

**RESOLUTION OF THE BOARD OF DIRECTORS
WINDSOR HILLS HOMEOWNERS ASSOCIATION**

(Procedures for Collection of Delinquent Payments)

WHEREAS, Article VI, Section 1 of the Homes Association Declaration creates an assessment obligation for the owners of homes in the Windsor Hills Association ("Association"), which is a continuing lien on the home and a personal obligation of the owner; and

WHEREAS, there is a need to establish orderly procedures for the billing and collection of said assessments; and

WHEREAS, Article VI, Section 1 of the Declaration grants the Board of Directors the authority to enforce payment of assessments by means of, *inter alia*, foreclosing the lien against any home for which assessments are not paid or filing a lawsuit; and

WHEREAS, the Board of Directors desires to establish these procedures in conformity with the Declaration, the Bylaws, and as otherwise provided by law;

NOW, THEREFORE, LET IT BE RESOLVED THAT the Board of Directors, on behalf of the Association, duly adopts the following collection procedures:

1. **ASSESSMENTS**: Each owner's annual assessment is due on the first day of January.

Notices, documents and all correspondence relating to assessments shall be mailed to the address which appears on the books of the Association. It is each owner's responsibility to inform the Association's managing agent of any address change.

2. **DELINQUENCY**: An owner's account is delinquent if an assessment is not received on the due date.

3. **LATE FEES AND INTEREST**: If dues are not paid and posted to your account before the thirtieth (30th) of January a late fee assessment and interest will be charged in accordance with the Declarations per month the account remains delinquent. If account is not paid in full by February 1st interest will continue to accrue until paid in full. If payment is not received before February 28th a late fee in the amount of \$10.00 per day will accrue until payment in full is received and posted. In addition, a \$25 returned check charge and any related bank charges will be assessed against the account of the unit owner responsible for payment if the payment is returned for insufficient funds.

4. **LATE NOTICES**: If full payment of an assessment is not received by the Association's managing agent within 15 days after the due date, the managing agent will send a delinquency notice to the owner by first class mail requesting immediate payment, advising the owner of late charges, and advising that interest has begun to accrue on the unpaid balance at the rate of 10% percent per annum.

5. INTENT TO CREATE LIEN: If an account is delinquent, the Association may record a "Notice of Lien" against the home in county land records.

The Notice of Lien will inform the public of the amount of the outstanding balance, including all past due assessments, late fees, interest, costs of collection and reasonable attorney fees. The Notice of Lien will conform with applicable laws.

6. DEBT COLLECTION OPTIONS: In order to collect a debt owed to the Association by a member, the following options may be used until the debt is satisfied:

- Legal action described below.
- Suspension of a member's privileges, including swimming pool.
- Suspension of trash disposal services.
- Suspension of voting rights.

7. LEGAL ACTION: If an account remains delinquent, the Association may retain an attorney to proceed with further legal action, including, but not limited to, foreclosing on the owner's property, or filing a lawsuit, or both, against the owner to collect the owner's past due assessments, late fees, interest, costs of collection, and attorney fees.

8. PAYMENTS CREDITED: Payments received from an owner will be credited to the outstanding balance in the following order:

- a. Court costs, attorney fees, and other costs of collection.
- b. Fines, late fees or accrued interest, as applicable.
- c. Special assessments.
- d. Annual assessments.

[OPTIONAL] Once an account becomes delinquent, payment from the delinquent owner will not be accepted unless it is made by certified or cashier's check or by money order.


9. PARTIAL PAYMENTS: In the event an owner attempts to make a payment of less than all monies due and owing the Association after collection proceedings have commenced, the Association's attorney or designated collection agent will send a letter by first class mail to the owner advising the owner that his or her account remains delinquent as to all remaining monies owed to the Association. The Association's retention of the partial payment does not constitute a waiver of the Board's authority to foreclose on the owner's property to take action against the owner to collect the outstanding balance.

Failure by the Association to follow any of the procedures set forth in this Resolution shall not excuse any owner from their obligation to pay all assessments, interest, charges and costs, including attorney fees, due in a timely manner, nor does such failure constitute a waiver

of the Association's right to collect all assessments, costs, charges and interest due the Association.

This policy is effective beginning January 1, 2018. This policy replaces and supersedes all prior policies and procedures for delinquent payments.

Signed 12-5-, 2017



Printed Name: Anita Kish
President – Board of Directors