



Erik W. Fox

Associate

Community Associations
Creditors Rights and Bankruptcy
Zoning and Land Use

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Erik represents age-restricted communities, condominium and homeowners' associations, bankruptcy creditors and businesses undergoing Chapter 11 reorganization.

As a bankruptcy attorney, Erik has worked with community associations and other creditors to:

- Ensure they receive the maximum amounts recoverable once an owner/debtor declares bankruptcy
- Receive payment for assessments accruing while the debtor is in bankruptcy.

He has been successful in having bankruptcy stays lifted so that associations could pursue prosecution of covenant and architectural violations that had been put on hold due to the bankruptcy process. Erik has also represented businesses through Chapter 11 bankruptcy reorganization. In one case a developer client avoided the foreclosure of its lots and was successfully restructured so that it could continue to operate, pay off creditors, and continue as a viable concern.

In representing age-restricted communities, condominium and homeowners' associations, Erik has handled:

- Turnover from declarant control;
- Amendment of governing documents;
- Covenant enforcement cases;
- Establishing and enforcing rules for use of common recreational facilities and contracting for use of recreational facilities by other organizations;
- Easement issues, particularly landscape and open space easements;
- Tree removal/protection issues;
- Claims of discrimination under the ADA and the Fair Housing Act;
- Opposing zoning matters on adjacent properties;
- Highly volatile Board and annual meetings;

Professional Credentials

- Graduate, Virginia Tech
- Graduate, Regent University College of Law
- Barred in Virginia and West Virginia
- Served as Zoning Administrator/Assistant Director Neighborhood Development Services (City of Suffolk, VA)

- Served as Public Works Management Analyst and Program Coordinator Chesapeake Bay Areas (Norfolk, VA)
- City Arborist (Chesapeake, VA); Certified Arborist, International Society of Arboriculture
- Member, Community Associations Institute, Washington Metropolitan Chapter
- Speaker
- Community Association Institute, Washington Metro Chapter 2011 Conference and Expo – *Bankruptcy Basics, How Personal Bankruptcies affect Associations Collections and Covenant Enforcement*
- 2010 Prince William Neighborhood Conference – *The Ins and Outs of Violations Notices*

Articles

- “When an Owner is in Bankruptcy” (July 2010 *RB Community Association Newsletter*)
- “West Virginia Community Associations – The New Frontier” (February 2010 *RB Community Association Newsletter*)
- “Navigating Architectural Review Guidelines” (October 2009 *RB Community Association Newsletter*)
- “Don’t Let the Bed Bugs Bite” (February 2011 *RB Community Association Newsletter*)
- “Should You Incorporate or Form a Limited Liability Company” (Fall 2011, *Canopy Coverage Newsletter of the Mid-Atlantic Chapter of the International Society of Arboriculture*)

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