

HAMILTON COURT HOMEOWNERS ASSOCIATION

RESOLUTION # 1

DELINQUENCY COLLECTION POLICY

WHEREAS, the Declaration of the Hamilton Court Homeowners Association, Article V, Section 9, sets forth the responsibility of the owners to pay their annual assessments and the Association's responsibilities to collect such assessments, and

WHEREAS, the Bylaws of the Hamilton Court Homeowners Association, Article XI, gives the Board of Directors the power to exercise for the Association all powers, duties, and authority necessary for the administration of the affairs of the Association, including the collection of delinquent assessments,

NOW THEREFORE, the board of Directors of the Hamilton Court Homeowners Association hereby updates and adopts its delinquency collection policy as follows:

1. Annual assessments are due the first day of each fiscal year. As a convenience to the homeowners, the annual assessment will be billed monthly prior to the first day of each month and are due on the first day of the month. Payments not received within Thirty (30) days of the date they are due will be considered delinquent. Payments, which are not honored by the bank for lack of sufficient funds, will be considered as not having been made. Non-receipt of a billing statement does not relieve the owner of the obligation to pay their monthly assessment when due.
2. In the event that payment is not received within thirty (30) days of the date it was due, the delinquent owners will be sent a letter by the Association's Management Agent advising the owner that if payment is not received by sixty (60) days from the date it was first due, a Certified Letter, Return Receipt Requested will be sent by the Association's Management Agent, and if the payment is then not received within ten (10) days from the date of this letter their account will automatically be turned over to the Association's attorney for collection and a \$50.00 late fee will be assessed to the account.

When the account is turned over to the attorney for collection, the account will be accelerated (all remaining monthly payments immediately due) and the delinquent owner will be sent a Demand Letter by the attorney advising the owner that if the accelerated amount is not paid within thirty (30) days of the Demand Letter, a lien will be placed on the owner's property and legal action initiated to obtain a Warrant In Debt Judgment against the owner.

3. The delinquent owner is responsible for paying late fees and any collection costs, legal fees or court costs incurred by the Association in attempting to collect the debt. Such costs shall include but not limited to:
 - 1) Interest on the unpaid balance - 10% per annum
 - 2) Agent's Collection Letter - \$25 plus certified letter charge (\$10.75), total \$35.75.
 - 3) Returned Check Fee - \$25.00
 - 4) Attorney Demand Letter - \$25.00
 - 5) Lien filing and service fee - \$41.00
 - 6) Lien release and service fee - \$41.00
 - 7) Filing of Warrant In Debt - \$30.00 (single owner), \$42.00 (dual ownership)
 - 8) Court and legal fees including attorney fees
 - 9) Management court time and / or special collection actions - \$50.00/hr

Fees charged by the various agents employed by the Association to collect delinquent accounts may be altered from time to time upon approval of the Association's Board of Directors to reflect the cost of doing business.

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4. Payments received from a unit owner shall be credited to the owner's account in the following order:

- 1) Charges for attorney's fees, court costs and other collection costs.
- 2) Any outstanding Rules Violation Charges.
- 3) All returned check charges.
- 4) All outstanding late fees or interest payments.
- 5) Past due assessments with payments applied to the first to the latest amount due.

5. The Association may, at its discretion, also take the following steps to collect any delinquent assessments:

- 1) Impose additional charges as permitted by law and the Association's Governing Documents.
- 2) Take all other additional legal action as permitted by law and the Association's documents to collect the delinquent assessment.
- 3) Suspend the privilege of a reserved parking space by marking the space currently assigned to the unit as "unassigned".
- 4) Notify the owner's mortgage company that the unit owner is delinquent in their assessment payments and request that they collect assessments.
- 5) Report the delinquent owner to the Credit Reporting Companies.
- 6) Require the owner to provide a Credit Report to the Association prior to the Association entertaining any request for a delinquency payment plan.
- 7) Employ, at the delinquent owner's expense, attorney's, collection agents, private investigators or others as necessary to collect any delinquent amounts due the Association.

Duly adopted at a meeting of the Board of Directors held on Sept. 4, 2008.

Motion made by Matt Witzig.

Seconded by Michael Mathias *(Signature)*

OFFICER

VOTE

	YES	NO	ABSTAIN	ABSENT
<u>[Signature]</u> , President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Michael Mathias</u> , Vice President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>[Signature]</u> , Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Kellie Ouf</u> , Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

Kellie Ouf, SECRETARY

September 4, 2008, DATE