

Procedures Relative to the Collection of Utility Service Fees North Creek Village Homeowners Association

WHEREAS, Article 6, Section 6.10 of the Amended and Restated DCCRs grants the Board of Directors the authority to enforce payment of assessments by means of charging interest and fees, foreclosing the lien against any unit for which assessments are not paid or bringing an action at law against the owner personally obligated to pay the same; and,

WHEREAS, Article 8, Section 2(G) of the Amended and Restated DCCRs provides that the Board of Directors may enforce collecting the Unit's pro rata share of monthly usage of water and sewer service in the same manner as monthly installments of the Annual Assessment; and,

WHEREAS, Article 2, Section 2.2 & 2.4 of the Amended and Restated DCCRs provides that the Association has the right of entry and access to, over, under, upon and through the common area and all Units to perform its obligations including utility services; and,

WHEREAS, there is a need to establish orderly procedures for the billing and collection of said utility service fees; 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 procedures for water service:

The North Creek Homeowners Association Board of Directors has decided it is in the best interest of the Association to establish a defined water service fee collection policy effective 6/6, 2018.

The due date for Association utility service fees has not changed and, all payments remain due on the 10th day of each month, and will be considered delinquent if not received by the 13th day of each month. Payments that are not received by the 13th day of the month will be charged a \$15 late fee. Correspondence will be mailed from the North Creek Board of Directors (or its agent) indicating a past due balance and communicating the assessment of a \$15 late fee.

Accounts that remain unpaid - 1 month (30 days delinquent)

Correspondence will be mailed from the Board of Directors (or its agent) indicating a past due balance, including an additional \$25 late fee. There is no requirement for the Association to accept partial payments nor resume service upon the receipt of a partial payment. Regulations pertaining to the Federal Fair Debt Collection Act will be addressed.

Accounts that remain unpaid - 2 months (60 days delinquent)

Correspondence will be mailed from the managing agent demanding payment of all past due balances, including late fees. An additional \$25 late fee will be applied. The notice shall state the specific date after which service will be turned off, and that turn off date shall be ten (10) days or more from the date of the notice. No less than ten (10) or more from the date of the notice. No less than ten (10) days prior to a shut off that was previously identified to the customer, the Association shall remind the customer of the scheduled shutoff by: (1) attempting to communicate with customer with a telephone call; and (2) placing a hangtag on the exterior of the residence. After these notifications, if the outstanding balance due is not paid in full, the water service will be locked off and a \$200 fee applied. Should the lock be vandalized, tampered with or removed the Association may (1) impose a \$300 fee ; and (2) charge the customer for the cost of a lock replacement with an additional charge up \$200; and (3) determine that water service will not be

reactivated to the offending customer even if payment of the sum due is received. Correspondence also will indicate that if payment is not made, a lien will be filed against the unit and collection efforts will be initiated. All lien fees and collection charges will be added to the delinquent account, including, but not limited to, reasonable attorney's fees. There is no requirement for the Association to accept partial payments nor resume service upon the receipt of a partial payment. Regulations pertaining to the Federal Fair Debt Collection Act will be addressed.

Accounts that remain unpaid - 3 months (90 days delinquent)

Liens will be filed. An additional \$25 late fee will be assessed, the Platte County lien-filing release charge of \$54 and a lien-processing fee of \$150.00 will be added to each account. 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 in order to collect the owner's past due assessments, late fees, interest, costs of collection and attorney's or other legal fees. The lien will also include any delinquent Home Owner Association dues or other assessments. Additionally, the water service will remain locked off until payment in full is received and the Association has not found the commission of a crime or fraud has occurred.

Payments received

Payments are applied toward outstanding balances in the following order: (1) Legal fee expenses; (2) Fines; (3) Late Fees; (4) Interest and (5) Dues/Water/Sewer/etc. The Association's retention of a 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.

Please remember that any account may be prepaid and that automatic dues withdrawal is available, at no additional cost to North Creek HOA members. Please contact Kansas City Property Solutions at (816) 285-6531 to sign up.

Adopted on: June 6th 2018 (date)

Signed: R F Meier (Board President)

The board would like to thank all members who pay their utility service fees in a timely manner. This notice is being sent to all members to fulfill the Board's responsibility and commitment to communicate its adopted policies. Thank you for your attention to this issue.

Should you have any questions regarding this notice, please feel free to contact Kansas City Property Solutions at (816)285-6531.