

COLLECTION POLICY RESOLUTION
THE ASHBOROUGH CONDOMINIUM ASSOCIATION BOARD OF DIRECTORS

WHEREAS, the Declaration of The Ashborough Condominium Association (“Declaration”) requires all owners within The Ashborough Condominium Association subdivision to pay certain assessments and other charges to the Association; and

WHEREAS, the Declaration and Bylaws of The Ashborough Condominium Association grant the Association, and the management company acting through the Board of Directors, the authority to collect delinquent assessments and other charges; and

WHEREAS, the Board of Directors has determined it to be in the best interest of the Association to establish and adopt a policy providing a uniform process for the collection of delinquent assessments; and

WHEREAS, the Board of Directors has determined it to be in the best interest of the Association that the movement of the files to the collection agency represent the best first step in the collection process; and

WHEREAS, the Board of Directors has determined it to be in the best interest of the Association to inform the members of the Association in writing via US MAIL of the formalized collection policy and authorizes the management company to do so at the sole expense of the Association;

NOW, THEREFORE, the Board of Directors of The Ashborough Condominium Association hereby adopts the following Collection Policy for The Ashborough Condominium Association attached hereto as Exhibit “A”.

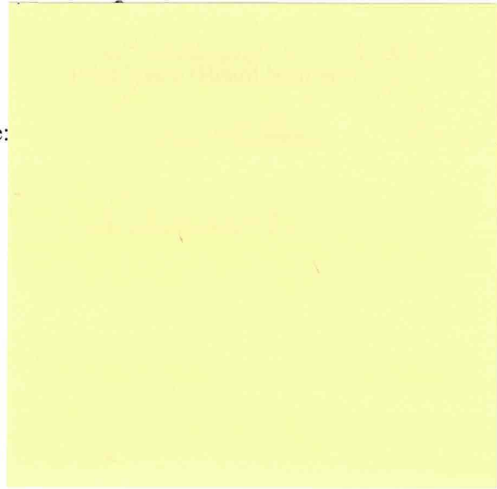
December 7, 2023

The Ashborough Condominium Association

By:

Signature:

Title:



December 11, 2023

Dear Ashborough Homeowner,

RE: Association Collection Policy – DO NOT DISCARD – Save for your records!

As your Board of Directors, one of our most important responsibilities is to make certain that assessments are collected in a timely manner to ensure that we can maintain and improve the community in which we live. In doing so, we have adopted the included collection policy. The purpose of the collection policy is to create an agreed set of processes to ensure that all homeowners are treated equally.

We want to be certain that all homeowners are informed of the process, the payment options, and the adopted collection policy. **Please be advised that ALL Association members are receiving this letter for their records, regardless of the current status of their account.** We encourage all owners to take a moment to become familiar with these important materials and file for future reference.

Attached you will find:

- The Collection Policy

We are very proud to have the opportunity to represent our community as your Board of Directors. It is our common mission to increase our property values and quality of life. We are optimistic that this information will assist in minimizing delinquencies and allow our community volunteers more time to concentrate on other initiatives.

Should you have any questions, please contact us at 770-422-8192 or you are also able to submit your inquiry via Buildium.

Thank you,

Your Ashborough Board

EXHIBIT "A"
THE ASHBOROUGH CONDOMINIUM ASSOCIATION COLLECTION POLICY

GENERAL INFORMATION:

Your board of directors has an obligation to manage the financial needs of your community.

The Ashborough Condominium Association, of which you are a member, collects regular dues or "general assessments" of predetermined amounts at predetermined times during the year to run the business affairs of the Association. The Ashborough Condominium Association may also have the ability on occasion to collect special or specific assessments of varying amounts as the need arises.

Payment of assessments is NOT optional and is the sole responsibility of the legal owner of the property. Please be advised that allowing your account to become delinquent may have several consequences per your governing documents and Georgia law.

GENERAL ASSESSMENT DUE DATES:

- Annual assessment is due on the 1st of each month.
- Annual assessment is late on the 15th of each month.

LATE PAYMENTS AND INTEREST: In accordance with the Declaration, assessments that are not paid within 15 days of the due date shall be considered delinquent and shall be subject to a late charge, not in excess of the greater of \$10.00 or 10% of the amount of each delinquent assessment or installment, and bear interest at the lesser of (a) the rate of 10% per annum; or (b) the maximum rate of interest permissible under the laws of the State of Georgia.

ACCELERATION OF DUES: If any delinquent assessment or portion thereof is not paid within thirty (30) days after written notice is given to the Unit Owner to make such payment, the entire unpaid balance of the assessment may be accelerated at the option of the Board of Directors and be declared due and payable in full, and foreclosure proceedings may be instituted to enforce such lien.

SUSPENSION OF PRIVILEGES: The Association may suspend the membership rights of a delinquent Owner, including the right to vote, the right of enjoyment in and to the Common Property, and the right to receive and enjoy such servicing and other benefits as may then be provided by the Association.

