

# BROMLEY PARK

## COLLECTION POLICY REVISED JULY 2014

**WHEREAS**, Article VI, Section 3, of the Bylaws grants the BOARD powers for the duties necessary to administer the affairs of the ASSOCIATION; and

**WHEREAS**, for the benefit and protection of the ASSOCIATION and of the individual MEMBERS, the BOARD deems it desirable to establish and operate a procedure to assure consistency in the collection processes within Bromley Park HOA.

**NOW, THEREFORE BE IT RESOLVED THAT** this resolution shall be adopted with the following procedures:

1. The annual assessment is due on the first day of January each year. On the first day of each consecutive month a \$25.00 late fee shall be added to any outstanding balance.
2. Past due assessments procedures are as follows:
  - a. A "Notice of Delinquency" is sent after the assessment is past due. Additional notices may also be sent by the Association after the first and second months. Late notices are a courtesy and are not required. Failure of management to send a notice or of the lot-owner to receive the notice, shall not prevent further collection action, or excuse the lot-owner from payment of all delinquent assessments, late fees and collection charges.
  - b. A "Demand Letter" with the intent to lien shall be sent by the Association's legal counsel after 90 days past due. A lien shall be placed on the account if the past due amount is not paid in full.
  - c. When the delinquent amount is not paid after 120 days, the Association may enforce collection of delinquent assessments by a suit of law for a money judgment or by foreclosure of the statutory lien that secures payment of assessments, or both.
  - d. The expenses incurred in collecting unpaid assessments, including interest, costs, actual attorney's fees (not limited to statutory fees) and advances for taxes or other liens paid by the Association to protect its lien, shall be chargeable to the Homeowner in default and shall be secured by the lien on the property.
3. Checks returned by the bank as "not collectible" shall be subject to charges outlined by current banking practices.
4. Installment payments of assessments in default shall be applied first, to any late charges on such installments; second, to costs of collection and enforcement of payment, including reasonable attorney's fees as the Association shall determine in its sole discretion and finally to installments in default in order of their due dates, earliest to latest.
5. Payment plans will not be allowed without prior Board approval. Decisions on payment plans will be determined on a case by case basis. Once approved, a signed agreement must be on file with the Association before it can be enforced.
6. The managing agent for the Association is acting as an agent of the Association only to collect regular assessment and is not a collection agency or debt collector.

Executed this 24 day of JULY, 2014

By:

Paul J. Blasch  
PAUL J. BLASCH, President