

HIDDENBROOK HOMES ASSOCIATION

POLICY RESOLUTION NO. 18-1

(Policy Regarding Late Fees for Assessments)

WHEREAS, Article V, Section 8 of the Hiddenbrook Homes Association Declaration of Covenants Conditions and Restrictions states that any assessment not paid within 30 days of the due date shall bear interest at 6% per annum until paid in full; and

WHEREAS, Virginia Code Section 55-513.3 authorizes the Association's Board of Directors to impose a late fee for any assessment or installment thereof that is not paid within 60 days of the due date for payment of such assessment; and

WHEREAS, Virginia Code Section 55-513.3 states that no such late fee shall exceed 5% of the assessment or installment thereof; and

NOW, THEREFORE, the Association's Board of Directors adopts the following late fee policy:

- I. DEFINITIONS.** For purposes of this Resolution, the following terms shall have the meanings provided:
- a. "Assessment" shall refer to the annual assessments and special assessments imposed against each unit.
 - b. "Installment" shall refer to the installment payments of the annual assessments (currently 12 equal monthly payments) as well as any periodic payments of any special assessments.
 - c. "Due date" shall mean, for each installment of the annual assessment, the 1st of each month, and for each installment of any special assessment, as set by the Board.

II. LATE FEE AMOUNT AND APPLICATION.

- a. The late fee amount to be imposed for each installment shall be 5% of the installment, or as otherwise authorized by Virginia Code Section 55-513.3.

If the late fee amount provided in Virginia Code Section 55-513.3 is amended, the late fee amount herein shall be automatically amended to adhere to the provisions of that Section.

- b. A late fee shall be automatically added to each installment of any assessment if payment for the installment is not received by the Association within 60 days of the due date of the installment.

If the date of the application of the late fee provided in Virginia Code Section 55-513.3 is amended, the date of application of the late fee as stated herein shall be automatically amended to adhere to the provisions of that Section.

- c. No notice to the delinquent owner shall be required prior to imposing any late fees.
- d. All late fees shall be collected in the same manner as delinquent assessments.

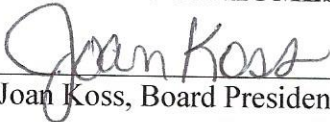
III. NOTICES

- a. Once an installment remains unpaid after 30 days, the Association shall send the owner a notice regarding the same. The notice shall advise the owner that he/she is in default and that failure to cure the default within 60 days after the due date shall result in placement of a lien on the property.
- b. Once an installment is 60 days late, the Association shall send a final notice to the owner via certified mail, return receipt requested and via first class mail regarding the balance due on the assessment account. If the owner does not bring the account current by the deadline set forth in this second notice, the account shall be referred to the Association's attorney for legal action.

IV. MISCELLANEOUS.

- a. The late fees imposed pursuant to this Resolution shall be in addition to the interest charges that may be imposed at a rate of 6% per annum on any assessment or installment thereof that is not paid within 30 days of its due date.
- b. This Resolution supersedes any prior resolution, rules, or regulations governing the same subject matter to the extent that they conflict.
- c. Any failure to enforce this Resolution will not work as a waiver and will not prohibit or limit the Board's ability to subsequently enforce this Resolution

HIDDENBROOK HOMES ASSOCIATION


Joan Koss, Board President

HIDDENBROOK HOMES ASSOCIATION

RESOLUTION ACTION RECORD

Resolution Type: Policy

No.: 18-1

Regarding: Collection of assessments

Duly adopted at a meeting of the Board of Directors of the HIDDENBROOK HOMES ASSOCIATION held on the 19 day June of 2018.

Motion by: Joan Koss

Seconded by: Kristin Leveto

Vote

	Yes	No	Abstain	Absent
<u>Kimberly Ruiz</u> , Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Rick Leveto</u> , Director	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Joan Koss</u> , Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Ray Holland</u> , Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Paul Spencer</u> , Director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____, Director	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____, Director	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

K. Ruiz
Secretary

6/19/18
Date

Resolution Effective: