

**RESOLUTION OF THE BOARD OF DIRECTORS FOR THE  
VALLEYBROOK HOMEOWNERS' ASSOCIATION, INC.  
ADOPTING A COLLECTIONS & DELINQUENCY POLICY**

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The Board of Directors (the "Board") of the Valleybrook Homeowners' Association, Inc. (the "Association") hereby certifies that the following resolution was adopted at a duly called meeting of the Board held on \_\_\_\_\_, 2024.

**WHEREAS**, the Association is governed by the Declaration of Easements, Covenants and Restrictions for the Village of Valleybrook, dated October 8, 1974 and recorded in the Delaware County Recorder of Deeds Office on November 4, 1974, in Deed Book 2519, Page 933, *et seq.*, as amended (the "Declaration"), the Bylaws of Valleybrook Homeowners' Association, Inc., as amended (the "Bylaws"), the Rules & Regulations ("Rules & Regulations") (collectively, the "Governing Documents") as well as the Pennsylvania Uniform Planned Community Act, 68 Pa. C.S.A. §§ 5101, *et seq.* (the "Act");

**WHEREAS**, pursuant to Section 5302(a)(1) of the Act, the Board, acting on the Association's behalf, has the power and authority to adopt, amend, repeal and enforce reasonable rules and regulations as the Board may deem necessary or desirable from time to time;

**WHEREAS**, pursuant to Section 4.01 of the Bylaws, the Board is authorized to adopt and promulgate reasonable rules and regulations governing the use of the Common Areas and the Facilities;

**WHEREAS**, pursuant to Article V of the Declaration, the Board has the power to levy, assess, enforce and collect all assessments, costs, fees, fines, expenses, interest or charges; and

**WHEREAS**, the Board has determined that it is in the best interests of the Association to adopt a set of procedures and policies of the Association with respect to the collection of delinquent assessments by the Association.

**NOW, THEREFORE, BE IT RESOLVED**, that the Association, through its duly elected Board of Directors and by their signatures below, hereby adopts the Collections & Delinquency Policy attached hereto as Exhibit "A", which shall be binding upon all Owners and their grantees, lessees, tenants, guests, occupants, successors, heirs and assigns who currently or in the future may possess an interest in the Association. This policy shall become effective as of the date referenced above.

**WITNESS**, this day, our hands and seals:

**ATTEST:**

**BOARD OF DIRECTORS,  
Valleybrook Homeowners'  
Association, Inc.**

\_\_\_\_\_  
Name: \_\_\_\_\_

Title: Secretary

\_\_\_\_\_  
Name: \_\_\_\_\_

Title: President

# **EXHIBIT “A”**

## VALLEYBROOK HOMEOWNERS' ASSOCIATION, INC. COLLECTIONS & DELINQUENCY POLICY

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1. **In General.** Pursuant to Article V of the Declaration, all Annual Assessments, Special Assessments, Limited Charges, fees and any other charge (including fines) (each a "Fee" and collectively the "Fees") provided for in the Declaration, Bylaws and/or Rules and Regulations (the "Governing Documents") and deemed necessary by the Board of Directors (the "Board") will be termed delinquent if not paid by the date upon which such amount is due.

2. **Late Payments; Charges.** Any payment of a Fee not credited to the Association's account by 5:00 P.M. on the first (1<sup>st</sup>) day of the month, or on any other date upon which such payment is due, shall be considered late. Any unpaid Fee that is ten (10) or more days late shall be considered delinquent and a late charge of Fifty Dollars (\$50.00), or other amount as determined by the Board of Directors, shall be assessed to the delinquent Unit Owner's account during every month that any such Fees remain unpaid. Fees may be applied to the Unit Owner's account as set forth more specifically in the Governing Documents. Furthermore, once any such Fee is ten (10) or more days late and considered delinquent, the Board shall have the discretion and authority to declare the entire balance of such Annual or Special Assessment due and payable in full.

3. **Notice of Delinquency.** Upon the determination that a Unit Owner is delinquent, the Association shall provide written notice of such delinquency and payment information to the Unit Owner. Notice need only be sent via regular mail and sent to the mailing address of the Unit, unless prior written notification has been provided to the management office of the Association, specifically authorizing and directing the Association to send correspondence to an alternative address.

4. **Legal Action.** If any delinquent Fee is not paid within thirty (30) days of a Unit Owner's receipt of a Notice of Delinquency, the Association shall have the power, authority and the right to institute legal action without further notice to the Unit Owner. The Unit Owner shall bear all costs of collection including, but not limited to, reasonable attorneys' fees, expenses and court costs.

5. **Application of Payments.** Pursuant to the Pennsylvania Uniform Planned Community Act, 68 PA C.S.A. §5101, *et seq.* (the "Act"), all payments shall be credited in the following order: first to interest; then to late fees; then costs of collection, including court costs; then to attorney fees; and then to the unpaid assessments.

6. **Loss of Rights.** Pursuant to the Association's Fine & Enforcement Policy, a delinquent Unit Owner shall not be considered in good standing and shall not be entitled to cast any vote on Association matters put up for consideration by the Unit Owners. Furthermore, pursuant to Section 5302 of the Uniform Planned Community Act and Section 3.1 of the Bylaws, after providing a delinquent Unit Owner with written notice and an opportunity to be heard before the Board, the Board reserves the right to suspend a delinquent Unit Owner's right to serve on the Board or any committees of the Association, and their right of access to the common facilities and common elements, until such time as all outstanding Fees are paid in full.

7. **Liens and Personal Obligations.** Until any outstanding Fee is paid, all Fees associated with a Unit shall be a charge on the Unit and shall be a continuing lien upon the Unit in favor of the Association from the time each Fee becomes due. Each Fee and the costs of collection shall also be the personal obligation of the Unit Owner.

8. **Legal Proceedings.** Failure of a Unit Owner to comply with any of the terms of the Governing Documents shall be grounds for relief including, without limitation, an action for money damages, injunctive relief, foreclosure of the lien for payment of all Fees, any other relief provided for in the Governing Documents or the Pennsylvania Uniform Planned Community Act, or any combination thereof, and any relief afforded by a court of competent jurisdiction. Such relief may be sought by the Association, Board, managing agent or, if appropriate, an aggrieved Unit Owner.

9. **Unpaid Fines Subject to Late Fees.** Under Sections 5302(a)(11) and 5315 of the Act, all fines levied by the Association due to an Owner's violation of the Governing Documents are characterized as "assessments". Consistent with the foregoing, any fine not paid by the date upon which such fine is due shall be subject to any late fees, late charges and/or late interest charges that would otherwise be levied upon a delinquent assessment by the Association, in accordance with the Governing Documents and the Act. Furthermore, any fines not paid when due shall be subject to collection by the Association, in the same manner as any delinquent assessment payment.

The procedures set forth herein shall not be exclusive of other rights and remedies available to the Board of Directors or the Association.

This Collections & Delinquency Policy is adopted by the Board of Directors this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**ATTEST:**

**BOARD OF DIRECTORS,  
Valleybrook Homeowners  
Association, Inc.**

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\_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: Secretary

Title: President