MARINERS VILLAGE HOMEOWNERS ASSOCIATION

Resolution of the Board of Directors

COLLECTIONS RESOLUTION

Mariners Village Homeowners Association ("Association") is an Oregon nonprofit corporation.

The Association is governed by the Restated Declaration of Covenants, Conditions and Restrictions of Mariners Village, Phases 1, 2 & 3 ("CC&Rs"), recorded on March 5, 2013 as document number 2013-012364 in the records of Lane County, Oregon and all amendments thereto, and by the Bylaws of Mariners Village Homeowners Association ("Bylaws"), duly adopted and executed on July 15, 1994 and all amendments thereto.

The Association occasionally experiences delinquency of the homeowner assessments. The Association's Board of Directors is charged with the responsibility to assess, and collect these fees on behalf of the Association pursuant to Bylaws Article 3 and ORS 94.640(1).

ORS 94.550(1) defines "assessment" as any charge imposed or levied by a homeowners association on or against an owner or lot pursuant to the provisions of the Declaration, Bylaws, or the Planned Community Act. Owners are obligated to pay all assessments, including "individual charges," levied by the Association, pursuant to CC&Rs Article 6, Section 6.1 and ORS 94.712 (1).

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.

POLICY

A. Assessments are due in accordance with the following schedule:

(i) Regular assessments shall be payable in one (1) annual payment due on the first day of January or two (2) equal semi-annual payments due on the first day of January and the first day of July.

(ii) Special assessments are due on the first day of the month following notice of their levy.

(iii) Individual charges are due at least eight (8) days after notice of their levy. Individual charges shall be levied as specified in Article 7, Section 7.2 of the CC&Rs.

(iv) If any assessment is not paid within fifteen (15) days of the due date, it is considered delinquent and automatically becomes a lien against the lot pursuant to Article 6, Section 6.1 of the CC&Rs and ORS 94.709.

B. A one-time late fee of $10.00 or ten percent (10%) of the delinquent assessment, whichever is greater, will be added to any assessment on the date of delinquency pursuant to Section 6.9 of the CC&Rs.

C. Delinquent assessments shall bear interest at the rate of twelve percent (12%), commencing 30 days after the date the assessment is due, pursuant to Section 6.9 of the CC&Rs.

D. If a payment check is dishonored or not accepted by the bank due to insufficient funds (NSF) or any other reason, the sum of $35.00 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 B of this policy.

E. 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, whether or not a legal suit is filed.

F. 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 regarding a delinquent balance or the collections process shall be between the collector and the owner. This provision does not limit discussion between the Board or its agents and a delinquent owner about any matter unrelated to a delinquent balance or the collections process.

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 45 days delinquent, the Association will send a second notice to the owner with the amount due and demand immediate payment.

3. Once the assessment is 60 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 lot 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.

Cliff MacManus
Chairperson

SEPT. 13, 2024
Date

Todd Ruf
Secretary

9/13/2024
Date