Red Rocks Valley Homeowners Association

Dues Collection Policy and Procedure
Pursuant to C.R.S. §38-33.3-209.5(1)(b)(i) & HB 22-1137

BE IT RESOLVED, that the following policy shall govern the adoption and amendment of the Dues Collection Policy.

1. **Scope**:
   To adopt a procedure and policy to be followed when Owner accounts are not current. All Fees are posted online and are updated without notification by the Association Management Company or at the discretion of the Board.

2. **Specifics:**
   The Association shall levy and enforce regular and special assessments which are secured by a continuing lien upon the property against which the assessment is made. By accepting a deed to any lot, each Owner agrees to pay to the Association all the assessments.

   Fines assessed for noncompliance of the Association's Governing Documents are due upon notification to the Owner.

   In the event an Owner does not occupy their residence but chooses to lease said property, the Owner shall be liable for their Tenants actions. It shall be the Owner's personal obligation to pay to the Association all assessments, fines, fees, or penalties that are levied against the property, whether the cause of the Owner or a Tenant.

   If the English language is not the Owner's first, primary language or does not have the ability to read English, the Owner may request the Notification written in their primary language. All additional expenses incurred in this endeavor shall be paid by the Association.

   The Board of Directors sets assessments annually. These assessments are paid in full, monthly, and are due the 1st of each month. Statements will be mailed to each Owner prior to the due date but are due regardless of receipt of statement.

   If payment is returned due to insufficient funds or any other reason, there will be a $45.00 NSF fee to cover bank charges and the payment will be considered delinquent.

   Payments for assessments and fines not paid within 30 days after the due date are considered delinquent and shall bear penalties/fees from the due date.

Delinquency Timelines, Fees & Fines

1. **30 days or more delinquent** - A Processing Fee (PF) of $25.00 will be charged to the Owner's ledger.

   - A General Delinquency Alert (GDA) will be sent to the Owner more than 30 days delinquent to alert them to their delinquency.

   - A GDA fee shall be charged to the Owner's ledger for the Delinquency Alert.

2. **Official Notice of Delinquency**. Three to seven days later, an official Delinquency Notification will be sent to the Owner on record via certified mail and electronic communication or US Mail Service.
    - This notice shall include an offer of repayment to include up to 18 months to repay dues and fines in equal, monthly payments.
    - The Owner shall be charged the Certified Letter Fee (CLF) to be paid to the Management Company for printing, postage, labor/time for certified, services rendered.

3. **60 Day Notification**. Every 30 days another Delinquency Notification shall be sent to the Owner in arrears and a PF of $25.00 per month will be added to the Owner's ledger.

4. **90 Day Notification**. The Owner shall be sent, in addition to the Delinquency Notification, a 30-day, Intent to Lien Notification (ILN).
    - An additional ILN fee shall be charged to the Owner's ledger for the Intent to Lien Notification, paid to the Management Company.

5. **120 Day Notification**. If the Owner has not set up a repayment plan, the Management Company shall file a lien on the Owner's unit. The Owner's ledger shall be charged a Lien Fee (LF) to pay for the expense of filling out, filing, notarizing, and recording the lien with the County's Clerk and Recorders Office at 200 S Spruce St, Grand Junction, Colorado 81501.
    - Upon full payment of all dues, fees and fines to the Association, the Owner shall be responsible for releasing the lien. The Management Company shall provide the Release of Lien, but the Owner must go to the Clerk and Recorder's Office to have the lien released from their unit. If the Owner cannot physically do so and needs the Management Company to go to the Clerk and Recorder to release the lien, the Owner will be charged a Release of Lien Fee (RLF) to do so and payment must be made in advance.

6. **180 Day (6 Month) Notification**. If the Owner fails to meet the conditions of the Repayment Plan or does not contact the Management Company or the Board of Directors to pay their dues, fees and fines and the amount of combined dues, fees and fines exceeds $1,000.00, the Management Company shall send a Notification to the Owner stipulating that if a Repayment Plan is not set up within 30-days of receipt of their notification, the Board of Directors will schedule an Executive Session that may result in the Association taking legal action against the Owner.
    - All legal fees associated with attempts to collect dues, fees and fines shall be charged to the Owner's ledger.

7. **210 Day Notification.** The Board shall determine the date of the Executive Session (to take place 30 days after the 210 Day Notification) and the Owner shall be sent the date and may request minutes from the Session after it has been completed.
    - At the Executive Session, the Board may vote to:
        - Approve sending the debt to a Collection Service
        - Approve initiating legal action through Small Claims Court (if the debt does not exceed $7,500.00.) The Board is responsible for all actions with Small Claims Court. The Management Company does not provide legal assistance for Small Claims issues.
        - Approve consulting with legal services to initiate garnishment of wages
        - Approve initiation of pre-foreclosure processes

        - All expenses associated with collecting outstanding debts, including legal services will be added to the Owner's ledger
    - If the Board votes to approve initiating the foreclosure process, records of all notifications shall be sent to the attorney prior to sending the Owner the outcome of the Executive Session.

Curing: At any time in this process, after the initial Delinquency Alert, the Owner shall have the right to cure their outstanding balance by setting up a Repayment Plan in equal installments over 18 months.

Costs: All costs associated with collection of a delinquent account by an outside agency other than the management company will be charged to and paid for by the delinquent account.

Liens: All delinquent accounts shall be a lien on the Owner's Lot to which the provisions of section C.R.S. 38-333.3-316, and this Policy applies.

Voting: All voting rights will be suspended during the period in which an Owner's account is delinquent.

Modifications: The Board of Directors may, at their discretion, waive or modify these procedures based upon facts presented to them by the Owner of the outstanding account.

Definitions:
Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning therein.

Supplement to Law:
The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Project.

Deviations:
The Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.

Amendment:
The Board of Directors may amend this procedure from time to time.

President's Certification: The undersigned, being the President of the Association and/or its duly elected Director or Managing Agent, certifies that the Board of Directors of the Association adopted the foregoing resolution and in witness thereof, the undersigned has subscribed his/her name.

Red Rocks Valley Homeowners Association



President and/or Managing Agent

8/1/2023

Effective Date