

**RESOLUTION OF THE
PAWNEE HILLS COMMUNITY ASSOCIATION
REGARDING POSSIBLE PAYMENT PLAN
FOR DELINQUENT ACCOUNTS**

- SUBJECT:** Adoption of a policy and procedure regarding a payment plan for owners with delinquent accounts.
- PURPOSE:** To provide notice of the Association's payment plan policy.
- AUTHORITY:** The Declaration of Covenants, Articles, Bylaws of the Association and the Colorado Revised Statutes.
- EFFECTIVE DATE:** January 1, 2014 **? January 9, 2014**

The Board of Directors of the Pawnee Hills Community Association at its regular meeting held **January 9, 2014** adopts the following Resolution:

It is in the best interests of the Association and all of the owners within the Association for there to be uniform policy outlining when and under what terms an owner or owners with a delinquent account may enter into a payment plan with the Association. The Association hereby gives notice of its adoption of the following policies and procedures for payment of a delinquent account:

1. **Eligibility:** Except as described below, commencing **January 1, 2014**, an owner or owners of a unit as the title to the unit dictates, within Pawnee Hills Community Association shall be permitted to set up a payment plan with the Association. However, no payment plan is available to an owner or owners who do not occupy the unit and have acquired the property as a result of default of a security interest encumbering the unit. **No payment plan is available to any owner or owners who have participated in payment plan with the Association in the previous 12 month.**
2. **Terms:** **By the first day of every month, Owners shall pay a minimum sum of the then current month's assessments, including late fees and interest plus an equal payment per month calculated to pay off the entire delinquent account within 10 consecutive months.**
3. **Delinquent Account:** A delinquent account includes any and all accrued late fees, processing fees, interest, legal fees, returned check fees, fines, costs of collection or enforcement and assessments, both special and regular, that a unit owner may owe to the Association.
4. **Application of payments:** Payments shall be applied first to any and all legal fees and costs, including attorney fees, expenses of enforcement and collection, late charges, returned check charges, lien fees, fines, and other costs owing or incurred with respect to such owner pursuant to the Declaration, Articles, Bylaws, Rules and Regulations or this Resolution, prior to application of the payment to any special or regular assessment due or to become due with respect to the such owner.

5. Where to send payments: If the Association attorney has been in contact with the owner regarding the delinquent account, all payments shall be sent to the Association attorney but made out to Pawnee Hills Community Association. If the Association attorney has not yet been in contact with the owner, payments shall be made directly to the Association. ***Does this mean the owner has been served by the attorney or the delinquent account has been turned over to the attorney?

6. Requirement for a written payment plan: Notwithstanding anything above, in order to enter into a payment plan with the Association, an owner or owners, as the title to the unit dictates must sign a written payment plan prepared by the Association or its attorney outlining specifically the amount of the delinquent account, the commencement date, the required monthly payment that is in addition to the then current month's assessments, and the date by which the delinquent account must be paid in full. The payment plan must be signed by all owners of the unit as the same is established by the records of Elbert County, Colorado Assessor on the date of the payment plan and by an agent or attorney for the Association and a copy given to both the Association and the owner.

7. Failure to comply: Nothing prohibits the Association from pursuing legal action against a unit owner or owners if the unit owner or owners fail to comply with the terms of his or her payment plan. Failure to remit payment of an agreed-upon installment or to remain current with regular assessments as they come due during the payment plan period, constitutes a failure to comply with the terms of the payment plan. A returned check or dishonored payment shall constitute a failure to comply with the terms of the payment plan.

8. Initiation by owner or owners of the unit: It is the policy of the Association that it will make a good faith effort to coordinate with a unit owner or owners, as the ownership of the unit dictates, to set up a payment plan for the collection of delinquent accounts. **The Board of directors or the assigned shall send a letter upon the first default, giving an option for the owner or owners to initiate a payment plan.** It is the responsibility of the owner or owners, as the title to the unit dictates, to initiate a request for a payment plan by written request. ~~A request for a payment plan in accordance with the terms of this resolution may be initiated by contacting the Association Attorney if the attorney has been in contact with the owner or owners regarding the delinquent account. If the Association attorney has not yet been in contact with the owner or owners, a request for payment plan shall be made directly to the Association.~~ ***See R&R Collection of Unpaid Assessments

9. Upon entering into a payment plan all accrued late fees, processing fees, interest, legal fee, returned check fee, fines, costs of collection or enforcement stop accruing.

Approved this date: January 9, 2014

PAWNEE HILLS COMMUNITY ASSOCIATION

Vice President

Attest:

President

