 2009 would need to conform to all the other new provisions noted.

An association may not suspend the voting rights of any members for non-payment of assessments unless the governing documents provide for such suspension and the member's assessments are delinquent for more than six months. By exclusion, this provision does not prohibit denying a member access to common amenities, such as association owned pools or parks, if a member's assessments are delinquent.

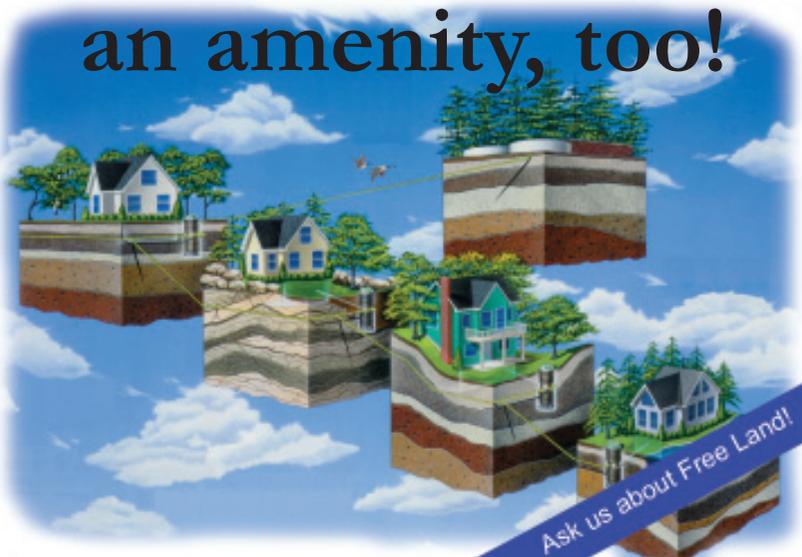
Finally, the act states that "the governing documents must include grievance resolution procedures that apply to all members of the homeowner's association and the board." No further guidance is given to what an acceptable grievance resolution procedure is and in what context such a procedure must be employed. By contrast, the General Assembly used the term 'grievance resolution procedure' rather than the more legally meaningful 'alternative dispute resolution' which would encompass the realm of mediation and arbitration. Given the vagueness of the language employed and until further clarified by either the Assembly or a Court, a grievance resolution procedure could be crafted that simply gives an owner the opportunity to petition the Association's Board on an issue or complaint without going so far as to engage the special meeting provisions required upon a 10 percent member petition, referenced above.

Penalties for Non-Compliance:

The new act does not contain any stated penalties for non-compliance. As such, the likely results of non-compliance would be to make the relevant portion, or possibly an entire set, of governing documents unenforceable in Court. A well drafted set of governing documents should contemplate

HOA (see page 13)

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NAHB continues pursuit of protecting housing issues at federal level

Committee and Council member request can now be made by logging onto NAHB.ORG/committeeform.

Builder Liability Arbitration Clause

On February 12, Rep. Hank Johnson (D-GA) re-introduced the Arbitration Fairness Act (H.R. 1020) based on similar legislation he introduced in the 110th Congress. The legislation is opposed by NAHB because it would invalidate most existing arbitration clauses and effectively end the use of pre-dispute binding arbitration clauses in consumer contracts, including residential and construction contracts. NAHB believes that the use of alternative dispute resolution, including binding arbitration in consumer contracts, is often the most rapid, fair and cost-effective means to resolving disputes, for both the builder and the buyer, arising out of the construction and/or sale of the home.

NAHB will closely monitor this legislation and work with the business community to oppose it. Congress is not expected to take any action on H.R. 1020 in the near-term.

On May 20, Public Citizen released a highly-biased report on the use of arbitration by home builders. Public Citizen claims that builders use arbitration to avoid fixing construction defects. It further claims that builders use warranties to lock home owners into arbitration clauses unknowingly. Ultimately, it urges Congress to adopt the Arbitration Fairness Act. Although it has received scant attention by the media and Congress, this faulty report is likely to push the use of arbitration home builders into the spotlight when Congress takes up H.R. 1020.

