



Marla J. Diaz

PARTNER

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BIOGRAPHY

Ms. Diaz focuses her practice on representation of community associations throughout the Commonwealth of Virginia. She has significant trial and general litigation experience in the state and federal courts in the Commonwealth of Virginia, including litigating various community association issues, construction defect, commercial litigation, and real estate litigation. Ms. Diaz also has significant experience representing community associations before various administrative boards, including the Virginia Fair Housing Board and various County Human Rights Commissions.

RECOGNITIONS

- Recognized as a “Leader in the Law” by *Virginia Lawyers Weekly* to the 2018 Class of “Leaders in the Law”

MEMBERSHIPS & ACTIVITIES

- Member: Fairfax Bar Association

PRACTICES & INDUSTRIES

Community Associations
Contract Negotiations and
Dispute Resolution
Counsel to Boards of Directors
Delinquent Assessment
Collection
Rules and Covenants
Enforcement
Interpretation/Amendment of
Governing Documents
Developer/Warranty Issues
Estates & Trust Litigation

EDUCATION

Wake Forest University School of
Law, 2001, J.D.
College of William and Mary,
1997, B.S.

ADMISSIONS

Virginia

COMMUNITY ASSOCIATIONS

- Experienced in representing community associations throughout the Commonwealth of Virginia

COMMUNITY ASSOCIATIONS LITIGATION

- Represented community associations in a variety of litigation matters, including covenant enforcement, defense of federal and Virginia fair housing discrimination claims, defense of breach of contract claims brought by owners and defense of fiduciary duty claims against boards of directors. Ms. Diaz also represents community associations at the general district court level in assessment collection actions.

CONTRACT NEGOTIATIONS AND DISPUTE RESOLUTION

- Experienced in negotiating agreements for construction, maintenance and improvements of the common interest community association property and common facilities
- Represented community associations in conciliation proceedings related to federal and Virginia fair housing claims

COUNSEL TO BOARDS OF DIRECTORS

- Provides advice to boards of directors of community associations on many aspects of the day-to-day business of operating and governing a community association, including compliance with governing documents, operating procedures, meeting issues, compliance with Virginia statutes governing community associations, homeowner disputes, assessment collections, and various director issues

DELINQUENT ASSESSMENT COLLECTION

- Regularly advises boards of directors on cost-effective delinquent assessment collection procedures and draft policy resolutions designed to better manage the association's collection efforts

- Oversees the delinquent assessment collections for various community associations and represents them in various court to collect the delinquent amounts owed to the association

RULES AND COVENANTS ENFORCEMENT

- Advises community associations regarding changing case law and legislation effecting the covenant enforcement efforts of the associations
- Drafts policy resolutions regarding covenant enforcement and further assists enforcement of the association's covenants by instituting legal proceedings to enforce the covenants

INTERPRETATION/AMENDMENT OF GOVERNING DOCUMENTS

- Experienced in providing interpretations of community association's governing documents and advising boards of directors regarding the actions they can and cannot take on behalf of the association
- Drafts amendments to governing documents to address the changing needs of community associations

DEVELOPER/WARRANTY ISSUES

- Advises community associations regarding claims against developers related to warranty issues and works with boards of directors to develop cost-efficient plans for addressing warranty claims

ESTATES AND TRUSTS LITIGATION

- Has contested a suit that involved issues on holographic wills and partnership interests
- Had prepared numerous guardian and conservatorship petitions
- Defended a surety bond company in a breach of fiduciary duty claim against a conservator
- Litigated complex jurisdiction issues for probate of will on behalf of the wife of the decedent and did subsequent pre-litigation work on will contest issues raised by the children of the decedent
- Brought suit in an action to challenge the actions of a trustee and

attorney-in-fact under a power of attorney

PRESENTATIONS & PUBLICATIONS

Speaker on community association matters for the Washington Chapter of the Community Association's Institute

Co-Presenter: *Falling Waters*, CAI Manager Luncheon, March 2015

Co-Author: "HUD Adopts New Rules Clarifying Associations' Liability For Harassment And Third Party Conduct Under the Fair Housing Act," Currents Magazine, Southeastern Virginia Chapter of CAI (December 2016)

Speaker: "Your Community, You're Connected: Association Communications," Fairfax County Government Channel 16 (January 29, 2019)

Speaker: "Your Community, You're Connected: Assessments, Penalties and Collections," Fairfax County Government Channel 16 (January 10, 2017)

Speaker: "Your Community, You're Connected: Planning Successful Meetings," Fairfax County Government Channel 16 (February 9, 2016)