

PONDEROSA TRAILS HOMEOWNERS ASSOCIATION, INC.
Assessment Collection Policy
Adopted by the Board of Directors 04.08.2020

WHEREAS, in accordance with the provisions of A.R.S. §33-1803 and §33-1807 of the Arizona Planned Community Act and of the Covenants, Conditions and Restrictions of Ponderosa Trails Homeowners Association, Inc. ("Declaration"), the Board is entitled to adopt an Assessment Collection Policy; and

WHEREAS, the Board has determined that the adoption of such Policy is in the best interests of the Association and its members.

I hereby make a motion that the following Policy be adopted by the Board as the Assessment Collection Policy of the Association:

NOW THEREFORE, IT IS RESOLVED that the following procedures and practices are established for the collection of Assessments owing and to become owing by the Owners of Lots in the Association and the same are to be known as the "Assessment Collection Policy" for the Association in the discharge of its responsibilities regarding collection of Assessments levied against Lots:

1. **POLICY OBJECTIVE.** This Collection Policy is adopted to establish a course of action for the collection of delinquent assessments. This Collection Policy consolidates the laws of the State of Arizona and the various sections of the Declaration that pertain to the Association's authority to collect assessments, impose late fees and interest, and to enforce the remedies available to the Association. The Association will pursue collection of all Assessments pursuant to the Declaration, this Collection Policy and applicable law.

2. **OWNERSHIP INTERESTS.** The person who is the Owner of a Lot as of the date an Assessment becomes due is personally liable for the payment of the Assessment. The personal obligation for delinquent Assessment shall not pass to the successors in title of the Owner unless expressly assumed by them.

3. **OWNERSHIP RECORDS.** All collection notices and communications will be directed to those persons shown by the records of the Association as being the Owner of the Lot for which Assessments are due and will be sent to the most recent address of such Owner as reflected by the records of the Association. Any notice or communication directed to a person at an address, as reflected by the records of the Association as being the Owner and address for a given Lot, will be valid and effective for all purposes pursuant to the Declaration and this Assessment Collection Policy until such time as there is actual receipt by the Association of written notification of any change in the identity or status of such Owner or its address or both.

4. **DUE DATES.** Assessments will be assessed annually and are payable in one installment on January 1. Such payment is delinquent if payment in full is not received within fifteen (15) days after the due date thereof. Any delinquent Assessment is subject to this Collection Policy and the Owner's Lot is subject to lien as defined in the Declaration and in this Collection Policy and A.R.S. §33-1807.

5. COLLECTION COSTS. In order to recoup costs incurred because of the additional expenses associated with collecting delinquent Assessments, collection of these additional costs are part of the Collection Policy. These costs, including, without limitation, any handling charges, returned check fees, collection notice fees, attorneys' fees and any other litigation related expenses incurred by the Association as a result of the delinquency, will be added to the amount outstanding and are collectible to the same extent and in the same manner as the delinquent Assessments. An NSF fee of \$45.00 will be charged for any returned checks not honored by the Owner's bank.

6. COLLECTION PROCEDURES,

a. LATE NOTICE. An Assessment payment due from an Owner is deemed delinquent if it is unpaid fifteen (15) or more days after the due date thereof. In the event an Assessment payment is delinquent, a late fee of 10% shall be charged to the Owner's account, interest shall accrue on the delinquent amount at the rate of 10% per annum and a late notice will be sent via regular first-class mail after the posting of applicable interest. All costs associated with such letter will be charged to the Owner's account.

b. NOTICE OF CLAIM OF LIEN. No sooner than (120) days beyond the due date of the Assessment installment, the Association may send a Notice of Claim of Lien to the Owner making formal demand for immediate payment for all outstanding amounts and notifying the Owner that in the event payment of all past due amounts is not received within twenty-one (21) calendar days of the date of such Notice of Claim of Lien, the Association will record a Notice of Claim of Lien with the Coconino County Recorder's Office for all unpaid assessments as well as all late fees, interest and the Association's collection costs. The Notice of Claim of Lien will be sent via regular and certified mail return receipt requested. All costs associated with the Notice of Claim of Lien will be charged to the Owner's account, which shall be **\$230.00**.

c. RECORDATION OF NOTICE OF CLAIM OF LIEN. If an Owner fails to pay in full the entire amount covered by a Notice of Claim of Lien within twenty-one (21) calendar days after the date of the Notice of Claim of Lien, the Board may cause to be prepared and recorded with the Coconino County Recorder a written Notice of Claim of Lien. If such Notice of Claim of Lien is so recorded, a fee will be charged to the Owner's account which shall be **\$150.00**.

d. 30 DAY WARNING LETTER. If an Owner fails to address the delinquent account after a Notice of Claim of Lien is recorded, the Association shall send a final 30-day warning letter pursuant to A.R.S. §33-1807(K) via regular certified mail, return receipt requested and first class mail. All costs associated with such letter will be charged to the Owner's account, which shall be **\$25.00**.

e. REFERRAL OF DELINQUENT ACCOUNTS TO ATTORNEYS. The Association may, but shall not be required to, after the sending and expiration of the 30 day warning letter, refer delinquent accounts to its attorneys for collection. Upon referral to the attorneys, the attorneys shall take all appropriate action to attempt to collect the accounts referred.

f. REFERRAL OF DELINQUENT ACCOUNTS TO COLLECTION AGENCIES. The Association may, but shall not be required to, after the sending and expiration of the 30 day warning letter, refer delinquent accounts to collection agencies for collection. Upon referral to a collection agency, the agency shall take all appropriate action to attempt to collect the accounts referred.

7. ALTERNATIVE COLLECTION COURSES. At each step in the collection process, the Board, acting with input and recommendation from management and counsel as it determines appropriate, will evaluate which course of legal action appears to be in the best interest of the Association for recovery of unpaid Assessments. Where foreclosure of the Assessment lien in favor of the Association against a Lot, together with pursuit of personal judgment against the Owner, or seeking a personal judgment alone, is determined to be advisable, the Board will direct counsel to proceed accordingly.

8. BOARD DISCRETION. The Board of Directors reserves the right to waive or compromise all or part of the unpaid Assessment, accrued interest, or late fees, collection costs or attorneys' fees, if in its judgment, such action is in the best interests of the Association. The Board retains the right to amend, revoke and/or replace this Collection Policy at any time and from time to time, as it deems appropriate subject to the terms of the governing documents of the Association and applicable law. Further, the provisions and procedures of this Policy are intended only as guidelines for the Board. The Board may vary from this Collections Policy as determined appropriate by the Board in its sole discretion.

IT IS FURTHER RESOLVED THAT this Assessment Collection Policy replaces and supersedes in all respects all prior resolutions with respect to the collection of Assessments by the Association and is effective upon adoption hereof, to remain in force and effect until revoked, modified, or amended.

Ponderosa Trails HOA Collections Policy Flow Chart

Adopted by the Board of Directors on 04.08.2020

