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Somebody call security, eh? –

A Canadian Mountie flexes his muscles for a photo opp. (*above*)

A road trip from Calgary –

A photo taken by Karen Williams illustrates the beauty of the Canadian landscape. (*below*)

August Member Meeting / Luncheon Annual Award Nominations to occur

When: August 10, 2010
at 11:30 a.m.

Where:

Hometown Buffet – 1312
N. Scottsdale Rd.
Scottsdale, AZ 85257

Cost: \$9.00 – Payable by
check or cash at the event

Speaker: Brian Kirchner,
U.S. ACOE

*RSVP by 5:00 P.M. 8/5/10

More information on menu
and speaker on Page 4.

**HOMETOWN
BUFFET**



A Word From Our President ...

Karen L. Williams, SR/WA

The fourth of July has come and gone. However, sacrifices of our men and women in uniform continue on. The freedoms we enjoy were won and are protected by their service and devotion. Please take a moment to think of them.

The 56th Annual Education Conference was very educational as well as enjoyable. Calgary is a beautiful city and the Canadians are exceptional hosts. During the conference, business decisions were made, new officers were installed, and new programs were announced. HQ will be introducing a new logo for the association. Keep checking the HQ website for a glimpse.

Ken Davis, SR/WA was installed as the new President of the association. Lee Hamre, SR/WA, R/W-RAC is the new IEC member. Chris Banks, SR/WA and Renee Marruffo, SR/WA, R/W-NAC remain as our Region 1 Chair and Vice Chair.

Jim Finnegan was given the very prestigious Lifetime Achievement Award. Two words that he used to describe the IR/WA were Professionalism and Education.

The competition was strong for the 2015 conference. San Diego prevailed over Anchorage by a narrow margin. The vote was 87 to 84 San Diego. As you may know, next years conference will be in Atlanta, Georgia on June 12, 2011.

The HQ budget passed. Kathie Sholly stood up and made a strong argument that included suggesting that at a minimum, some items should be deferred for a year. When it came time to vote, all of the folks that were in support of opposing the budget became silent with the exception of Chris, Kathie, myself and one additional lone nay vote. I am confident that Kathie will revisit the budget and the actual expenses throughout the year.

The Kachina donated by Chapter 28 was auctioned off for \$350 with proceeds going to the Right of Way International Education Foundation (RWIEF). The auction raised a total of between \$20,000 and \$22,000 in addition to \$15,000 from the Golf Tournament.

A new Career Path was announced. The new program will launch on October 1, 2010. So, be sure to either renew your candidacy if time is running out or establish your candidacy before October 1. The qualifications for the SR/WA will be more stringent. Additional education units will be required as well as no longer allowing concurrent experience in lieu of education. Details of the new program will be available on the HQ website beginning in August.

Briefly, the SR/WA will remain the premier designation. Current SR/WA's are grandfathered into the current program. There will be three levels of certification available prior to earning the SR/WA designation. The first level of certification being Right of Way Agent (RWA), the second level, Associate Right of Way Professional (ARWP), and the third level certification being Right of Way Professional (RWP). Stay tuned for more details

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A New Challenge: Negative Equity

Submitted by Mike Wilson, Real Estate Division Manager, Maricopa County Public Works

As if we didn't have enough challenges right now to successfully accomplish our right of way jobs, what with hiring freezes, staff reductions, shrinking budgets, and the general craziness associated with operating in such unsettling economic and political times, we're now faced with one more provocation, namely "negative equity". To clarify, negative equity by definition is ".....a situation in which, as a result of falling prices, a piece of real estate is worth less than the amount of money that was borrowed to buy it." This definition pretty well explains how negative equity can occur; and those of us who've been around a while, do understand that real estate markets actually do go down from time to time, despite what rabid investors and fearful buyers were thinking and exhibiting (up until circa 2006 when the market bubble burst). The issues gets a little more cloudy when you mix in property owners who took advantage of skyrocketing market values, by taking out 2nd or 3rd mortgages against their over-inflated equity, to buy that motor home they always dreamed about, or that summer home, or that sports car, or that 'you fill in the blank'. At least a little less empathy comes into play under this scenario.

