

# Colony Biltmore Greens Homeowners' Association

16625 S Desert Foothills Pkwy

Phoenix, AZ 85048 (480) 759-4945 / FAX (480) 759-8683

RESOLVED, that the following **ASSESSMENT COLLECTION POLICY** shall be adopted effective immediately:

**LATE FEE:** A late fee of \$15.00 may be charged to any account that shows an assessment or installment of an assessment not paid within thirty (30) days of the due date.

## **Assessment Collection Schedule:**

1. Written reminder sent to the property owner on or after the 30<sup>th</sup> day of the first unpaid assessment informing them that the account is delinquent and that a late fee may have been applied. All letter fees are the responsibility of the property owner.
2. Written collection and intent to lien letter sent to the property owner on or after the 45<sup>th</sup> day of the first unpaid assessment informing them that the account is delinquent, that a late fee may have been applied and the account may be referred to the association's collection agent for further action including a notice of lien being recorded. All letter fees are the responsibility of the property owner.
3. Any account with an unpaid balance of assessments and other charges at least 60 days past-due may be transferred to the association's collection agent for commencement of collections and a notice of lien may be recorded. All fees and costs incurred are the responsibility of the property owner. At any time during this process the homeowner may request to enter into a payment plan for all outstanding assessments and fees. The association may not release its lien until such time as all assessments, late fees, related collection costs and legal fees have been paid in full.
4. For any account with an unpaid balance of assessments and other charges that is 90 days or more past-due, one of the following processes may occur:
  - At the discretion of the board of directors, accounts may be referred to small claims court to obtain a personal judgment against the owner(s) of the lot whose responsibility it is to bring the account current. All collection fees and court costs are the responsibility of the property owner,

**-OR-**

- At the discretion of the board of directors, accounts may be referred to the association's attorney for further collection activity including, but not limited to, lawsuit and foreclosure. All legal fees, collection fees, and court costs are the responsibility of the property owner.

**Foreclosure Collection Procedure:**

- At the discretion of the board of directors, lots foreclosed upon with balances owed may be referred to the association’s collection agent for further action including, but not limited to, a lawsuit to obtain personal judgment against the owner(s) of the lot whose responsibility it was to bring the account current at the time of foreclosure. All collection, court costs, and legal fees are the responsibility of the debtor,

**-OR-**

- At the discretion of the board of directors, lots foreclosed upon with balances owed may be referred to an outside collection agency for further collection action including, but not limited to, a lawsuit to obtain personal judgment against the owner(s) of the lot whose responsibility it was to bring the account current at the time of foreclosure. All collection, court costs, and legal fees are the responsibility of the debtor.

Unless otherwise directed by the property owner or in accordance with a written stipulated agreement and/or judgment, payments will be applied to an account as follows (pursuant to Arizona Revised Statutes):

1. Past due assessments
2. Late Charges
3. Collection Fees (Demand Letter/Lien/Collection Agency/Skip Trace/Court Fees)
4. Legal Fees/Costs
5. Monetary Penalties/Certified Mail Fees

The board of directors may decide not to consider a waiver request for lien fees, collection costs, or attorney fees incurred on an account where the assessment was not paid in accordance with the Assessment Collection Policy through no fault of the association or its agent.

Payment plans will be accepted under the following conditions:

Payments made without benefit of a properly executed payment plan will not be construed as a payment plan and collection activity may be initiated in accordance with the Assessment Collection Policy.

Late fees as provided in the Assessment Collection Policy may not be charged during the term of the payment plan if payments are received in accordance with the plan.

A minimum payment plan equal to the current assessment installment plus one-twelfth of the current account balance will be accepted on a monthly basis. All other payment plans are subject to approval by the board of directors.

A lien may be filed and legal collection proceedings may be implemented upon default of a payment plan with no further notice to the property owner.

IN WITNESS WHEREOF, the undersigned have executed this consent as of 9/27, 2017.

 PRES

For the Board of Directors

Colony Biltmore Greens Homeowners’ Association