

Fanno Creek Townhomes Owner's Association

PO Box 23892
Tigard, OR 97281

Billing, Payment and Collection Policy

Because the Association's economic well-being relies on the timely payment of assessments and other allowable charges, it is the Board's duty to use its best efforts to collect funds owed to the Association.

WHEREAS, Article III of the Amended Bylaws of the Fanno Creek Townhomes Owner's Association, hereinafter referred to as "Bylaws", grants power to the Board of Directors to conduct Association business, and Article VII of the Bylaws in conjunction with Article V of the Restated and Amended Declaration of Covenants, Conditions and Restrictions, hereinafter referred to as "CC&Rs", grants the authority to levy assessments against owners;

LET IT BE RESOLVED THAT these procedures will be followed:

1. *AMOUNTS PAYABLE TO THE ASSOCIATION* include, but are not limited to, regular assessments, special assessments, rules enforcement fees, legal fees and other costs associated with collection of funds on behalf of the Association.
2. *PAYMENT SCHEDULE* - The regular assessment is payable the first of each calendar month. Assessment payments not received or postmarked by the last day of the month will be considered past due.
3. **DEFINITIONS**
 - a. *Due Date* - refers to the first day of the month for which the assessment is being charged as described in the CC&Rs.
 - b. *Delinquent account* - refers to an account for which assessment payment has not been received (or postmarked) by the last day of the month after the assessment due date.
 - c. *Delinquency time count* - refers to the number of days the assessment remains unpaid once the account becomes delinquent beginning the last of the month after due date. Partial payments do not restart the delinquency time count.
 - d. *Transfer Fee* - refers to fee payable from buyer at time of property purchase as a contribution to the working capital as required in the CC&Rs.
 - e. *Statement or Billing Period* - refers to the period (i.e. monthly, quarterly or annual) established by the Board of Directors.
4. **BILLING/PAYMENT SYSTEM**
 - a. The Board of Directors has established the Statement or Billing Period to be {monthly} {quarterly} {annual}.
 - b. Assessment statements will not be provided to members with zero or credit balances.
 - i. Assessment statements will be {emailed} {mailed} on or about the last day of the *Statement or Billing Period*.
 - ii. The assessment statement will display the activity on the account during the period thru the 25th of the month in which the statement is prepared and the balance due as the balance of the account on the date for which the statement is prepared.
 - iii. The assessment statement will state payment is due by the 15th of the month to encourage early payment.
 - iv. Notices of Member meetings will be mailed or emailed to all members regardless of

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account balance.

- c. All payments received will be processed prior to preparation of the statement.
5. TRANSFER FEE, LATE FEES, PENALTIES, NSF AND INTEREST CHARGES.
 - a. A late fee of five percent (5%) of the balance due will be charged the first month an account is delinquent and each month thereafter while the account remains delinquent until the account is brought current or the late fee to be applied equals the monthly dues amount.
 - b. When the late fee amount equals the monthly dues amount, that amount will be applied each month the account remains delinquent.
 - c. Waiver of late fees will be considered upon the written request of the member with demonstration of severe circumstances causing delinquency.
 - d. A twenty-five dollar (\$25) charge will apply to any returned check.
 - e. Any account with a balance older than 30 days will incur an interest charge of 12% per annum (calculated monthly) until paid.
 - f. At the time of purchase of a property in Fanno Creek Townhomes Owner's Association, the buyer will pay a *Transfer Fee* amount equal to three (3) times the current monthly dues amount.
6. ORDER OF CREDITING PAYMENTS. Payments received shall be first applied to interest, late fees, penalties, legal/collection expenses, other charges as described below, then assessment payments beginning with the oldest charge first.
7. PROCESS OF DELINQUENCY NOTIFICATION. For all balances one hundred twenty (120) days delinquent, as defined in number 3 of this policy, the following notification process applies:
 - a. Notice of past due charges will be sent by First Class Mail to the member's address as recorded in the Association records.
 - b. The notice will request full payment within thirty (30) days of the date of the notice.
 - c. At one hundred fifty (150) days delinquent a notice of intent to file a property lien with Washington County will be mailed to the member. Notice to include:
 - i. Notification of lien to be placed for which the member will be charged the cost of recording such lien.
 - ii. Board may turn the matter over to an attorney for collection enforcement.
 - iii. If a delinquent account is referred to an attorney for collection, the member will be charged the Association's reasonable attorney fees and related costs as described in the (CC&R's).
 - iv. Attorney actions may include but are not limited to filing a personal judgement against the member and a property foreclosure.
 - d. At one hundred eighty (180) days delinquent a lien will be prepared and recorded with Washington County.
 - e. Upon recording of the lien a copy of said lien will be sent to the Owner.
8. LEGAL SERVICES. If a delinquent account is referred to an attorney for collection, the Owner shall be charged the Association's reasonable attorney fees and related costs.
9. OTHER CHARGES. The Association may charge the Owner for:
 - a. Fees charged to collect funds payable to the Association:
 - b. Owner Bankruptcy

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- c. Foreclosure action or deed in lieu of foreclosure
- d. Notification, filing and satisfying liens
- e. Enforcement of the Association's Rules, Bylaws, Declaration or Policies
- f. Cost of litigation

Recorded in the Book of Minutes: Adopted July 28, 2019

President, Board of Directors
Fanno Creek Townhomes Owner's Association