Green Building

NAHB promotes environmentally responsible and resource-efficient construction methods known as "Green Building" through the Green Building Subcommittee and the NAHB Green Building Conference. As Green Building continues to grow, there are national organizations outside of NAHB pushing for greater influence in establishing Green Building practices for residential construction and for control of local HBA Green Building programs.

In response to the growing movement by the environmental community and others seeking to promote and/or mandate Green Building in residential construction, NAHB, in conjunction with the NAHB Research Center, developed the NAHB Model Green Home Building Guidelines, which debuted in 2005.

In 2008, NAHB launched the NAHB National Green Building Program (www.nahbgreen.org), including a national home certification service, to allow this growth to continue and assure that green practices remain flexible, voluntary and cost-effective. In collaboration with the International Code Council (ICC), NAHB also embarked on the development of the first-ever American National Standards Institute (ANSI)-approved national standard for residential green building (<http://www.nahbrc.org/gbstandard>). Known as the



National Report

By Tom Mullen,
MIRM

NAHB Area 9 Vice
President,
Indiana Builders
Association

National Green Building Standard, the document will help define the future of residential home building. The ICC-700 2008 National Green Building Standard was approved as an American National Standard by ANSI on January 29, making it the first green building rating system to receive the standard approval.

NAHB has also developed a Certified Green Professional designation, similar to the Certified Graduate Builder and Remodeler programs. The basis is the University of Housing's two-day Green Building for Building Professionals Course. Other requirements include: business management course, 12 hours of continuing education credit every three years, and a pledge of ethics. To date, over 3,000 individuals have earned their CGPs, making the designation NAHB's most successful education effort ever.

The Standard is now being incorporated into federal, state and local advocacy efforts. On the federal side, the stimulus' provision that any "nationally recognized green system" be allowed for federal public building stock modernization sets a prece-

dent for future legislation to reference the Standard, when appropriate. On the state and local wide, last year's Green Legislative Toolkit is currently being rewritten to incorporate the Standard for the various policy scenarios that HBAs face, again, when appropriate. Besides advocacy efforts, the NAHB Green program continues to grow. There are now 105 approved Affiliated Programs among our HBAs.

NAHB continues to see specific legislative references to the green building programs in federal, state and local legislation since the beginning of 2007. These serve as incentives to builders for achieving green thresholds by offering them entitlement advantages, permitting bonuses, etc.

For more information on NAHB's work, visit www.NAHB.org.

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National Remodeling Show comes to Indianapolis

The National Remodeling Show is touted as the only event of its kind and it only happens once a year.

For three days, October 28-30, 2009 the entire remodeling community comes together to illustrate and reinforce the strength of the market. Hundreds of manufacturers fill the show floor, showcasing new products and services at every turn. Thousands of remodeling professionals crowd the aisles looking to catch a glimpse of the newest products and services that will take their business to the next level. The event is located in your backyard in down-

Carson to receive high honor

Bill Carson, former IBA CEO for 42 years, is scheduled to receive the Distinguished Alumni Award from his alma mater, Franklin College in Franklin, Indiana.

The ceremonial banquet will be held at the Napolitan Student Center in the Branigin Room at 6:30 pm on Friday, October 16, 2009 on the Franklin campus.

The award is based upon completion of a highly successful career with the Indiana Builders Association.

During his career, he spearheaded the passage of several unique affordable housing laws eventually resulting in Indiana being the most affordable housing state among the industrialized states in the nation.



Carson

When he began his tenure in 1963, IBA had 12 locals with fewer than 1,000 members. Upon his retirement, IBA had 33 locals and over 5,000 members.

Carson worked with eight Governors, hundreds of legislators and the Indiana members of Congress.

He received the nation's top Lifetime Achievement award for association management and was given the state's highest citizens award, the Sagamore of the Wabash, by five Governors.

In 2005, Carson was also the recipient of a rare honor when the Indiana Senate and House passed a concurrent resolution honoring his career.

Friends who may wish to attend the banquet may make reservations by calling Margee Stamper at (317)738-8167.

