

Neighborhood faces towing troubles

Removal of vehicles surprises residents

JAMES SCOTT BARON
The Free Lance-Star

Residents of a town house community in North Stafford say they're being forced to follow the rules of a homeowners' associa-

tion they don't belong to, and it's costing them their cars.

"Our HOA has been defunct for 20 years," said Mike Hammond, who has lived in the same town house in the 100 block of Austin Run Boulevard for 18 years.

That hasn't stopped some of their vehicles from being re-

moved by a local towing company.

"We have no governing authority in our part of the neighborhood," Hammond said. "And now they're just showing up out of nowhere towing our vehicles?"

Tammy Trogdon, who lives on nearby Austin Court, said when she bought her home 12 years

ago, the closing documents did not include an HOA. She said when cars started getting towed from her neighborhood last month, conversations with other residents living in Section Two of Austin Run all confirmed the same thing.

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Hammond said the town houses he and his neighbors live in on Austin Run Boulevard, plus the homeowners on Austin Court, are all part of Section Two of a development that was built beginning in the early 1980s. Although residents of Section Two have not had an active HOA since 2005, Hammond said homeowners in Section Two are being targeted by Shanks Towing. Residents said Shanks has justified towing their cars by saying the residents are members of the Austin Run Homeowners Association.

While that nearby HOA does exist, Section Two is not part of it.

“To my understanding, they’ve dug up a decades-old contract for an HOA that no longer exists and hasn’t existed in decades,” Hammond said. “They’re now applying that contract to our vehicles and as far as I’ve seen, this is criminal activity.”

The “towing enforced” signs placed by Shanks employees in Section Two last month are labeled “Covenants for Austin Run.” Less than a block away, signs on streets within the HOA are labeled “Austin Run HOA.” Residents of the HOA are given red Austin Run HOA parking permit stickers to display on the back of their rear-view mirrors. Residents of Section Two said Shanks employees told them they must display the same HOA sticker or their vehicles will be towed off the premises.

“I’ve lived there 18-plus years and we don’t have stickers,” Hammond said. “Stickers are handed out by the HOA, and we don’t have an HOA.”

It’s unclear who authorized Shanks to place the signs in Section Two. Erin Aguilar, a community manager at PMI Prince William who manages the Austin Run HOA, said the residents of Section Two are not included in the HOA she oversees.

“We manage the first two sections of townhomes on Austin Run Boulevard and we also manage Wayside Court,” Aguilar said. “The third section on Austin Run Boulevard and Austin Court are not in the Austin Run townhome association that we manage.”

Austin Court resident Carlos Arocho, who had his car towed



TRISTAN LOREI PHOTOS, THE FREE LANCE-STAR

Residents are seeking more information about these signs, which were put up last month in front of a town house community in North Stafford.

from his parking space, said Shanks representatives told him to call Fredericksburg attorney James Hilldrup.

“That was the only name they threw out there,” Arocho said. “I spoke to his secretary and she told me they have nothing to do with it, that he’s just doing it as part of the property management.”

The Free Lance-Star’s attempts to reach the lawyer were unsuccessful.

Some residents on Austin Court believe the recent towing activity might have something to do with 111 Austin Court, a town house that was recently renovated and is listed for sale by the Re/Max Supercenter for \$299,900.

Listed among the amenities of the refurbished town house is a \$70 monthly HOA fee, but the town house is in the heart of Section Two, where there is no HOA. Calls to the listing agent, Scott Cleveland, were not returned.

On Wednesday, Aquia District Supervisor Monica Gary said she has long feared residents of Section Two would be targeted by “someone” due to the neighborhood’s lack of an HOA, crumbling infrastructure and a lack of community funds to make basic upgrades and repairs.

“I was not surprised. I think they were targeted,” Gary said. “Someone knew they wouldn’t be able to fight back.”

