


RESOLUTION ADOPTING MAINTENANCE ASSESSMENT DELINQUENCY PROGRAM

The Maintenance Assessment Delinquency program was approved by the board of Directors of Kenswick Meadows Community Association, Inc. the 28th day of November, 2011.

- The Maintenance Assessment Delinquency Program is initiated following approval of an operating budget for the upcoming year by the Association Board of directors. The approved budget will determine the annual or monthly assessment required from each property. This process follows the process defined in the association Declaration of Covenants, Conditions and Restrictions (restrictions).
- The following procedures have been approved by the Board, and will be implemented by the management company under the direction of the Board. The intent of the program is to encourage owners to pay the assessment on time without having to proceed to legal collection. Therefore, several steps with associated notices are included in the program. One or more of these steps will be used in the collection process and implementation may vary depending on the balance due and circumstances for each account.
- **Payment Plan:** A payment plan is available for members who may not be able to make payment prior to the delinquency date. Details are provided in the association payment plan resolution and may be implemented through discussions with the management company.
- **Payment Options:** The management company offers several different options for payment of the assessment (check, bank issued check, credit card, etc.).
- **Annual Maintenance Assessment Statement:** The annual assessment invoice will be mailed to each property owner once the budget is approved. This invoice will include the current year assessment plus any balance that remains unpaid on the account. The invoice will provide owners with the opportunity to pay the assessment through multiple payments without a processing fee or other charge so long as the payments are made prior to the original assessment due date. A formal payment plan agreement is not required for the owner to implement this option.
- **Past Due Reminder:** The past due reminder is mailed to each property owner that has not paid their account balance in full prior to the due date established in the restrictions.
- **Delinquency Notice:** The delinquency notice will be mailed to each property owner that has not paid their account balance in full by the delinquency date established in the restrictions. This invoice will include the amount due shown in the original invoice plus interest and an administrative "late" fee charged by the association plus the administrative "collection" fee charged by the management company.
- **Lien Assessment Notice:** The lien assessment invoice notifies the owner a lien will be assessed if payment is not made by the due date or a payment plan is not established. The notice will be sent via certified and regular mail. This invoice will include the amount due shown in the last prior invoice plus interest and an administrative "late" fee charged by the association plus the administrative "collection" fee charged by the management company. A certified letter fee that includes the cost of postage and preparation for mailing will be added for the certified notice.
- **Lien Assessment:** A lien will be established if the account balance is not paid in full by the due date from the last prior notice or a payment plan entered into. The property owner will be notified that a lien is being established. The related invoice will include the amount due shown in the last prior invoice plus interest and an administrative "late" fee charged by the association plus the administrative "collection" fee charged by the management company and the cost for establishing and recording the lien and releasing and recording the lien release.
- **Final Notice before Legal Action:** The final notice before legal action invoice will be mailed to owners via certified and regular mail. It provides notification that the account balance must be paid in full with 30 days or the account will be sent to an attorney. The notice will be sent via certified and regular mail. This invoice will include the amount due shown in the last prior invoice plus interest and an administrative "late" fee charged by the association plus the administrative "collection" fee charged by the management company. A certified letter fee that includes the cost of postage and preparation for mailing will be added for the certified notice.
- **Transfer to Attorney:** An account will be transferred to the Association attorney with board approval, after a waiting period of 30 days for payment or implementation of a payment plan by the owner. All costs related to legal action will be for the account of the property owner.
- **Interest:** Interest will be added to the account balance each month utilizing the interest rate established in the restrictions.
- **Lien Release:** The lien will be released by association when payment in full is received from the property owner. A copy of the recorded lien form will be mailed to the property owner following receipt from the County Clerk.
- **Account balance:** can include the current assessment, prior year assessments, interest, collection fees, fines, legal fees or other similar charges made to the account.

CERTIFICATION

"I, the undersigned, being the President of Kenswick Meadows Community Association, Inc., hereby certify that the foregoing Resolution was adopted by at least a majority of the Kenswick Meadows Community Association, Inc. Board of Directors."

By: , President

Print Name: Shannon R. Gants Date: 10-30-11

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