Movies on green

NAHB, in conjunction with a grant from Wells Fargo, recently unveiled two movies to help home builders and their consumers learn more about green building. Both videos are informative and can be ordered through NAHB for \$25. To view the consumer video, visit www.nahb.org/greenhomeguide. The builder/remodeler video can be viewed at www.nahb.org/greenreport.

town Indianapolis on October 28-30, 2009, at the Indiana Convention Center. Complete details and registration is available on-line at www.theremodelingshow.com.

The Remodeling Show is a trade-only event and only professionals from the industry will be allowed to attend. Exhibit Hall registration is free for all attendees if they register on or before September 28.

The Remodeling Show offers 51 sessions in six tracks including business, marketing, production, sales, kitchen, bath design and a NEW sustainable remodeling track

for 2009.

Attendees can earn AIA, NKBA, AIBD and ASID industry designation. Pre-event CAPS, CGR and CGP designations are also available.

The Remodeling Show attracts a wide variety of residential construction professionals from North America and 15-20 countries around the world, including: carpenters, commercial remodeling contractors, construction managers, custom builders, dealers, distributors, retailers, flooring installers, framing contractors, green building professionals, historic renovation specialists, home improvement pro-



Indiana Builders Association Nomination for State Elective Office

The Nominating Committee of the Indiana Builders Association (IBA) is accepting nominations for elective office in IBA for 2010. The Committee wishes for all qualified members who desire to hold office to actively seek such office by completing this form and submitting it prior to October 16, 2009. The Committee will conduct interviews of nominees for certain offices. The election shall be held at the State Board of Directors Meeting Tuesday, November 17, 2009. The election shall be held in accordance with Article X, Sections 1, 2, 3, and 4 of the Association's By-laws.

Nominees may request the contact information of the Directors, for the purpose of campaigning, from the IBA.

Elected offices to be filled are:

State President	NAHB State Representative for Indiana
State First Vice President	National Director for State Board
State Treasurer	Alternate National Director
State Secretary	National Associate Director
State Builders Area Vice Presidents	Alternate National Associate Director
State Associate Area Vice Presidents	

*** Nomination Form for State Elective Office ***

Nominee's Name _____ Phone _____
 Company _____ Fax _____
 Address _____
 City, State, Zip _____
 E-Mail _____
 FOR THE OFFICE OF _____

Return completed form to:
 Indiana Builders Association
 101 W. Ohio St., Ste. 1111
 Indianapolis, IN 46204
 Fax (317) 917-0335

NAHB revises Spike Club requirements for remainder of year

The NAHB Spike Club is comprised of an ever-growing number of active members who help to keep our association growing. NAHB's Membership Committee approved a number of special changes to the 2009 Spike Club program to help encourage recruitment, retention and engagement throughout the remainder of the year. Local associations should use these new incentives to maintain and grow your membership during the downturn.

The first incentive provides amnesty for Spike credit losers. To become a Spike member, an individual must earn 6 Spike credits within two consecutive years and to retain that Spike status a minimum of 1 credit (new

HOA *(from page 10)*

'saving' the remainder of the document if one provision is faulty, but if poorly prepared, an entire set of documents could be disregarded by a Court due to an error. Further, if an association refuses to comply with certain sections of the Act, such as holding special meetings or entering contracts without proper approval if it is required, then those contracts could be declared invalid, an injunction could be entered, or a member may be able to bring a civil tort action against the association for any number of remedies - with some having monetary consequences such as general damages, punitive damages, or attorneys' fees.

Conclusion:

Without addressing the necessity of the new law, compliance with it should not be overlooked. That can be done with some thoughtful review and simple diligence. Some Builders and Developers can be guilty of discounting the importance of their governing documents by recycling forms drafted 20 years ago or using documents obtained from colleagues or competitors that were not even drafted with them in mind. As a residential developer or builder, to comply with the new law, you should review thoroughly your governing documents with your attorney and make required changes. If you are a management company or a builder managing a development until it is turned over to the owners, you must make operational changes on budgeting, covenant enforcement and borrowing, among other things, under the requirements of the new act. Put forward the time and resources needed to review and improve your documents and procedures to be compliant with the law and avoid future customer complaints.

