

Mirror Lake Community Association, Inc.

Collection Policy

1. Lien warning letter is sent 60 days after due date advising dues are in arrears. Letter incurs a \$25.00 letter fee charge plus a late fee of \$35.00 and Interest to date calculated on the outstanding amount at 16% per annum added to the delinquent homeowner's account balance. A letter at any stage of the process dealing with collection will carry a \$25.00 letter fee charge.
2. If payment in full is not received within 33 days of the letter, and/or the homeowner has entered into an approved payment plan, a Notice of Lien is filed on the county deed records and \$125.00 Filing Fees are added to the delinquent homeowner's account balance.
3. If the homeowner enters into a payment plan, they will be required to sign a Promissory Note. The recommended payment plan is 6 months and will continue to accrue late payment charges and Interest for each calendar quarter the dues or any portion thereof remain in arrears.
4. Forty-five days after deadline date for overdue payment, a ten day Suit warning letter is sent; letter incurs a \$25.00 letter fee charge plus a late fee of \$35.00 and Interest to date calculated on the outstanding amount at 16% per annum added to the delinquent homeowner's account balance.
5. If the full amount due is not paid within ten days, Suit is filed against the delinquent homeowner for unpaid Homeowner Association dues, plus late fees, Interest, filing and actual attorney's fees if incurred plus costs for service as assessed by Magistrate Court.
6. When Suit is served by the Sheriff on the delinquent homeowner, they will have 45 days to file an answer. If they are avoiding service by the Sheriff, it may be necessary to retain a private process server, cost for which will become additional to the delinquent in the collection process.
7. If an Answer is not filed within 45 days, Mirror Lake Community Association, Inc., can obtain a default judgment, or at any point the parties may agree to installment payments through a Consent Order. If the debtor misses a payment under the Consent Order, the Mirror Lake Community Association, Inc., will obtain a Judicial Lien, (a writ of FI FA (writ of fieri facias)) by request from the Court for the remaining balance due.
8. If an Answer is filed, then the suit will either go to trial or be settled prior to trial, including the possibility of entering into a Consent Order.
9. After obtaining a Judicial Lien, the association can attempt to garnish wages or bank accounts. If the homeowner leases their property it is also possible to garnish the tenant's rent payments.
10. The various costs for process as quoted above are applicable if Mirror Lake Community Association Inc., performs all the filings, notices, and letters, however Mirror Lake Community Association Inc., may at its own discretion use the services of an attorney or a collection agency at any stage, in which case the costs for filings, notices and letters will be substantially higher and same will be applied in all assessments pertaining to the delinquent party.
11. Mirror Lake Community Association Inc., have the option to consider foreclosing on the Lien as a method of collecting unpaid dues.