

Foxtail Pines Owner Association
Dues & Collection Policy – Rev.2, 02/24/2014

- I. Property Owners' Dues are billed annually at an amount set by the Board of Directors. Dues are billed on the first of January, due by January 31st and are delinquent after February 15th.
- II. The Association shall be entitled, but not required, to impose a late fee of not less than \$25.00 on each past due and delinquent charge that is more than 30 days delinquent, in addition to interest in the amount of 18% per annum. All late charges and interest shall be due and payable immediately, without notice, in the manner provided for the payments of Dues and Assessments.
- III. The Association shall be entitled, but not required, to impose a charge on checks that are returned by the bank for insufficient funds. The charge shall be equal the cost of the returned check to the Association.
- IV. Accounts Delinquent Greater Than Six Months:

If payment in full for any Dues, Assessments, or other charges owed to the Association is not received within six months of when such payment is due, the Association shall be entitled, but not required, to turn over the delinquent account to a collection agency or refer it to a lawyer for legal action. Before doing so, the Board must formally resolve, by a recorded vote, to authorize the action on an individual basis. The Board may not delegate this duty to any attorney, insurer, manager, or other person. In addition, before this action is taken, the Association must send the delinquent owner a notice specifying:

- A. The total amount due, together with an accounting of how the total amount due was determined.
- B. That a one-time opportunity to enter into a payment plan with the Association may be available, together with instructions for contacting the Association concerning the possible payment plan. **See Section V below.**
- C. Contact information for the Association's accountant so that the delinquent owner may request a copy of the owner's account ledger in order to verify the amount of debt.
- D. That action is required to cure the delinquency and that failure to do so within thirty (30) days may result in the owner's account being turned over to a collection agency, a lawsuit being filed against the owner, the filing and foreclosure of a lien against the owner's property, or other remedies available under Colorado law.
- E. That the Association reserves the right to apply payments in the following manner:
First: To payment of any and all legal fees and costs (including attorney's fees)
Second: To costs and expenses of enforcement and collection, late fees, interest, returned check fees, and other costs owing or incurred with respect to such owner.
Third: Any remaining amounts shall be applied to the Dues, Assessments and other charges due from the owner.
- F. That the Association is entitled to place a lien against a delinquent owner's property pursuant to Section 16 of the Foxtail Pines Declaration of Covenants and Colorado law.

- V. Payment Plans on Accounts Delinquent Greater Than Six Months.

If the balance of Dues, Assessments and other charges owed by an owner exceeds the amount of the annual dues, the owner shall be entitled to a one-time opportunity to enter into a payment plan with the Association whereby:

- A. The entire delinquent amount shall be paid within no less than 6 months.
- B. The total amount must be paid off in equal installments.
- C. The delinquent owner must remain current with regular dues and assessment that become due during the period.
- D. The Association may pursue collection if the delinquent owner fails to comply with the plan.
- E. Additional specific terms will be mutually agreed upon between the Association and the delinquent owner.