

CROSS FOX CONDOMINIUM, INC.

**RESOLUTION**

**POLICY FOR COLLECTION OF ASSESSMENTS**

WHEREAS, it is the duty of the Board of Directors to collect assessments due to the Association as stated in Article V, Section 3(b). of the ByLaws; and

WHEREAS, the collection of assessments in a timely fashion is an integral part of the operation of the association;

NOW, THEREFORE, BE IT RESOLVED THAT the procedure for collection of delinquent assessments be as follows:

1. This Resolution shall not limit the number or scope of possible collection actions that may be taken against delinquent owners. Similarly, this resolution shall not limit the time frames of any collection actions that are to be taken. No owner may consider or use the time frames suggested by this resolution as a defense to any collection action that was taken even if the action taken was outside the time frame indicated in this resolution.
2. Each owner's annual assessment is due on the 1<sup>st</sup> day of the fiscal year; however, for the convenience of owners, the annual assessment may be paid in equal monthly installments on the 1<sup>st</sup> day of each month, unless otherwise notified by the Board of Directors. There may also be additional fees due, including, but not limited to, gas fees, special assessments, charges, interest or fines, which are subject to this collection policy.
3. Notices, documents and all correspondence relating to assessments will be mailed to the address which appears on the records of the association. It is each owner's responsibility to inform the association's Management Agent, in writing, of any address change. Payment coupons are provided to all owners once a year.
4. On or about the 9<sup>th</sup> of each month, the Management Agent will mail a reminder notice to all owners with a balance for that month. This notice includes notice of acceleration indicating that the account will be accelerated if payment is not received and the remainder of the fee for the balance of the fiscal year will be due.
5. If at the close of business on the 15<sup>th</sup> of the month, there is an assessment balance due, a late fee of \$15.00 [or 10% of the balance owed] as determined annually by the Board of Directors will be added. If there is a gas balance due, a late fee of \$10.00 will be added. Management Agent is authorized to waive one late fee per fiscal year at an owner's request based on the owner's good payment history.
6. On or about the 25<sup>th</sup> day of the month, the Management Agent will mail a notice to delinquent owners advising that their fee has still not been received and that in 10 days their account will be turned over to the association's attorney for lien filing, lawsuit and/or foreclosure.
7. On or about the 5<sup>th</sup> day of the second month of delinquency, the Management Agent will turn all delinquent owner accounts not paid by that date over to the association's attorney for collection action. Once the account has been turned over to the attorney, all correspondence with the owners regarding their account must be between the owners and the attorney.
8. On or about the 20<sup>th</sup> day of the second month of delinquency, the association's attorney will send each delinquent owner a Notice of Intent to File a Lien (NOI).
9. Between the 30<sup>th</sup> day and the 45<sup>th</sup> day after the NOI was deemed to be received by the owner(s), the association's attorney will file the lien against the owner. Lien filing is also subject to notice requirements that the attorney will verify before filing the lien.
10. On or about the 60<sup>th</sup> day of delinquency, the attorney will proceed with a lawsuit against the delinquent owner(s).
11. If an account has not been paid in full by the 30<sup>th</sup> day of delinquency, that owner, his/her tenants, guests, etc. will lose their rights to use the common areas.

12. All charges for collection action will be charged to the owner(s).
13. All checks returned unpaid must be replaced with a cashier's check or money order and will incur an administrative charge.
14. Payments received from an owner will be credited to the outstanding balance in the following order:
  - Court costs, attorney's fees and other costs related to collection.
  - Fines, late fees or accrued interest, as applicable.
  - Special assessments.
  - Annual assessments.
15. 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 will either send a letter to the owner or attempt to contact the owner by telephone or e-mail advising the owner that the payment was applied in accordance with Paragraph 14 hereof, and that his or her account remains delinquent as to all remaining monies owed to the association. The association's retention for the partial payment does not constitute a waiver of the Board's authority to foreclose on the owner's property or take action against the owner to collect the outstanding balance.

RESOLUTION ADOPTED BY THE BOARD OF DIRECTORS AND EFFECTIVE ON 2/28/13.

Eecott M. Samis  
PRESIDENT

Kendy S. van Aalst  
SECRETARY