Jeff Bellamy is an attorney with Thrasher Buschmann Griffith & Voelkel, P.C., in Indianapolis, IN. He is also the past-chairperson and current executive board member of the Land-Use Law section of the Indianapolis Bar Association. He regularly counsels and represents developers, property managers, and HOA Boards on issues related to effective development, management, and enforcement of covenants in planned developments. He can be reached by e-mail at bellamy@indiana-attorneys.com or by phone at (317) 686-4773.

or retention) must be earned each year until a total of 25 credits have been earned, which triggers Life Spike status. For individuals that do not earn 6 credits by December of their second year of recruiting, all credits from the first year are forfeited.

However, the NAHB Membership Committee has recently approved a temporary amnesty for all Spikes in this situation and will allow them to keep their credits and maintain their Spike status providing these individuals participate in one or more of the "credit savers" put forth by the Committee. These credit savers are activities that

will allow the individual to maintain their credits. The Spikes in question will receive a letter directly from NAHB notifying them of their status and outlining this program.

The credit savers are as follows:

- * Recruit at least 1 new member by October 31, 2009.
- * Collaborate with local EO on a retention-based outreach program targeting current members.
- * Collaborate with local EO on lapsed member reinstatement outreach program
- * Provide NAHB with a testimonial appropriate for use in membership marketing

materials.

In addition to the credit saver activities, this fall NAHB will host another 3-month credit-doubling super drive during September, October and November on an opt-in basis. Local associations must sign up to receive double credits. To participate in the 3-month drive offered by NAHB, or if you have questions about spike club, email Felicia Kelly, NAHB Membership Manager at fkelly@nahb.com.

IBA invites all local associations to participate in a statewide membership drive September 14-18.

ANSI approves National Green Building Standard™



- Discounted books available through Indiana local Builders Associations -

The National Green Building Standard™ for all residential construction work including single-family homes, apartments and condos, land development and remodeling and renovation was approved recently by the American National Standards Institute (ANSI).

"The approval signals a new era for the nation's builders, remodelers and developers and also provides an extra measure of reassurance for home buyers," said Joe Robson, a home builder in Tulsa, Okla., and Chairman of the National Association of Home Builders.

"The National Green Building Standard is now the first and only green building rating system approved by ANSI, making it the benchmark for green homes," said Ron Jones, who chaired the consensus committee charged with developing the standard.

"The standard provides home builders and remodelers with a much more expansive

third-party rating system that they can use to achieve green certification under NAHBGreen and the National Green Building Certification Program," said Mike Luzier, CEO of the NAHB Research Center.

The Research Center provides certification for NAHBGreen projects, which until now have only included single-family homes. "Consumers are looking for authentic, verifiable green building practices, and now they'll find them with a true industry consensus standard for residential green building," Luzier said.

The standard defines what green practices can be incorporated into residential development and construction and how home owners can operate and maintain green homes.

But the National Green Building Standard also provides for flexibility - allowing home builders and home buyers to make green choices based on climate and geography as well as style preferences and budget.

As part of the stringent process required by ANSI, NAHB and the International Code Council gathered a fully inclusive and representative consensus committee composed of a broad spectrum of builders, architects, product manufacturers, regulators and environmental experts.

The work of the consensus committee was administered by the NAHB Research Center, an ANSI Accredited Standards Developer.

The consensus committee deliberated the content of the standard for more than a year, held four public hearings and evaluated over 3,000 public comments in the development of the standard.

Members of the Indiana Builders Association who opt to have their homes certified through the NAHBGreen program may also receive certification from the Indiana Builders Association's GreenBuildIndiana program.

National Green Building Standard Book Order Form

***** Save \$10 a book *****



IBA members may purchase National Green Building Standards Books from IBA and pick them up at IBA or their local builders association at a discounted rate of \$30 per book. Order today, we will contact you when your book is ready for pickup.

Name _____ Company _____

E-Mail _____ Phone _____

Local Builders Association _____

_____ x \$30 each - National Green Building Standard Book(s)

Total Due \$ _____ *Must be prepaid with MasterCard/VISA or by check.

