

NORTHRIDGE AT CROSS HOLLOW HILLS OWNERS ASSOCIATION, INC.

COLLECTIONS RESOLUTION

WHEREAS, the Board of Directors desires to adopt a uniform and systematic policy for the collection of delinquent assessments within the Association; and

WHEREAS, the Association has or may engage a property manager or agent and if so engaged, that person or entity is hereby granted such rights, powers and obligations with respect to the collection of unpaid assessments as provided for herein and under the Governing Documents and Utah law.

NOW, BE IT HEREBY RESOLVED THAT the following procedures be adopted by the Board:

Nonpayment of Assessments; Remedies. Any Association assessment(s) not paid when due shall constitute and remain a continuing lien on the Lot until paid; provided, however, that any such lien will be subordinate to any liens and encumbrances given a senior priority right under Utah law or the Governing Documents.

THE FOLLOWING SHALL APPLY TO ALL PAST DUE ACCOUNTS:

1. Assessment charges are due on the first (1st) day of each month.
2. Any payment not received by the last day of the month will be considered delinquent and a late charge of \$25.00 per month may be applied for so long as the account is delinquent. Delinquent payments shall bear interest from the last day of the month at a rate of twelve percent (12%) per annum, or one percent (1%) per month. Homeowners should allow ample time for mailing and receipt of payments.
3. A “first delinquency notice” will be sent following upon a delinquency. This first letter will inform members of the amount of their delinquency, it will remind owners that a lien against their property may be filed if not paid, and further inform owners that the matter may be turned over to the Association attorney after seven (7) calendar days have passed from the “first delinquency notice.” Owners are cautioned that they will pay, in addition to their assessments, any attorney fees incurred in the collection of their assessment.
4. A lien for unpaid assessments will be filed at any point of delinquency as permitted by the Declaration and Utah Law).
5. The Association may, but it not required, to send additional follow up notices to a delinquent homeowner reminding them that their account is delinquent.
6. As stated above, the Association may refer a delinquent account to the Association’s attorney for collections at any time after seven (7) days have passed since the “first delinquency notice” was sent.

7. The Association reserves all rights of collection under Declaration, Bylaws and Utah Law (Utah Code Title 57, Chapter 8a, Section 101, et seq.) including a suit to collect unpaid assessments or lien foreclosure.

8. Voting rights in Association matters shall be suspended until all monies owing are paid in full (being deemed “not in good standing”).

9. If the Association is successful in obtaining a money judgment, the Attorney shall collect on the judgment utilizing one or more of the following:

- (a) Garnish accounts, wages and/or rents;
- (b) Levy against any personal and real property;
- (c) Levy against the Lot (equivalent of foreclosure); and/or
- (d) Non-judicial lien foreclosure if permissible.

All payments shall be applied to outstanding balances in the following order of priority: (a) Interest (b) Late Charges (c) Legal Fees and Costs, Fines and (d) Assessments. There shall be a handling charge plus bank’s charge for all returned checks, in an amount to be determined by the Board.

Cumulative Remedies. The right to lien for assessments and the rights to foreclosure and sale thereunder shall be in addition to and not in substitution for all other rights and remedies which the Association and its assigns may have hereunder and by law, including a suit to recover a money judgment for unpaid assessments. The Board of Directors shall have the sole discretion to choose the remedy for an unpaid assessment and such remedy may vary from situation to situation.

Application. This Resolution supersedes and replaces all prior rules or resolutions related to the collection of unpaid assessments.

The undersigned hereby certify and attest that this Resolution has been duly adopted by the Board of Directors for the Northridge at Cross Hollow Hills Owners Association, Inc.

Date: _____

ATTEST:

NORTHRIDGE AT CROSS HOLLOW HILLS OWNERS ASSOCIATION, INC.

President

Secretary