Mesa Estates HOA

Dues Collection Policy and Procedure

BE IT RESOLVED, that the following policy shall govern the adoption and amendment of policies, procedures, and rules.

1. **Scope**:

To adopt a procedure and policy to be followed when owner accounts are not current.

1. **Specifics:**

The Association shall levy and enforce regular and special assessments which are secured by a continuing lien upon the property against which the assessment is made. By accepting a deed to any lot, each owner agrees to pay to the Association all the assessments.

Fines assessed for non-compliance of CC&R’s are due upon notification to the owner.

In the event an Owner does not occupy his/her residence, but chooses to lease said property, the Owner shall be liable for his/her Tenants actions. It shall be the Owner’s personal obligation to pay to the Association all assessments, fines, fees or penalties that are levied against the property, whether the cause of the Owner or a Tenant.

The Board of Directors sets assessments. Assessments are due on the 1st of every month. If an amount is owed on the account, statements will be mailed to each Owner prior to the due date.

If payment is returned due to insufficient funds or any other reason, there will be a $35.00 NSF fee to cover bank charges and the payment will be considered delinquent.

Payments for assessments and fines not paid within thirty (30) days after the due date are considered delinquent and shall bear interest from the due date.

If an account is delinquent, a late fee of $30.00 will be added after 30 days.

The following list details fines and penalties:

* 30 days or more delinquent – $1.00 for every day the dues are late beyond 30 days will be added to the ledger of owner/s in arrears.
* 60 days or more delinquent – The Board may request the unit/lot/home is liened
* 90 days or more delinquent – The Board may cap the irrigation riser or supply that supplies the unit’s irrigation water to the property/lot/home.
  + All fees for capping and restoring water to the lot shall be paid at the owner’s expense and added to their ledger.
  + Water shall not be restored until all dues and fees are paid in full.
  + Any attempt to restore water to a lot after it has been capped by the Association and prior to full payment of all dues and fines shall result in an immediate $500.00 fine added to the owner’s ledger.
  + Any second attempt to manipulate, vandalize or otherwise restore water to a lot prior to paying all dues and fines in arrears shall result in an immediate $1,000.00 fine.
  + Each additional fine for tampering with the irrigation system to restore water prior to paying all dues and fines in arrears shall result in an automatic $1,000.00 fine.

All cost associated with collection of a delinquent account by an outside agency other than the management company will be charged to and paid for by the delinquent account.

The Association may elect to accelerate and declare immediately due and payable the remaining balance of assessments and fines for such fiscal year.

All delinquent accounts shall be a lien on the Owner’s Lot to which the provisions of section 38-333.3-316, C.R.S., shall apply.

All voting rights will be suspended during the period in which an Owner’s account is delinquent.

The Board of Directors may, at their discretion, waive or modify these procedures based upon facts presented to them by the owner of the outstanding account.

1. **Definitions:** Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning therein.
2. **Supplement to Law:** The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Project.
3. **Deviations**: The Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.
4. **Amendment:** The Board of Directors may amend this procedure from time to time.

**President’s Certification:** The undersigned, being the President of the Association, certifies that the Board of Directors of the Association adopted the foregoing resolution and in witness thereof, the undersigned has subscribed his/her name.

# Mesa Estates HOA

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**President**

**Effective Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**