

8001 North Central Homeowners Association

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RESOLVED, that the following **ASSESSMENT COLLECTION POLICY**, as approved at a Board meeting held on _____, 2021 for the 8001 North Central Homeowners Association by a majority of its directors, shall be adopted effective immediately:

LATE FEE: A late fee equal to 15% of the unpaid assessment amount may be charged to any account that shows an assessment not paid within **twenty (20)** days of the due date. (CC&Rs, Article VIII, Section 5)

Assessment Collection Schedule:

1. **20 Days Past-Due:** Written late notice is sent to the property owner(s) on or after the **20th** day of the first unpaid assessment informing them that the account is delinquent and that a late fee has been applied. All letter fees are the responsibility of the property owner(s).
2. **45 Days Past-Due:** Written collection and intent to lien letter is sent to the property owner on or after the **45th** day of the first unpaid assessment informing them that the account is delinquent, a late fee was applied, and the account may be referred to the Association's collection agent for further action which may include a notice of lien being recorded against the property. All letter fees are the responsibility of the property owner(s).
3. **75 Days Past-Due:** Any account with an unpaid balance of assessments and/or other charges at least **75 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(s). ***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. **105 Days Past-Due:** Any account with a balance of assessments and/or other charges at least **105 days** past-due may be referred for a small claims suit or further collection activity including, but not limited to, civil suit and/or foreclosure. All collection costs, legal fees, court costs, and any other charges incurred by the Association are the responsibility of the property owner(s).

Foreclosure Collection Procedure:

At the discretion of the Board of Directors, any account with a balance owed after foreclosure by a first mortgage holder may be referred to an outside collection agency, to small claims court or to the Association's attorney to obtain a personal judgment against the owner(s) of the lot whose responsibility it was to bring the account current at the time of foreclosure.

Payment Application and Waiver Requests:

Unless otherwise directed by the property owner or in accordance with a payment plan, written agreement and/or judgment, payments will be applied to an account in the following order (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


Any payment returned due to insufficient funds, stop payment, closed account, etc. will result in a service fee based on the current rate charged by the Association's bank or vendor at the time the payment is returned.

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 will not be charged during the term of the payment plan if payments are received in accordance with the plan.
- A minimum payment plan equivalent 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 policy as of 10/08/21, 2021.

 Cecilia Marie

For the Board of Directors
8001 North Central Homeowners Association