

Brook Meadows Homeowners Association, Inc. (BMHA)

Administrative Resolution A001

Assessment Collection and Remedies

WHEREAS, Article I of the Amended and Restated Declaration of Covenants, Conditions, and Restrictions (the "CC&R's") delegates and assigns the BMHA Board of Directors (the "Board") the power of administering and enforcing the CC&R's including levying, collecting and disbursing the assessments; and

WHEREAS, Article V, Section 5.5 of the CC&R's assigns to the Board collection and remedies power including, collection of, "attorneys' fees, interest, late fees and costs as necessary for collection, shall be a charge upon the land against which each such assessment is made. Each such assessment, together with attorney's fees, interest and costs, shall also be the personal obligation of the Owner of the land at the time the assessment became due;" and

WHEREAS, Article V, Section 5.5 of the CC&R's gives the Association the "right to file suit, for the collection of such assessments, attorneys' fees, late fees, and costs, against an Owner who fails to pay any assessment due hereunder;" and

WHEREAS, since delinquent assessments post a serious financial and administrative burden on the association, there is a need to establish an orderly process and procedures for the collection of BMHA assessments that remain unpaid past their due date; and

WHEREAS, it is the intent of the Board to establish an orderly process and procedures for the collection of delinquent assessments;

Now, therefore, be it resolved that the steps and requirements for BMHA collection of delinquent assessments be as follows:

1. Each BMHA Annual Assessment is due by 1st day of the month of each fiscal year and shall be delinquent if not paid in full by the 31st day of the 1st month of the fiscal year. In the event that a BMHA invoice has not been received by a homeowner, it shall be the Homeowner's responsibility to pay in full the Annual Assessment (membership dues) amount for the prior fiscal year to the BMHA by 31st day of the 1st month of the fiscal year in order to avoid his account becoming delinquent.
2. Each BMHA Special Assessment is due upon presentment of an invoice, or copy thereof, for the same to the last-known address of the Owner and shall be delinquent if not paid in full before the 31st day after the date of the Special Assessment Invoice.
3. Delinquent accounts shall be assessed eighteen-percent per-year (18%) interest, plus a twenty-five-dollar (\$25) per-month late fee for the first three (3) months the account is Delinquent, and an additional twenty-five dollar (\$25) per month late fee starting with the fourth (4th) month the account is Delinquent, continuing each month thereafter until the account

is paid in full. Additional interest and late fees will accrue at the rates indicated above for each subsequent month the account remains unpaid and until collected. Interest will be calculated on the amount of assessment(s) owed.

4. Delinquent Accounts having a BMHA-approved monthly payment plan will be assessed eighteen-percent per-year (18%) interest plus a five-dollar (\$5) per-month late fee. Additional interest and late fees will accrue for each subsequent month the account remains unpaid. Interest will be calculated on the amount of assessments still owed.
5. Delinquent accounts exceeding a period of 90-days may be assigned to a Collection Agency for collection.
6. Delinquent accounts exceeding a period of 180-days may be assigned to an attorney for collection.
7. Delinquent accounts will continue to be assessed interest plus a monthly late fee until all assessments owed, all accrued interest, all accrued monthly late fees, all collection costs, all court costs and all attorney fees are paid in full to the BMHA.
8. The Board reserves the right to amend and/or waive this resolution or any part of this resolution at any time by proper majority Board vote.

BOOK OF MINUTES # _____, page _____

ATTEST:

Record of Board's Vote on this Resolution:

Kevin Elder, President:	Yes	or	No
Dick Cress, Vice President:	Yes	or	No
Howard Wixson, Treasurer:	Yes	or	No
Carole Taylor, Secretary:	Yes	or	No
Jim Tressler, Director At Large:	Yes	or	No

Date _____ President _____

Date _____ Vice-President _____