That's a little background on what negative equity is, and how it can occur, but what does it mean to an acquiring entity that needs to acquire property in this situation for a public project? If the acquisition is a partial acquisition that doesn't create a severance or diminishment in value to the remainder property, the primary challenge will probably amount to getting the lien releases and refereeing the squabble between lender and owner, regarding who's going to get the money from the acquisition. If however the 'take' amounts to a whole parcel and that property is someone's residence, the excitement is about to begin. Recently we've experienced market value appraisals coming in with six-figure differentials, below loan amounts on residential property needed for projects. What do you do when State Statute limits you to only paying market value for property and the market is so overwhelmed by bank owned sales? How do you deal with trying to fill these kinds of deficiencies when Statute again cautions you against paying anything over market value, or risk violating "gifting" laws?

The federal government, via FHWA's Uniform Relocation Act, has attempted to address this issue by authoring a temporary memorandum whereby replacement housing payments are utilized to fill the void between value and mortgage amount. But this doesn't necessarily work if federal dollars aren't involved or if the residence is not owner occupied. However, this issue would require an article unto itself, so I'll move on.

Unfortunately because this is a relatively new phenomenon, there is not much case law to guide how such acquisitions should occur. There will certainly be the usual heated debate over "their appraisal" v.s. "our appraisal", but with six-figure differences of opinions, an increase in condemnation filings seems imminent. Arizona potentially has protection for the property owners, from lenders looking beyond the residence for full repayment of the loan. This is best known as the "Anti-Deficiency Statute" (ARS 33-729). This statute does not appear however, to preclude clouds on an affected party's credit rating, should their "negative equity" property be involved in a condemnation. Only time and likely legal cases will determine where this issue ultimately ends up. No doubt more challenges await us all, with each evolution of our environment, our economy, and our right of way industry, but as for today, it can certainly be said, "These are interesting times!"

August Member Meeting (cont.)

Menu & Speaker Information

SPEAKER: Brian Kirchner,
U.S. Army Corps of Engineers

TOPIC: "Acquiring Real Estate and Right of Way in Afghanistan"

BIO: Brian holds 18 years experience with the U.S. Army Corps of Engineers, including 15 years in the Phoenix Office with areas of responsibility in Arizona, Southern California, and Nevada. He recently completed a One year deployment in Afghanistan leasing property on behalf of the Army requiring the negotiation of lease terms with local nationals, village elders, and Afghan government officials to acquire property for U.S. Military purposes.

Brian has been a Certified General Licensed Appraiser since 1991, and has completed over 600 classroom hours of appraisal education with a combination of Appraisal Institute, ASFMRA, and IRWA courses.

Brian has undertaken appraisal assignments associated with both Military and Civil works projects, and holds expert knowledge of before and after partial taking appraisals with emphasis on Yellow Book procedures. He also has courtroom experience, working closely with Department of Justice attorneys for depositions and review of opponent appraisals. Prior to joining the USACE, Brian spent 8years with Farm Credit Banks involving finance experience and extensive agricultural appraisal work.

MENU:

American Buffet, All You Can Eat – 100+ choices, including favorites like grilled carved steak, seafood salad, fried or baked chicken, fried or baked fish, mashed potatoes, fresh veggies, and more. Plus Soup / Salad Bar, Beverage Station (hot & cold drinks), and Dessert Central (cobbler, cake, cookies, pie, ice cream).

RSVP: www.irwachapter28.org

Kachina Chapter Education Seminar

52nd Annual Education Seminar
**"Working Smarter by
Working Together"**

Hosted by IRWA Kachina Chapter 28
September 15 - 17, 2010

Desert Willow Conference Center
4340 E. Cotton Center Blvd, Phoenix, AZ

Our Seminar is September 17th - Only \$125.00
PLEASE go to the below website and sign up today!

Remember: You can use your \$100 DISCOUNT Coupon
toward the Seminar this year – So Only \$25.00!!

REGISTER AT:
http://www.irwachapter28.org/seminar_Fall2010.asp

Calendar

August 4 - Board meeting
(Office of the Attorney General)

August 10 – Member meeting and
luncheon – Annual Awards
Nominations. (Hometown Buffet)

September 1 – Board Meeting

September 15-16 – 52nd Annual
Education Seminar Courses – C105
and C108 (see below)

September 17 – 52nd Annual
Education Seminar & Luncheon
(Desert Willow Conference Center)

October 6 – Board Meeting

November 3 – Board Meeting

November 9 – Member Meeting
and Luncheon

December 1 – Board Meeting

December 7 – Member Meeting
and Luncheon, Awards Banquet

EDUCATION CALENDAR

September 15 - Course 105 –
Uniform Act Executive Summary

September 16 - Course 804 –
Skills of Expert Testimony

October TBA - Course 100 –
Principles of Land Acquisition

November 5 - Course 409 –
Integrating Appraisal Standards

November 4-5 - Course 700 –
Introduction to Property /
Asset Management

LEARN MORE OR REGISTER AT:
WWW.IRWACHAPTER28.ORG

Calgary 2010



Top Left - Carolynn Carrica
and Chris Banks enjoy a
little food and drink in
Canada.

