

SPO 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 not paid within thirty (30) days of the due date.

Assessment Collection Schedule:

1. Written friendly reminder sent to property owner on or after the 15th day of the first unpaid assessment informing them that a late fee may be applied if payment is not received by the 30th.
2. Written reminder to property owner on or after the 30th day of the first unpaid assessment informing them that the account is delinquent and that a late fee may have been applied.
3. Written collection and intent to lien demand letter mailed on or after the 45th day after the first delinquent assessment was due. All demand letter fees are the responsibility of the property owner. Homeowner is given 15 days from demand letter date to remit payment or contact the management company to enter into a payment plan.
4. Any account that shows the assessment being 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 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.
5. For any account with an assessment balance that is at least 120 days 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 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 or foreclosure. All legal fees, collection 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.

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

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 for 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 March 1st, 2016.


For the Board of Directors
SPO Homeowners Association