SUSPENSION OF UTILITIES: Per the Georgia Condominium Act and the Property Owners Act, Section 44-3-76, to the extent provided in the condominium instruments, water, gas, electricity, heat, and air conditioning services being provided to a unit or unit owner by the association may be terminated for failure to pay assessments and other amounts due pursuant to subsection (a) of Code Section 44-3-109, subject to the suspension standards and notice requirements imposed on the institutional providers providing such services to the condominium development, only after a final judgment or final judgments in excess of a total of \$750.00 are obtained in favor of the association from a court of competent jurisdiction. The utility services shall not be required to be restored until the judgment or judgments are paid in full. All common expenses for termination of any services pursuant to this Code section shall be an assessment and a lien against the unit.

ESCALATION OF DELINQUENT ACCOUNTS:

DAY 20 - REMINDER NOTICE: If a homeowner has not paid their assessment, fines or other charges, or any part thereof, 20 days after the charge becomes due and payable, the Association's managing agent will send the owner a reminder notice requesting immediate payment of the unpaid assessments, late charges, and interest.

DAY 50 - SECOND REMINDER: If a homeowner has not paid their assessment, fines or other charges, or any part thereof, 50 days after the charge becomes due and payable, the Association's managing agent will send the homeowner a final notification that the account will be transferred to a collection agency if payment is not received within 15 days.

The association will charge every account sent to collections a legal preparation fee of \$25.00.

ONCE TRANSFERRED TO THE COLLECTION AGENCY, THE AGENCY WILL:

- Charge a set-up fee of \$96.00 billed to the homeowner.
- Charge a 25% cost of collection fee billed on every payment.
- Initiate a call and letter campaign.
- **Report the homeowner's delinquency to credit bureaus after 100 days.**

BALANCE DUE REACHES \$1,700.00 – ACCOUNT TURNED OVER TO THE ATTORNEY:

The Association will forward the delinquent owner's account to the Association's attorney for collection actions.

When the Association's attorney receives an owner's account, the attorney will take the following collection actions:

- Review online title records to verify ownership.
- Send collection demand letter to delinquent owner, giving the delinquent owner 30 days to pay or contest the debt.
- Review the file and recommend to the Board whether to pursue legal action and/or foreclosure. Upon Board approval, the attorney will file the appropriate lawsuit.

LIENS: Per the Property Owner Association Act, the Association is granted an automatic lien on all properties with past due Assessments. The sale of any said property will be prohibited unless any debts to the Association are satisfied at or before closing.

RETURNED CHECKS: If any Owner pays any assessment with a check on an account that has insufficient funds ("NSF"), the Board may, in its sole discretion, demand that all future payments be made by certified check or money order along with imposing a reasonable processing charge.

HARDSHIP CLAIMS: *If you are experiencing a hardship and are unable to make a complete payment, please contact your community association manager immediately to discuss your situation within 15 days of receipt of this letter to avoid possible legal action and incurring interest charges.* If no attempt is made to contact the property management company, the Association will have no choice but to pursue collections procedures as outlined in the Declaration of Covenants for the Association.

HIERARCHY OF PAYMENTS: Please be advised that any payment received by the Association shall be applied first to any attorney's fees and other costs of collection, then to any interest accrued on the late installment, then to any administrative late fee, and finally to the delinquent assessment.

December 11, 2023

Homeowner's name
1111 Ashborough Drive
Marietta, GA 30067

RE: NOTICE OF OUTSTANDING BALANCE FOR

Error! Reference source not found.
1111 Ashborough Drive
Marietta, GA 30067

Dear Homeowner's name,

At the time this letter was generated, our statement of your association account showed an unpaid balance of \$XXX.XX, illustrated on the enclosed statement. The enclosed includes not only your outstanding balance as of the date of this letter but may also include any upcoming assessments. If you have already mailed your payment, thank you. We recommend you review your account online to ensure payment has been posted and determine if any fees or interest had been assessed in the interim.

If you have not yet made payment, or if your payment was less than the full outstanding balance, please consider this a friendly reminder to make your required payment in full.

While **Ashborough Condominium Association** is sensitive to personal financial issues, timely assessment payments remain critical to the operations of your **Ashborough Condominium Association**. Please do not let any hardship prevent you from discussing your account balance with us. You can discuss your circumstances with us via email or phone. We prefer an open and personal dialogue regarding a payment resolution.

Regarding any continued outstanding balance, in the absence of an agreed payment resolution, standard procedures will be followed, and it is our obligation to highlight those here. Federal law gives you thirty (30) days after you receive this letter to dispute the validity of the debt or any part of it. In the absence of a dispute, the debt is assumed valid. Per your Community's governing documents (which can be viewed online on Buildium), delinquent accounts may be assessed late fees, interest, collection and legal action fees. If you remain delinquent for an additional 30 days, a \$25.00 cost of collection fee will be charged to your account. Furthermore, if the Association proceeds with legal action, then a \$75.00 legal prep fee will be charged to your account.

Thank you in advance for your attention to this matter.

Sincerely,

Error! Reference source not found.
Office: 770-422-8192