

Policy and Procedure

Collection Policy

Background: Section 5.1 of the Bylaws of The Greens Condominiums at West End Association, Inc grants power to the Board of Directors to conduct Association business, and Section 11.1(b) of the Declaration and Section 10.2 of the Bylaws grants the authority to levy assessments against owners.

Objective: The Association's economic well-being relies on the timely payment of assessments and other allowable charges. It is the Board's duty to use its best efforts to collect funds owed to the Association.

Policy: The following collection procedure shall apply to all amounts payable to the Association, which shall include, but are not limited to, regular assessments, special assessments, rules enforcement fees, fees for keys, transponders, locks, etc., repairs to common area that are an owner responsibility legal fees, and other costs associated with collection of funds on behalf of the Association

Procedure: The regular assessment is payable in advance on the first of each month. Fees not received by the 10th of the month will be considered past due.

For purposes of this Procedure, the term "received" shall mean:

- By USPS regular postal delivery with the regular mail delivery on or before the 10th of the month. Notwithstanding the foregoing, any bank issued "bill pay" type payment dated on or before the 3rd of the month by the bank, shall be deemed received on or before the 10th of the month, regardless of actual date received by USPS.
- By hand delivery to the office on or before the 10th of the month, provided that a signed receipt dated on or before the 10th of the month is obtained from office personnel.
- By delivery to the drop box on or before 9 a.m. on the first business day following the 10th of the month.

- By online payment electronically date stamped on or before midnight on the 10th of the month.
- The date of the check or other instrument tendered in payment shall in no way be controlling as to date of receipt other than as stated above regarding bank issued bill pay checks.

Late Fees, NSF and Interest Charges: (as allowed by the Declaration, Section 13.3)

A one time late fee of \$25 shall be charged on any new delinquent balances over \$100 at the end of any month A \$35 NSF (Non-Sufficient Funds) charge will apply to any returned check. Any balance over \$100 and older than 30 days will incur an interest charge of 15% per annum until paid.

Waiver of Late Fees:

Upon written owner request, a late fee may be waived if such owner's payments have been received in a timely manner in each of the preceding 6 months. Late fees may also be waived by the Board of Directors upon written application in the Board's sole discretion for good cause shown.

Order of Crediting Payments: Payments shall first be applied to interest, then to late fees, then to collection expenses, and last to the assessment owed.

Process for Delinquency Notification: For all balances that exceed \$100 and are 30 days past due, the following notification process applies:

FIRST NOTICE- First Notice of Past Due Charges, including detail of assessments, late fees, NSF charges, interest and other charges that apply will be sent by email to an owner whose balance is thirty (30) days past due, or may be (a) personally delivered to such owner, or (b) sent by regular USPS First Class Mail to the owner's last documented street address, if no e-mail is available.

SECOND NOTICE- Second Notice of Past Due Charges, including detail of assessments, late fees, NSF charges, interest and other charges that apply will be sent by First Class Mail to an owner whose balance is sixty (60) days past due.

Ten Day Demand- Ten-day demand for payment, including detail of assessments, late fees, NSF charges, interest and other charges that apply will be sent by First Class Mail to an owner whose balance is seventy-five (75) days past due. This notice will recite intent to turn the matter over to an attorney for collection enforcement if balance is not paid within ten (10) days.

Attorney actions include, but not limited to, filing a lien against the owner's property and a personal judgement against the owner and property foreclosure.

Legal Services: If a delinquent account is referred to an attorney for collection, the owner shall be charged the Association's reasonable attorney fees and related costs. **Other Charges:** The Association may charge the owner for:

Fees charged by Association Manager to collect funds payable to the Association
Owner Bankruptcy Foreclosure action or deed in lieu of foreclosure Notification,
filing, and satisfying liens Enforcement of the Associations Rules, Bylaws,
Declaration or Policies Costs of Litigation Repairs to the Association's common
areas that result from the acts of owners, their tenants or guests

Debt Collections Options: In order to collect a debt owed by the Association member, the following options may be invoked to satisfy that debt:

Garnishment of the member's wages Seizing of member's personal property
Suspension of amenity privileges (pool, clubhouse, tennis or basketball courts, fitness
center, etc.) Suspension of voting rights Suspension of Association provided utilities
Collection of rents being generated by member's unit Foreclosure of member's unit

This policy is adopted pursuant to: Declaration 11.1(b), Bylaws section 5.1 and 10.2

2020-08-18
adopted at Board Meeting