



MILLWOOD ESTATES HOMEOWNERS' ASSOCIATION  
ADMINISTRATIVE RESOLUTION NO. 89-4  
PROCEDURES RELATIVE TO COLLECTION  
OF ROUTINE AND DELINQUENT ASSESSMENTS

WHEREAS, Article IV of the Declaration of Covenants, Conditions and Restrictions creates an assessment obligation for Owners; and

WHEREAS, Article II, Section 3 of the Declaration of Covenants, Conditions and Restrictions empowers the Board of Directors to adopt reasonable rules and regulations; and

WHEREAS, there is a need to establish orderly procedures for the billing and collection of said assessments;

Now, THEREFORE, BE IT RESOLVED that the Board duly adopts the following assessment procedures.

I. Routine Collections

A. All regular installments of the annual assessments shall be due and payable in advance on the first day of the applicable quarter-period, (i.e. January 1, April 1, July 1, October 1 of each year.)

B. All documents, correspondence and notices relating to the charges shall be mailed to the address which appears on the books of the Association, or as modified in writing by an Owner.

C. Non-receipt of a bill shall in no way relieve the Owner of the obligation to pay the amount due by the due date.

II. Remedies for Non-Payment of Assessment

A. If payment is not received by the Association or its designated agent within fifteen

(15) days following the due date, the account shall be deemed late, and a late fee of Thirty Dollars (\$30.00) shall automatically be added to the account and interest at the rate of 2% per month will begin to accrue. Thereafter, these amounts are part of the continuing lien for assessments, as provided for in the Declaration of Covenants, Conditions and Restrictions, until all sums due, including such interest charges, shall have been paid in full. A reminder notice (statement) bearing the late charges shall be sent by the association or its designated agent to any Owner who has not paid the assessment in full by the Fifteenth (15th) day following the due date.

B. If payment in full, including the late fee and accumulated interest, is not received by the Association or its designated agent by the thirtieth (30th) day after the due date, a "Demand Letter" shall be sent to the Owner at the address listed on the books of the Association.

C. If the account is still outstanding by the forty-fifth (45th) day following the due date, a "Notice of Intent to File Lien" shall be mailed by the Association. A copy of the notice may be sent to the mortgagee of the property, if such is known. The notice shall be sent to the Owner via certified mail, return receipt requested, with that cost added to the account. Additionally, when an account is forty-five (45) days past due, the Board of Directors may accelerate the assessments for the balance of the fiscal year. This additional amount may be included in the lien or suit for collection.

D. Any account which is not paid in full by the sixtieth (60th) day following the due date will be referred to counsel for collection. Counsel shall initiate appropriate legal action, which may include filing a lien or suit, to collect all sums due to the Association. Such sums include delinquent assessments, late charges, interest at 2 percent (2%) per month, costs, acceleration and attorneys' fees. Counsel shall provide the Owner and the Association or its designated agent with copies of the lien. The Association, or its designated agent, shall send a copy of the lien to the mortgagee of the lot, if such is known.

E. Furthermore, if the Association receives from any Owner, in any accounting year, two or more returned checks for payment of assessments, the Board may require all future payments to be made by certified check or money order for the remainder of the fiscal year. A Twenty-Five Dollar (\$25.00) charge will be made for each returned check.

F. All costs incurred by the Association as a result of any violation of the

## **Millwood Estates Homeowners' Association**

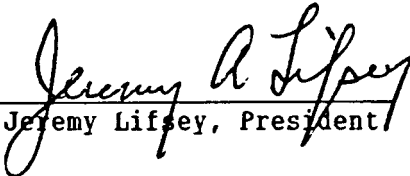
Declaration, Bylaws, Rules and Regulations or Resolutions of the Association by an Owner, his/her family, employees, agents or licensees, shall be specifically assessed against such Owner. Such costs shall include, without limitation, legal or administrative expenses (regardless of whether suits or liens are filed) resulting from the Owner's failure to pay assessments when due or from any other default referred to herein.

G. Payments received from an Owner may be credited in the following order of priority:

1. Charges for attorneys' fees and court costs;
2. All other charges incurred by the Association as a result of a violation of the Declaration, Bylaws, Rules, and Regulations or Resolutions by an Owner, his/her family, employees, agents or licensees;
3. All late charges accrued;
4. All interest accrued;
5. The monthly assessments for each lot.

The foregoing Resolution will become effective thirty (30) days following the date attested hereto.

BOARD OF DIRECTORS  
MILLWOOD ESTATES  
HOMEOWNERS' ASSOCIATION

By:   
Jeremy Lipsey, President

ATTEST:

I hereby certify that the foregoing Resolution was duly adopted at a regular meeting of the Board of Directors this 11<sup>th</sup> day of September, 1989.

**Millwood Estates Homeowners' Association**

Edward A. Gulbi  
, Secretary

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