

COLLECTIONS RESOLUTION OF THE
BOARD OF DIRECTORS OF
EMERALD MEADOWS HOA

Emerald Meadows HOA occasionally experiences delinquency of the regular homeowner assessments. The Board is charged with the responsibility to establish, assess and collect these fees. Furthermore, owners are obligated to pay all assessments levied by the Association. (See Article IV of the Declaration and ORS 94.704 & ORS 94.712)

It is vital to the economic stability of the Association that every owner pay their share of the Association's expenses. The Board is now adopting this Resolution governing the collection of unpaid assessments. In addition, it has entered into a contract with Community Association Law Group ("CALAW"), who will undertake collection and lien enforcement activities on behalf of the Association.

POLICY

- A. Annual assessments of \$750.00 for residential lots and \$550.00 for bare land lots will be due no later than September 1st.
- B. Interest will be charged once the account(s) are turned over to CALAW in an amount equal to 12% per annum of the unpaid assessment.
- C. All costs of collection including but not limited to attorney fees, recording fees, court costs, and filing fees, shall be assessed against the delinquent owner.
- D. Whenever a collection matter has been referred to a third party collection agency or an attorney, neither the Board nor any of its agents shall discuss the collection of the account directly with the owner. All communication shall be between the collector and the owner.
- E. If a payment check is dishonored or not accepted by the bank due to insufficient funds (NSF) or any other reason, the sum of \$35.00 will be added to the Owner's assessment, and a Notice of Dishonor may be sent to the Owner. Any returned check constitutes a late payment and a late fee will be assessed.

PROCEDURE

1. Once an assessment is more than \$1,000 delinquent, the Association will send notice to the owner with the amount due and demand immediate payment.
2. 90 days after the notice has been mailed, the Association shall turn the file over to CALAW. CALAW will then:
 - (a) send a demand for payment; and
 - (b) record a lien against the unit within 30 days.
3. After the file has been turned over to CALAW, all contacts with the delinquent owner must be through CALAW unless CALAW gives consent.
4. If the Assessment is still not paid after 30 days from CALAW's notice, CALAW will send a final letter demanding payment within 10 days. The letter will state that CALAW may sue the owner or foreclose on its lien.
5. If the assessment is not paid after CALAW's 10 day letter, CALAW will file suit against the owner, file a suit to foreclose on its lien, or both.
6. After CALAW obtains a judgment, it will begin collection of the judgment by:
 - a. garnishing the owner's bank account; or
 - b. garnishing the owner's wages; or
 - c. executing a writ against the owner's real or personal property; or
 - d. any additional methods authorized by law.
7. At any time after the file has been turned over to CALAW, and at the discretion of CALAW, the owner may enter into a payment plan that is secured by a Stipulated Judgment.
8. Payments from the owner or through a judgment shall be made to CALAW. The Association grants CALAW a limited power of attorney to endorse and deposit checks made payable to the Association or its manager. Funds will be disbursed to the Association as outlined in the Association's representation agreement with CALAW.
9. Nothing in this resolution prevents the Association from taking any other actions against an owner, including termination of utilities and preventing access from recreational or service facilities at the community.
10. A copy of this Resolution will be sent to all owners.

Sandra J. Barron
President

30 Mar 17
Date

Nancy Rich
Secretary

30 Mar 17
Date

A. de Souza
Treasurer

30 Mar 17
Date