Hammond said when their small community of homes was

built in the early 1980s, the original homeowners of Section Two created their own HOA separate from Austin Run’s HOA. But that association dissolved in 2005 after it went bankrupt.

Terry Philipp, who has lived on Austin Court since his home was built in 1981, said nearly 20 years ago, when their former HOA director was charged with embezzlement, residents of Section Two unanimously decided they’d cut their own grass and take care of the community common areas without the oversight of a formal association that required monthly dues.

“We all said no,” Philipp said.

So late last month, Philipp was surprised when his red Ford Ranger truck was towed away by Shanks. For the last 10 years, Philipp said his truck has sat mostly idle in the parking space that’s permanently assigned to his house.

“I haven’t even called them to get it back,” Philipp said. “I want it back intact. I had stuff in the back of that truck and I had tools in the front seat.”

Hammond said problems with the tow company began Nov. 4, when he said Shanks employees came into the neighborhood and placed “towing enforced” signs in the parking lot that serves his cluster of town houses, as well as signs at the top of the hill where Austin Court begins.

Hammond said he reached out to the towing company to learn



Neighbors and residents of Austin Run town houses meet in Mike Hammond’s home to discuss their cars getting towed.

more about the intent of the signs, but said he did not receive an informative response.

“They were very nasty on the phone,” Hammond said. “They said ‘we have the authority to tow in your neighborhood and we’re going to start enforcing it.’”

Hammond said nothing happened after that call until Nov. 25, when Shanks employees returned to Section Two and placed flyers on vehicles warning residents they were subject to a tow based on “documents duly recorded in the (Stafford) Clerk’s office” that are dated 1973 and 1980. The notice also “requires” private property owners to “maintain the premises and the improvements in a satisfactory manner.”

“They can’t pick and choose what parts of this document they can enforce and what parts they don’t want to,” Hammond said. “They can shut down the whole neighborhood if we let them.”

Three days after Shanks placed the notices, Hammond said an “organized operation” of multiple tow trucks converged on Austin Court in the early evening to tow seven vehicles away.

On Nov. 28, residents said seven cars on Austin Court were taken at once and residents were asked to pay anywhere from \$165 to \$430 for their return.

Joanne Fearnow was one of the first residents of Austin Court to see the beginning of the towing operation. Her own car was spared that night, but she said she saw the first vehicle on the hook.

“They literally dragged a car

down the road,” Fearnow said. “The wheels weren’t even turning, they were just dragging it.”

Fearnow said she called Shanks, whose dispatcher first told her to call Aguilar, the neighboring HOA manager, but later in the conversation told her to call Hilldrup, the local lawyer. Fearnow said she pleaded with the dispatcher to hold off with the towing of her neighbors’ cars until things could be cleared up in the morning.

“Maybe an hour and a half later, they were back,” Fearnow said. “The next day, I called Hilldrup’s office and spoke to his secretary and they wouldn’t put me through to him.”

Numerous attempts to reach Shanks Towing to learn who authorized the company to tow vehicles in Section Two were unsuccessful.

Gary said she couldn’t get an answer from Shanks, either. She said she called the towing company twice and was then referred to Cleveland or Hilldrup, who did not return her calls.

In the meantime, Gary said she’s briefed county officials and members of the county’s towing advisory board on her concerns.

“They’re contacting Shanks and looking into it,” Gary said. “They are gathering additional information.”

Section Two residents had a community meeting Friday to air their grievances with Stafford Deputy Capt. Lee Peters. Peters is a member of the county’s towing advisory board.

Police investigating towing incident

Authorities execute warrant at Shanks; seize towed vehicles

JAMES SCOTT BARON
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The Stafford County Sheriff's Office executed search warrants at a local towing company that removed eight vehicles from a

neighborhood in North Stafford.

Shanks Towing was approached by law enforcement Wednesday after residents of the town house community said the towing company illegally removed their cars off private property in November.