Top Right - Chris Banks,
Amy Sholly, and Kathy
Sholly take time to strike a
pose for a photo opp in
Calgary.

Bottom Left – The pristine
view of Moraine Lake
near Canada's most
famous lake - Lake Louise.



**Congratulations to the
New Ethics Chair!**



Mark Keller – SRP

**Winners of Free course certificates from
Last Month’s Members’ Meeting**

Bud Rogers
Bob Patoni
Joel Gilmore

August Board Meeting

When: Wednesday, August 4th at 4:30 P.M.

Where: Attorney General’s Office - 1275 W. Washington
Phoenix, AZ 85007

Note: Entrance on North Side of building and parking is free



\$100 Discount Coupon

Redeemable for IRWA Kachina
Chapter 28 Course Tuition

Members Name: _____

*Must be a Member of Chapter 28
and attend Three Member Meeting Luncheons*

Executive Board Member signature	Date

Coupon expires one (1) year from latest date above



\$100 Discount Coupon

Redeemable for IRWA Kachina
Chapter 28 Course Tuition

Members Name: _____

*Must be a Member of Chapter 28
and attend Three Member Meeting Luncheons*

Executive Board Member signature	Date

Coupon expires one (1) year from latest date above

2010 Annual Awards - Nominations Criteria

Nominations for the Chapter 28, 2010 Annual Awards will be accepted at the August Member Meeting. If you know a company or individual that fits the following criteria, please present them.

EMPLOYER OF THE YEAR

- Encourages membership in the IRWA at local, regional, and/or international levels?
- Encourages participation by allowing time off (with pay) for attendance at Chapter and Association functions?
- Encourages employees to serve on IRWA Committees and/or the Chapter Executive Board?
- Pays member dues and/or for luncheons, continuing education courses, seminars, etc?
- Supports the IRWA by monetary donations or by providing equipment, meeting rooms, etc?
- Recognizes the value of possessing the SR/WA designation -- Increases pay, adds the designation to business cards, allows signature usage to include SR/WA after name, etc?

SPECIAL SERVICES AWARD

- How long has the individual been a member of IRWA? Of Chapter 28?
- How active is this member? Has the member served as a Board Member or served on / chaired any committees?
- Community involvement? (a plus but NOT a requirement)
- Is the individual available and willing to undertake special projects?
- Does individual put forth “above & beyond” effort to consistently assist other members (especially new members)?
- Does individual advocate IRWA membership to others?
- Does individual present a professional and personable image?
- Does individual represent the IRWA in a manner consistent with the Association Code of Ethics and guidelines?

PROFESSIONAL OF THE YEAR

- How long has the individual been a member of IRWA? Of Chapter 28?
- How active is this member in Chapter 28?
- Is this individual an SR/WA? If so, for how long? If not, is s/he a Candidate?
- Has the individual served as an elected officer of Chapter 28 or any other IRWA Chapter? If so, what offices held?
- What appointed Chapter positions has the individual held? For how long?
- Has this individual served as a Chairperson or as a Member of any:
 - * Chapter committee? If so, which and for how long?
 - * Regional committee? Which ones?
 - * International committee? Which ones?
- Does this individual regularly attend monthly member meetings, executive board meetings, local education seminars, regional forums, and international seminars?
- Does this individual participate at these functions as a speaker, program coordinator, or committee member?
- Does this individual willingly give his/her time to help at Chapter/Regional/International levels? If so, what responsibility has this individual completed in a professional and successful manner?
- Has this individual come up with suggestions that help make money for the Association at the Chapter, Regional, or International level? What ideas?
- Has this individual written or provided an article for the newsletter or R/W Magazine?
- Is this individual an IRWA Instructor?
- Does this individual participate in other organizations that benefit the community/nation? If so, in what capacity?
- Does this individual present the professional image that the IRWA seeks to project to the public?
In other words, does this person represent the association in a professional, friendly, and selfless manner promoting and serving the association and the membership, rather than promoting themselves and how the association can serve or promote their personal agenda, interests and goals?