MC/VISA # _____

Expiration Date _____ Credit Card Billing Zip Code _____

Return form with payment to local builders association or mail to: Indiana Builders Association, 101 W. Ohio Street, Suite 1111, Indianapolis, IN 46204.

Order by phone with credit card 1-800-377-6334 or Fax (317) 917-0335.



IBA new member who receives a \$100 Sears gift card this month...

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of Madison

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ASSOCIATES

Submit your application for the 2009 Don Cassidy, Sr. "Associate of the Year" Award today!



Go online to <http://www.buildindiana.org/pdf/2009-Associate-of-the-Year-Application.pdf> for an application or call (800) 377-6334 to get one faxed to your office.

New Members As of June 30, 2009

Local HBA	Y-T-D New Members
Elkhart County	38
Greater Indianapolis	35
Southern Indiana	33
Porter County	25
Greater Terre Haute	22
St. Joseph Valley	19
Greater Lafayette	15
Northwest Indiana	14
Southwestern Indiana	11
Howard County	11
Kosciusko-Fulton Co.'s	9
Southeastern Indiana	7
Fort Wayne	6
Monroe County	6
Lawrence County	6
Madison County	6
Dubois County	5
River Valley	4
North Central Indiana	4
East Central Indiana	3
LaPorte County	3
Wayne County	3
Jasper County	3
Northeast Indiana	2
Marshall County	2
Gibson County	2
Dearborn County	1
Grant County	1
Vincennes Area	0
Jackson-Jennings	0
Henry County	0
At Large Members	0
Indiana	296

Retention Rate As of June 30, 2009

Local HBA	Retention Rate
Jasper County	105.9%
Southeastern Indiana	100.0%
River Valley	100.0%
LaPorte County	98.7%
Monroe County	97.8%
Greater Terre Haute	97.7%
Lawrence County	97.4%
East Central Indiana	96.1%
Kosciusko-Fulton Co.'s	95.9%
Dubois County	95.7%
St. Joseph Valley	94.9%
Fort Wayne	94.4%
Greater Lafayette	94.1%
Northeast Indiana	93.7%
Southwestern Indiana	93.5%
Greater Indianapolis	93.4%
North Central Indiana	92.9%
Elkhart County	92.8%
Howard County	92.6%
Vincennes Area	92.6%
Madison County	91.3%
Marshall County	90.9%
Gibson County	89.5%
Southern Indiana	89.1%
Dearborn County	88.0%
Northwest Indiana	87.9%
Grant County	84.6%
Porter County	84.6%
Wayne County	84.3%
Henry County	84.2%
Jackson-Jennings	76.7%
Indiana	92.9%

Membership Standings As of June 30, 2009

Local HBA	Total Members
Greater Indianapolis	805
Elkhart County	386
Fort Wayne	317
Southwestern Indiana	304
Southern Indiana	265
Northwest Indiana	260
Greater Terre Haute	220
St. Joseph Valley	212
Porter County	198
Kosciusko-Fulton Co.'s	180
Greater Lafayette	175
Dubois County	155
Monroe County	127
Howard County	119
Northeast Indiana	92
East Central Indiana	81
LaPorte County	74
Dearborn County	50
Vincennes Area	43
Lawrence County	41
Wayne County	39
Marshall County	36
Jasper County	35
Madison County	26
Southeastern Indiana	26
Jackson-Jennings	23
River Valley	23
Gibson County	15
Henry County	13
Grant County	9
North Central Indiana	7
At Large Members	0
Indiana	4356

Today's Things to Do:
Call IBA to advertise in the Indiana Builder News
800-377-6334
You could be here!

Membership: Are we winning or losing?

Membership: Are we winning or losing? The answer to the question may not be what you are thinking. August is upon us. For many of us, staffing has been reduced, work volume is down, attitudes are strained and stress levels are running higher than normal.

We, your membership leaders, suspect many of us are questioning the value of the IBA membership and scrutinizing the money we spend to maintain and participate in IBA.

At the risk of stating the obvious, housing is entrenched in a battle that pits our jobs against the current market conditions. The need to debate the conditions that brought us to this point are long gone!

