

**RESOLUTION OF THE BOARD OF DIRECTORS OF
EAGLE CREEK HOME OWNERS ASSOCIATION**

Procedures for Collection of Assessments and Delinquent Payments

WHEREAS, the Eagle Creek Home Owners Association Declaration creates an assessment obligation for the Owners of Lots in Eagle Creek (hereinafter the "Association"), which is a continuing lien on Lot and a personal obligation of each Owner; and

WHEREAS, Article 6 of the Declaration grants the Board of Directors the authority to enforce payment of assessments by means of foreclosing the lien against any lot for which assessments are not paid or bringing an action at law against the owner personally obligated to pay the same; and

WHEREAS, Article 4 of the Declaration grants the Board of Directors' authority to establish reasonable rules and regulations; and

WHEREAS, there is a need to establish orderly procedures for the billing and collection of said Assessments; and

WHEREAS, the Board of Directors desires to establish these procedures in conformity with the Declaration, the Bylaws, and as otherwise provided by law.

NOW, THEREFORE, LET IT BE RESOLVED THAT the Board of Directors, on behalf of the Association, duly adopts the following procedures for collection of delinquent assessments:

1. ASSESSMENTS: Monthly townhome and patio assessments shall be due on or before the first day of the month and considered delinquent after the 10th of the month. Annual assessments shall be due on January 31st each year.

Notices, documents and all correspondence relating to assessments shall be mailed to the address which appears on the books of the Association. It is each owner's responsibility to inform the Association's managing agent of any address change.

2. DELINQUENCY: Any townhome and patio home owner's account is delinquent if a monthly assessment is not paid in full before the 10th day of each month. Any owners' account is delinquent if the Annual Assessment is not paid in full before the 10th day of February for the calendar year when the assessment is due.

3. LATE FEES AND INTEREST: Any fee or charge not paid within 30 days of the due date may bear interest on the unpaid balance from the due date, until paid, at the rate of 18 percent per annum. In addition, a \$25 returned check charge and any related bank charges will be assessed. In addition, a late charge of \$20 per month may be added to an owner's account each month his account is delinquent.

4. LATE NOTICES: If full payment of the monthly fee is not received by the Association's managing agent within 15 days after the due date, the managing agent will send a delinquency notice to the owner by first class mail requesting immediate payment, advising the owner that interest may begin to accrue on the unpaid balance and that a lien may be recorded against the owner's home, and a lawsuit may be filed against the owner.

5. INTENT TO CREATE LIEN: If an account is delinquent for more than 60 days, the Association may cause to be recorded a notice of certificate lien against the affected property.

The lien will inform the public of the amount of the unpaid assessments. The notice of lien will conform with the requirements of all applicable laws. Fee is \$125.

In addition, the board may impose a separate lien fee to cover administrative time and expense in connection with the notice of lien. Fee is \$150.

6. SERVICES AND AMENITIES. If an account is delinquent for more than 120 days, the Association may discontinue providing trash disposal service to the owner's residence. In addition, the owner's privilege to use the Association's swimming pool shall be suspended until the owner's account is paid in full.

7. LEGAL ACTION: If an account remains delinquent at 90 days, the Association may retain an attorney to proceed with further legal action, including but not limited to, foreclosing on the owner's property, or filing a lawsuit, or both, against the owner in order to collect the owner's past due assessments, interest, costs of collection and attorney's fees.

8. ACCELERATION: If a townhome or patio home account remains delinquent at 90 days, the Association may accelerate all remaining assessment installments so that unpaid assessments and other delinquencies shall be immediately due and payable.

9. Once an account becomes more than 90 days delinquent, payment from the delinquent owner may be refused at the discretion of the Association's Board of Directors unless it is made by certified or cashier's check, money order or ACH withdrawal.

10. PARTIAL PAYMENTS: In the event an owner attempts to make a payment of less than all monies due and owing the Association after collection proceedings have commenced, the Association's attorney or designated collection agent will send a letter by first class mail to the owner advising the owner that his or her account remains delinquent as to all remaining monies owed to the Association. The Association's retention of the partial payment does not constitute a waiver of the Board's authority to foreclose on the owner's property or to take action against the owner to collect the outstanding balance.

11. PRIOR COLLECTION PROCEDURES AND EFFECTIVE DATE. This resolution becomes effective 30 days after its adoption by the Board of Directors. All prior rules and regulations relating to delinquencies are rescinded and shall have no further effect.

Adopted this 1st day of April, 2014.

by: Ora H Reynolds
Board President

Pres. - Ora H. Reynolds
(Printed Name)

Aaron Schmidt
Secretary

Aaron Schmidt
(Printed Name)