Emerald Green Townhomes Community Association, Inc.
Administrative Resolution #1: Delinquency Policy

Enacted: July 1, 2015 **Effective: July 1, 2015**

WHEREAS, Article V of the Emerald Green Townhomes Community Association, Inc. Declaration of Covenants, Conditions, and Conditions grants the authority to the Board of Directors to establish late charges to defray the cost of late payment and to record a lien against any lot to secure payment of assessments that remain unpaid. Because the Association's economic well being relies on the timely payment of assessments and other allowable charges and because it is the Board's duty to use its best efforts to collect funds owed to the Association,

NOW, THEREFORE, BE IT RESOLVED THAT these collection procedures shall be followed:

1. AMOUNTS PAYABLE TO THE ASSOCIATION include, but are not limited to, regular assessments, special assessments, rules enforcement fees, repairs to the common area that are an owner's responsibility, legal fees and other costs associated with collection of funds on behalf of the Association.

2. PAYMENT SCHEDULE. The regular assessment for homes is due on the 1st of each month. Fees not received within 30 days of the due date will be considered past due.

3. NSF & INTEREST CHARGES.

- A late fee of $20.00 per month that the account remains delinquent.
- A $25.00 NSF (Non-Sufficient Funds) charge will apply to any returned check.

4. ORDER OF CREDITING PAYMENTS. Payments received shall first be applied to violation fines and late penalties, then to collections expenses, and then to assessments owed.

5. PROCESS FOR DELINQUENCY NOTIFICATION. For all balances that are not received by the due date, the following notification process applies:

- **FIRST NOTICE:** First Notice of Past Due Charges including detail of assessments, late fees, NSF charges, interest and other charges that apply will be sent by First Class Mail to an owner whose balance is past due. Notice will be mailed thirty to forty-five (30-45) days following the due date.
- **SECOND NOTICE:** A 15 Day Demand for Payment including detail of assessments, late fees, NSF charges and interest charges that apply will be sent by First Class Mail to an owner sixty (60) days following the due date. This Notice will recite intent to turn the matter over to an attorney for collection enforcement if balance is not paid within fifteen (15) days. Attorney actions include but not limited to filing a lien against the owner's property, a personal judgment against the owner and property foreclosure.
- **COLLECTION AGENCY:** All accounts that remain unpaid seventy-five (75) days following the due date will be forwarded to a collection agency for collection for sixty (60) days.
- **LIEN AND FORECLOSURE:** If balance remains unpaid after the account returns from the collection agency, approximately one hundred and thirty five (135) days, with the majority approval of the Board of Directors, the delinquent account will be forwarded to the association's attorney for lien filing and collection action. HOA Foreclosure action will only be initiated with a majority approval and signature of the Board of Directors.
- **PAYMENT PLANS:** Payment plans made with written request to the Board of Directors via the management company will be accepted on a case-by-case basis.

If a delinquent account is referred to an attorney for collection, the owner shall be charged the Association's reasonable attorney fees and related costs in accordance with the Covenants Conditions and Restrictions. Once an account is sent to an attorney for collection, the entire unpaid annual and special assessments shall be accelerated and declared immediately due and payable.

Terrance H. Hurrell 6/28/15
President Date

Lori Ann Anderson 6/28/15
Vice President Date