As business people, our responsibility and mission is to work, lobby, negotiate, motivate, and change the course of housing. The line we walk is blurred between survival and profitability, success and failure, moving forward or remaining mired in a quagmire of despair and apathy.

Again, we ask the question: Are we winning or losing? Each of us makes a decision to win or lose by choosing to sacrifice to maintain our memberships at the local, state and national associations. This year, many of us are truly sacrificing to maintain our memberships and involvement.

This makes each member a winner! Why? When operating with reduced staff, it is a daunting task to run our business enterprises and be proactive advocates of housing. Each membership, funds our staff, allowing them to be vigilant in continually working and producing results for affordable housing on behalf of all Indiana families.

If we choose to terminate our association with our local, state and national builders associations; very simply, we lose. We admit defeat and we send a message that the journey is not worth the effort.

We are veterans of the housing industry. We are tomorrow's new ideas. We are the professionals in Indiana that know and commit to housing, leading the way to economic recovery.

Good or bad, victory and advocacy are equated to numbers.

Take time to do a reality check with your membership. You will undoubtedly find that you are getting a greater return on your IBA membership than you think. Let us all



Doug Miller,
GMB, CGB, CGP, CAPS
DL Miller Construction
Builder Membership
Chairman



Tom Slater
Timberland Lumber Company
Associate
Membership
Chairman

Indiana Builders Association's Membership Movement

encourage our peers to maintain their membership. We insist that anyone drawing a paycheck from housing needs to be a member of the local, state and national builders associations!

Tom says it best with his comment, "I am a member because I want to do everything I can to make housing affordable for Indiana"! Tom is a great soldier for the cause and he is a winner.

We are winning the battle one member at a time! Join the winning team!

Say yes to IBA!

MEMBERSHIP

TIP



MEMBERS RECEIVE CRITICAL NEWS & INFORMATION

The national, state, and local builders associations are the leading source for housing industry information. Members have a variety of ways to stay connected to industry information, including publications, e-newsletters, exclusive Web site content, bulletins, special reports, e-mail alerts, and voterVoice. Up-to-date information, when you want it, how you want it.

www.NAHB.org
www.BuildIndiana.org

IT'S GOOD BUSINESS TO DO BUSINESS WITH MEMBERS



JOIN & \$AVE

The builders association knows it's tough out there and that we need each other now more than ever.

Members of the builders association work together for the benefit of each other and the industry.

The builders association is the resource for all housing industry professionals.

The 3-in-1 membership (local-state-national) in the builders association works daily to protect your industry.

New members who join in 2009 receive special offers for cabinets, appliances, windows, insulation, stone, gasoline, skylights, cars, inspections, computers, shipping, office supplies, and more.

**New members who Join in 2009 will \$ave over \$3,000 in products and services.
(6 times the membership dues)**

Indiana Builders Association
\$140 toward IBA association benefits, programs and opportunities.
800-377-6334
www.BuildIndiana.org

AutoOwners Insurance
Great discounts on insurance.
Kevin at 888-925-1434

Energy Efficient Homes Midwest
\$200 off first energy rating or NAHB Green Building verification.
Mark at 317-915-9204
www.eehmidwest.com

Fluid & Thermal Systems
\$500 off first eone grinder pump purchase for 2009.
317-308-6300
www.fluidandthermalsystems.com

HomeCheck Inspection Services
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Carl at 812-453-0506
cshep48643@aol.com

The Lake Shore Design Center
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www.nahb.org/MA

RE Construction & Maintenance Services
\$100 off first energy rating, green consultation, or NAHB Green Building verification.
Stephen at 765-524-0044
reconst@indy.net
www.reconst.com

Once a new member's membership is processed by a local builders association and submitted to the National Association of Home Builders and the Indiana Builders Association, the member's information will be forwarded to these companies. New members may call the number listed by each benefit for complete details. Must be redeemed by March 31, 2010 unless noted otherwise. Must be redeemed by new member or employee of new member company. Does not apply to renewed or reinstated members.

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Phone: 800-831-8076 ext. 2043

Fax: 317-872-3479

E-Mail: sdhurst@ssallc.com

