

Colonia Del Norte Unit One Homeowners Association, Inc.

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 every account where an assessment was not paid within fifteen (15) days after the due date.

Assessment Collection Schedule:

1. Written late notice sent to property owner on or after the 15th day of the first unpaid assessment informing them that the account is outstanding, and a late fee has been applied.
2. Written collection and intent to lien demand letter sent the 45th day after the first unpaid assessment was due. All letter fees are the responsibility of the property owner(s). Property owner is given 15 days from demand letter date to remit payment or contact the management company to enter into a payment plan.
3. Every account that shows an assessment balance of 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(s). At any time during this process, the property owner 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, and related collection costs have been paid in full.
4. At the discretion of the board of directors, any account that shows a balance of assessments and other charges at least 90 days past-due may be referred for a small claims suit or to the association's attorney for 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.

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

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 at the time the payment is returned.

The board of directors may decide not to consider a waiver request for late fees, lien fees or collection 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 past-due account balance will be accepted on a monthly basis. Any other payment plan is 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 **May 8, 2018**.

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For the Board of Directors
Colonia Del Norte Unit One Homeowners Association, Inc.