"We presented our case and our evidence to the magistrate," said Stafford County Sheriff's Cpt. Lee Peters. "Probable cause was found to issue two search warrants."

Peters said he consulted with Commonwealth's Attorney Eric Olsen on the circumstances of the case.

"We've got their guidance and they are assisting in the appropriate ways in this investigation," Peters said.

The search warrants were executed simultaneously at noon at Shanks' facilities at 500 Musselman Road in Falmouth and at 3616

Summit Crossing Road in Spotsylvania County. Chris Shanks arrived at the Falmouth location with another man shortly after noon and allowed nearly a dozen deputies access to his small office building, as well as the gated yard where vehicles are stored.

The investigation into Shanks and his company comes after residents of Austin Run Boulevard and Austin Court in North Stafford say

Shanks towed vehicles from parking spaces for no reason Nov. 28.

"Our HOA has been defunct for 20 years," said Mike Hammond, who lives in the 100 block of Austin Run Boulevard. "And now they're just showing up out of nowhere towing our vehicles?"

Peters said a look at the towing contract reveals Shanks'

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authorization to tow the vehicles came from a contract Shanks entered with River Potomac, a King George County company managed by Joseph Scott Cleveland, a real estate agent with the Re/Max Supercenter. Peters said the towing contract shows River Potomac asked Shanks to enforce HOA rules solely for 111 Austin Court, a town house in the process of being sold for \$309,900 according to the Re/Max website. Residents nearby say the town house was recently refurbished, and the listing includes a \$70 monthly HOA fee in a neighborhood where no HOA exists.

“As our investigation continues, we will continue to see if there are any other associated crimes along with this,” Peters said. “We will dig into it and follow the evidence to whoever or wherever it goes.”

Calls to Cleveland last week seeking more information on his company’s towing contract with Shanks were not returned. Shanks also declined to speak with The Free Lance-Star last week after attempts to reach him by phone.

Hammond said on Nov. 4, employees of Shanks came onto his street as well as nearby Austin Court and placed signs warning residents they must comply with the “Covenants of Austin Run.”



JAMES SCOTT BARON PHOTOS, THE FREE LANCE-STAR

On Wednesday at Shanks Towing in Falmouth, Cpt. Lee Peters (center) and other Stafford County deputies prepare to retrieve vehicles towed by the company in late November from a North Stafford town house community.

Hammond said when the signs were placed, he reached out to Shanks to explain there was no HOA in his neighborhood to enforce, and there hasn’t been one there for 17 years.

On Nov. 25, residents say Shanks employees returned to the neighborhood to place notices on vehicles citing “documents duly recorded in the (Stafford) Clerk’s office” dating back to 1973 and 1980 as the company’s basis to launch a towing campaign. The notice also “requires” residents “maintain the premises and the improvements in a satisfactory manner.”

Last week, some longtime residents of the neighborhood had a hunch the sudden presence of tow trucks

in their ordinarily quiet neighborhood might have something to do with 111 Austin Court going on the market.

“They’re just trying to get a better price for that home up there,” said Tammy Trogdon of Austin Court.

On Nov. 28, residents say Shanks tow trucks converged on the neighborhood and hauled away eight vehicles.

“They literally dragged a car down the road,” Joanne Fearnow of Austin Court said. “The wheels weren’t even turning, they were just dragging it.”

Fearnow said she called Shanks that night and a dispatcher eventually told her to call James Hilldrup, a local lawyer.

“The next day, I called Hilldrup’s office and spoke to his secretary and they wouldn’t put me through to him,” Fearnow said.

The Free Lance-Star’s attempts to reach Hilldrup last week were also unsuccessful.

Stafford deputies on Wednesday seized all documents, photos and communications from Shanks related to last month’s towing incident. Peters also said deputies seized the vehicles Shanks towed out of the town house community as evidence.

“We will go where the evidence leads us,” Peters said. “Right now it’s about the improper removal of vehicles from private property.”