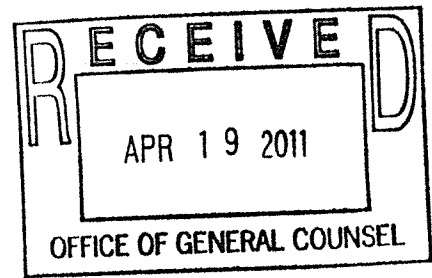


April 11, 2011



Mr. Alfred M. Pollard  
General Counsel  
Federal Housing Finance Agency  
Fourth Floor  
1700 G Street NW  
Washington, DC 20552

IN RE: Public Comments on RIN 2590-AA41  
Fannie Mae, Freddie Mac and Federal Home Loan Banks:  
Restrictions on the Acquisition of, or Taking Security Interests in,  
Mortgages on Properties Encumbered by Certain Private Transfer Fee  
Covenants and Related Securities

Dear Mr. Pollard:

There has been much supporting discussion for HOAs to continue charging private transfer fees calculated as a percentage of the selling price of a home. I have reviewed comments about "direct benefit to the land" and that fees target "social welfare purposes", "civic betterment", etc. and I can tell you, as a past board member of a small HOA, these matters never once entered our discussions.

I was on the board of our HOA when these fees were adopted and our discussions (which I suspect parallel those of other HOAs) were that without collection of these fees, we would have to raise our members' dues. In other words, we wanted to (and continue to) charge departing owners an "exit fee" which we use to pay future expenses of the community. It has absolutely nothing to do with "benefit to the land" since we already have a well-funded Reserve Fund for that purpose (roadways, fences, guardhouse). What we have are operational costs which, without these fees, would require an increase in member dues.

I supported raising dues which was not well received by other board members and the transfer fee was put in place without notice to our members. I continued my objections, particularly that there was no approval among members. At a much later date, our CC&Rs were revised and put to a vote. But is it surprising that members of the community voted to charge this "exit fee" and have someone else underwrite out operations? Who doesn't want the next guy to pick up the tab?

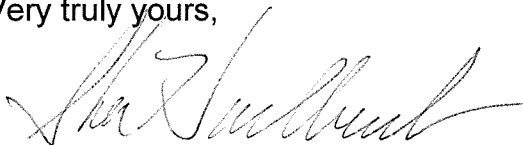
I do not consider the operational costs of running our community to be the responsibility of a neighbor who decides to move. I also find it distinctly odd to make the HOA a party to the home-selling transaction. So now, as a past board member, I am writing to express my view that ANY private transfer fee should be opposed. It is inequitable,

there are no guidelines for the calculation, notification or collection of fees and, I can promise you, use of funds will never be audited.

Your agency is the only advocate available to stop this behavior. Individual homeowners do not have the CAI meeting with senators. Nor do we have law firms supporting us. HOA lawyers are advising that "community associations have the right to raise revenue and use this revenue the way their owners and leadership determine." As CAI says in its objection to this rule: "...community associations don't need to be micromanaged by FHFA." I ask that you do manage community associations—it is long overdue.

Please reconsider and disallow ALL private transfer fees including those which are currently in place.

Very truly yours,

A handwritten signature in black ink, appearing to read "Sher Hurlburt", written in a cursive style.

Sher Hurlburt  
7465 E Tuckey Lane  
Scottsdale, AZ 85250  
Member: Lincoln Place Homeowner Association