



Policy for Delinquent HOA members

Prepared and approved at the 2012 July meeting by the LBRPHOA Board. See guidelines from CC&R Articles 5.8; Bylaws 4.9 & 4.11 & 6

After 30 days delinquency:

A "PAST DUE STATEMENT" will be sent to the homeowner with a \$20 late fee assessed for **each delinquent assessment**. In addition to the statement and fee the "PAST DUE STATEMENT" will note that the delinquent assessment, unless paid, shall thereafter bear interest at the rate of twelve percent (12%) per annum until paid. **(CC&R article 5.8)** The statement, fee, and interest will be handled by LBRPHOA's management company.

After 60 days delinquency:

A "FIRST DELINQUENT NOTICE" will be sent to the homeowner. This notice includes the total delinquent assessment amount, total interest of 30 days at 12% per annum, the original \$20 late fee for each delinquent assessment and an additional \$25 administrative fee. The notice will also state that if the account is not paid, the board will consider at the next board meeting to temporarily suspend the member's rights and to place a lien on the member's property. The member has a right to request a hearing before the board to address the board regarding delinquent fees, delinquent assessments, and suspension of member's rights. The hearing can be requested by contacting the President of the LBRPHOA board or LBRPHOA's management company within 30 days from posting of this notice. **(CC&R Article 5.8 and Bylaw 6)**. The statement, fee, and interest will be handled by LBRPHOA's management company.

After 90 days delinquency:

A Second and "FINAL DELINQUENT NOTICE" will be sent to the homeowner. This notice includes the total delinquent assessment amount, total interest of 60 days at 12% per annum, the original \$20 late fee for each delinquent assessment and an additional \$25 administrative fee. The notice will also state that the board will vote at the next board meeting to temporarily suspend the member's rights and to place a lien on the member's property. **(Bylaws 4.9, 4.11 and 6)**. The statement, fee, and interest will be handled by LBRPHOA's management company.

After a board decision to place a lien on a member's property:

A 10 day notice "Lien Pending Letter" will be sent to the homeowner with the Lien fees and all costs (current costs are \$100) associated with filing the lien to be added to the delinquent fees of the member. The statement, fee, interest, lien costs and lien preparation will be handled by LBRPHOA's management company.

Note Article 5.1 in CC&R's: All Assessments, together with interest, costs, and actual attorneys' fees, shall be a charge and a continuing lien upon the Unit against which each Assessment is made. Each such Assessment, together with interest, costs, and actual attorneys' fees, shall also be the personal obligation of the person who was the Owner of such Unit at the time when the Assessment fell due. No Owner of a Unit may exempt himself from liability for his contribution toward the Common Expenses by waiver of the use or enjoyment of any of the Common Area or by the abandonment of his Unit.