

**OREGON WATER WONDERLAND
PROPERTY OWNERS ASSOCIATION, UNIT II, INC.
Resolution of the Board of Directors**

COLLECTIONS RESOLUTION

Background

- A. Oregon Water Wonderland Property Owners Association, Unit II, Inc. (“Association”) is an Oregon nonprofit corporation.
- B. The Association is governed by the Building and Use Restrictions - Oregon Water Wonderland - Whispering Pines, Incorporated, recorded in Vol. 166, Page 723 of the official records of Deschutes County, Oregon, along with any amendments and supplements thereto (“BUR”).
- C. The Association occasionally experiences delinquency of its regular annual assessments. The Board is charged with the responsibility to establish, assess, and collect these fees. *See* ORS 94.630(1)(b), ORS 94.630(1)(n), and Section 14 of the BUR. Furthermore, owners are obligated to pay all assessments levied by the Association. *See* Section 14 of the BUR.
- D. It is vital to the economic stability of the Association that every owner pay their share of the Association’s expenses.

Therefore, the Board hereby adopts the following resolution governing the collection of assessments.

Resolution

- 1. Annual assessments are due on the first day of May. If any assessment is not paid within 5 days of its due date, the assessment is considered delinquent and automatically becomes a lien against the unit. Delinquent assessments accrue interest at the rate of 9% per annum until paid.
- 2. If a payment check is dishonored or not accepted by the bank due to insufficient funds (NSF) or any other reason, the sum of \$50.00 will be added to the owner’s assessment, and a Notice of Dishonor may be sent to the owner. Any returned check constitutes a late payment and a late fee will be assessed pursuant to Section 2 of this Resolution.

3. All costs of collection including, but not limited to, attorney fees, recording fees, court costs, and filing fees, shall be assessed against the delinquent owner.
4. Whenever a collection matter has been referred to a third party collection agency or to an attorney, neither the Board nor any of its agents shall discuss the collection of the account directly with the owner. All communication shall be between the collector and the owner.

PROCEDURE

1. Once an assessment is more than 30 days delinquent, the Association will send notice to the owner with the amount due and demand immediate payment.
2. Once an assessment is more than 60 days delinquent, the Association will send a second notice to the owner with the amount due and demand immediate payment. At this time, upon 15 days' written notice to the owner of the lot, the Board may accelerate and demand immediate payment of all, or such portion as the Board determines, of the monthly assessments and special charges to be levied against the lot which the Board reasonably determines will become due during the next 12 months.
3. Once the assessment is 90 days delinquent, the Association shall turn the file over to the Association's attorney or a collection agency ("the Agency"). The Agency will then:
 - 3.1. send a demand for payment; and
 - 3.2. record a lien against the unit at its discretion.
4. After the file has been turned over to the Agency, all contacts with the delinquent owner will be through the Agency.
5. If the Assessment is still not paid more than 35-45 days from the Agency's notice, the Agency will send a final letter demanding payment within 10 days. The letter will state that the Association intends to sue the owner and may state that the Association will foreclose on its lien.
6. If the assessment is not paid after the Agency's 10 day letter, the Association will file suit against the owner, file a suit to foreclose on its lien, or both.
7. After the Association obtains a judgment, the Agency will begin collection of the judgment by:

- 7.1. Garnishing the owner's bank account;
 - 7.2. Garnishing the owner's wages;
 - 7.3. Executing a writ against the owner's real or personal property; and/or
 - 7.4. Any additional methods authorized by law.
8. At any time after the file has been turned over to the Agency, upon approval by the Board, the owner may enter into a payment plan. The plan may be secured by a Confession of Judgment per the Agency's discretion.
 9. Payments from the owner, through a judgment, or via a payoff shall be made to the Agency. The Association grants the Agency a limited power of attorney to endorse and deposit checks made payable to the Association or its manager. Payments may be partially or wholly applied to the Agency's fees and will be disbursed to the Association pursuant to an agreement between the Agency and the Association.
 10. Nothing in this resolution prevents the Association from taking any other actions against an owner, including termination of utilities and preventing access from recreational or service facilities at the community.
 11. A copy of this Resolution will be distributed to all owners.

Gary Baton
President

11 / 20 / 2024
Date

Karla J. Nelson
Secretary

11 / 20 / 2024
Date

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The document has been completed.