



Cross Creek Homeowners Association, Inc.

## **RESOLUTION**

*Owner Assessment, Notification and Outstanding Balance Collection*

On Thursday, December 12, 2013 at the regular monthly Board of Directors meeting of Cross Creek Homeowners Association, held at 7:00pm; and

### **WHEREAS:**

"Declaration" is the Declaration of Covenants, Conditions and Restrictions, "Bylaws" is By-Laws of Cross Creek Homeowners Association, Inc., "ORS" is Oregon Revised Statutes, and "Association" is Cross Creek Homeowners Association, "Board" is the Association's Board of Directors, "Owner" is a Lot or Unit Owner, "Assessments," include all amounts validly assessed against an Owner pursuant to the Declaration, the Association's Bylaws, Rules and Regulations, and any valid Board Resolution; and

### **Article IX(c)(d)(e) of the Declaration:**

- authorizes the Board to enforce provisions of the Declaration, Bylaws and Rules and Regulations;
- to take legal action to collect assessments, including a charge of 6% interest per annum on all outstanding amounts, initiate formal collection procedures, and initiate foreclosure procedures against an Owner;
- provides that Owners shall be obligated to pay reasonable fees and costs including, but not limited to, attorney fees incurred in connection with efforts to collect delinquent and unpaid assessments, regardless of whether suit or action is commenced;
- declares assessments are to be fixed on or before July 1 of each year and due on November 15 each year.
- provides that all assessments, together with interest, attorney fees and costs of collection shall be a continuing lien upon the unit against which each such assessment is made;

### **Article III(2) of the Bylaws:**

- authorizes the Board to suspend an Owner's right to the use of any recreational or common facilities for default of any annual or special assessment levied by the Association.

### **Article VIII(a)(b)(c) of the Bylaws and ORS 94.630(1)(n):**

- allows the Association to adopt rules and enforce compliance with the Declaration, Bylaws, and administrative rules and regulations;
- authorizes the Board to establish late charges and fines;

**WHEREAS**, the Board deems it in the Association's best interest to reestablish a uniform procedure for the collection of unpaid assessments in accordance with the Declaration and Bylaws of the Association and refer those accounts to an attorney for collection so as to minimize the loss of assessment revenue.

**NOW THEREFORE BE IT RESOLVED THAT** the Board, by unanimous consent of those in attendance, hereby establish the following procedure which determines the annual assessment's levy, due, and delinquency dates, applicable interest rate, and the escalation notification procedure prior to initiating legal action:

- a. Annual assessments will be levied each year on July 01 and due on November 15 of each year.
- b. Accounts will be declared delinquent, due to nonpayment status, on November 16 of each year.
- c. Delinquent accounts will accrue interest monthly at the rate of 6% (per annum) on the entire balance until the account is paid in full.
- d. 30 days after the delinquency date, the Owner will be sent a 30-day notice of Overdue Assessments.
- e. 60 days after the delinquency date, the Owner will be sent a 30-day notice of Intent to Refer to Collections.
- f. 90 days after the delinquency date, the Owner's account will be referred to the Association's attorney for Collections.

***BE IT FURTHER RESOLVED THAT:***

- The Board resolves to make concerted and reasonable attempts to collect or otherwise mutually resolve all outstanding Owner accounts before initiating legal collection procedures.
- The Board, as provided by the Association documents and ORS requirements, shall afford Owners the opportunity to contest their account delinquency. An Owner's written request for a hearing, before the Board of Directors, is to be submitted to the Association Treasurer at 20555 SW Rosa Road, Aloha, OR 97007.
- The Board shall consider time-payment plans. These plans require prior written approval by the Association Treasurer and will state the time period and amount acceptable to clear the account within a determined period of time.
- Should the Owner default on an established payment plan, the default shall constitute a breach of agreement between the Owner and the Association resulting in a cancellation of the payment arrangement. To remedy this breach, the Owner must make written contact with the Association Treasurer requesting reinstatement of the payment plan and bring payments current.
- If no payment or contact has been received by the Owner for a period of 60 days following the initiation of a payment plan, the entire balance and all applicable interest shall become due in full and collection will commence without further notice.
- A consequence of the aforementioned delinquency and/or legal action, the Owners and Tenants associated with delinquent accounts will not be permitted to: use the pool or recreation center or participate in Association elections or other business affairs.

The Board shall retain the right to amend or repeal this Resolution in the future.

Executed this 12th day of December, 2013.

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Don Duncan, Association President

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Wendy J. Matthews, Association Secretary/Treasurer

Distribution:

Association Owners  
Vial Fotheringham, Association Attorney  
Association Files / Resolutions Binder  
To be filed with Washington County Records