

WHITTIER PARK HOMEOWNERS ASSOCIATION, INC.
ADMINISTRATIVE POLICY RESOLUTION NO. 6
PROCEDURES RELATIVE TO ASSESSMENTS
(Relating to Collection of Annual Assessments,
Special Assessments and Delinquent Payments)

WHEREAS, Article V, Section 1 of the Declaration for Whittier Park ("Declaration") creates an assessment obligation for purchasers of Lots in Whittier Park ("Owners");

WHEREAS, Article V, Section 2 of the Declaration empowers the Board to make assessments against Owners for (1) the management and Upkeep of the Property; (2) for services to the Lots and Owners; (3) to maintain adequate reserves; or (4) to meet obligations of the Association established pursuant to the Declaration or other shared maintenance agreements, subdivision documents or easements as well as to establish the means and methods of collecting such assessments from the Owners and establish the period of the installment payment of the annual assessment;

WHEREAS, Article V, Section 5 (a) of the Declaration specify the types of remedies the Association may seek when an Owner is in default under the terms of the Declaration and By-laws; and

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

NOW THEREFORE, BE IT RESOLVED THAT the Board duly adopt the following assessment procedures:

I. ROUTINE COLLECTIONS

- A. All monthly installments of the annual assessments shall be due and payable in advance on the first day of the applicable month; all special assessments shall be due and payable on the first day of the next month which begins more than ten (10) days after delivery or mailing to the Owner of notice of such special assessment or as specified in the note ("Due Date").
- B. All documents, correspondence, and notices relating to the charges shall be mailed to the address which appears on the books of the Association or to such other address as is designated in writing by an Owner. Notices of special assessment shall be sent by first class mail postage prepaid. Non Resident Owners shall furnish the Board of Directors with an address where mail will be promptly received by the Owner.
- C. Non-receipt of payment coupons shall in no way relieve the Owner of the obligations to pay the amount due by the Due Date.

II. REMEDIES FOR NON-PAYMENT OF ASSESSMENTS

- A. Pursuant to Article V, Section 5 of the Declaration, any assessment, or installment thereof, not paid within thirty (30) days after the Due Date shall be delinquent. A late fee and cost of collection fee shall only be imposed once for the same delinquent period.

If a check is returned to an Owner because it has been improperly filled out (including but not limited to missing signature, amounts do not match, post dated) and is not resubmitted to the Association within ten (10) days after the Due Date, the late fee and cost of collection charge will be added.

- B. Furthermore, pursuant to Article V, Section 5 (a) of the Declaration, if an Owner defaults in paying any sum assessed against his/her Lot, which continues for a period in excess of thirty (30) days, the assessment shall bear interest from the due date at a rate not to exceed the lesser of the maximum permissible interest rate which may be charged by a Mortgagee under a

Mortgage at such time or five percent (5%) of the delinquent installments may be imposed in the discretion of the Board of Directors on the Principal amount unpaid from the date due until paid. The imposition of interest shall be in addition to the imposition and collection of a late charge. Additionally, the Board shall suspend the voting rights of such owner and use of the recreational and common facilities until the account is paid in full.

- C. A "Late Notice" shall be sent to Owners who have not paid assessment in full within ten (10) days after the due date, if directed by the Board of Directors.
- D. No additional notice of the imposition of interest, and late fees, need be provided to the Owner other than the Late Notice as set forth in Article V, Section 5, (a). Such interest and late fees, shall constitute a lien upon the Lot of the defaulting Owner.
- E. If a check is not honored, and is returned, and an assessment due and owing is not otherwise received in the applicable time period as provided in paragraph II A - B above, the account shall be deemed late and the late fee and interest shall be added. In addition, a \$25.00 return check charge will be added.
- F. If payment in full of any assessment payable in installments including annual assessments, special assessments, late fees, and returned check charges and interest is not received by the Association or its appointed agent by the 60th day after the Due Date, the account will be referred to an attorney for collection and a "Notice of Intent to Accelerate Installments and File Lien" shall be mailed to the Owner at the address listed on the books of the Association, or other address as furnished by the Owner, via Certified Mail, return receipt requested, with all costs added to the delinquent Owner's account.
- G. If payment in full of any assessment payable in installments including annual assessments, special assessment, interest charges, late fees, and returned check charges, is not received by the Association or its duly appointed agent within ten (10) days after the "Notice of Intent to Accelerate Installments and File Lien" has been issued, then the remaining installments of the

annual assessments shall be accelerated and declared due and payable in full. Interest as indicated in Article II B hereof shall be added at the time of the acceleration, and a memorandum of lien shall be filed by Counsel with the Fairfax County Circuit Court. The Owner shall be so notified with a copy of the memorandum of lien, and Counsel shall also notify the Mortgagee, if known. The cost of filing the memorandum of lien will be added to the delinquent Owner's account.

- H. Counsel for the Association shall take other appropriate legal action as directed in writing, by the Board, including but not limited to suit and foreclosure.
- I. If the Association receives from any Owner, in any accounting year, two or more returned checks for payments of assessments, the Board may require all future payments to be made by certified check or money order for the remainder of the fiscal year. A \$25.00 charge will be made for every returned check. Action may also be taken under Chapter 26, Section 55-516, of the Code of Virginia, at the discretion of the Board.
- J. All costs incurred by the Association as a result of any violation of the Declaration, By-laws, Rules and Regulations or Resolutions of the Association by an Owner, his family, employees, agents or licensees, shall be specifically assessed against such Owner. Such costs include, without limitation, legal or administrative expenses (regardless of whether suits or liens are filed) resulting from an Owner's failure to pay assessment when due or from any other default referred to in this paragraph II J.
- K. The Board may grant a waiver of any provision herein upon petition in writing by an Owner alleging a personal hardship. Such relief granted an Owner shall be appropriately documented in the files with the name of the person or persons representing the Board granting the relief and the conditions of the relief. Waiver shall be made on a case-by-case basis upon review of particular circumstances. Further, waiver on one occasion shall not be deemed or construed as a waiver in any future instance of delinquency.

L. The Board hereby authorizes the Managing Agent to waive the imposition of interest, and late fees, on payments received by the Managing Agent ten (10) days after the Due Date only if, in the judgment of the Managing Agent, the delinquent Owner has owned the Lot for less than one month at the time of the delinquency and the Managing Agent determines the delinquency was the result of a misunderstanding of the correct procedures relative to payment of the assessment. Further, such a waiver may be granted only once to any delinquent Owner.


M. Payments received from an Owner will be credited in the following order of priority:

1. Charges for attorney's fees and costs.
2. Late fees.
3. All interest accrued.
4. All other charges incurred by the Association as a result of any violation of the Declaration, By-laws, Rules and Regulations or Resolutions, by an Owner, his family, employees, agents or licensees.
5. The monthly assessment for each lot, including special assessment due, as applicable.

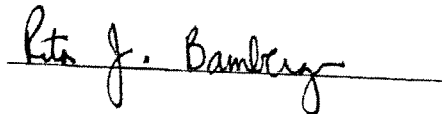
The foregoing Resolution is hereby adopted on this 1st day of April, 1999, without meeting, by all the members of the Board of Directors.

Whittier Park Homeowners Association Association, Inc.

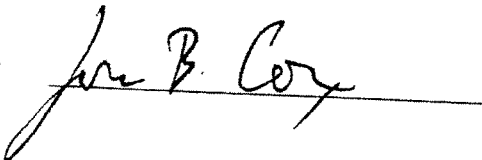
By:



By:



By:



Members, Board of Directors

This Resolution becomes effective 30 days following the date attested hereto.