

**THE UNIT OWNERS ASSOCIATION OF THE CROSSING CONDOMINIUM**

**POLICY RESOLUTION NO. 2000- 01**

**PROCEDURES RELATING TO COLLECTION OF ASSESSMENTS AND CHARGES**

**WHEREAS**, Article III, Section 2 and Article X, Sections 1 and 2 of the Bylaws of The Unit Owners Association of the Crossing Condominium (hereinafter the "Association") grant the Board of Directors the power to adopt, amend and enforce rules and regulations, to make and enforce assessments against unit owners to defray the common expenses of the Condominium and to establish the means and methods of collecting assessments from unit owners;

**WHEREAS**, Section 55-79.53 of the Virginia Condominium Act, Code of Virginia (1950, as amended) (the "Act"), Article XXI, Section 2 of the Declaration and Article I, Section 2 of the Bylaws charge all unit owners and their tenants, guests and invitees with compliance with the Declaration, Bylaws, Rules and Regulations (the "Condominium Instruments") of the Association as amended;

**WHEREAS**, Article VI, Sections 2 and 3 of the Bylaws create an assessment obligation for unit owners;

**WHEREAS**, Section 55-79.80:2 of the Virginia Condominium Act and Article X, Section 1(i) of the Bylaws empower the Association to assess charges, for violation of the Condominium Instruments and rules and regulations;

**WHEREAS**, Article X, Sections 1 and 2, of the Bylaws specify the types of relief the Association, through its Board or managing agent, may seek under the terms of the Condominium Instruments or the Virginia Condominium Act when a unit owner is in default; and

**WHEREAS**, there is a need to establish orderly procedures for the billing and collection of assessments and charges.

**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT** the Board duly adopts the following assessment collection procedures:

## **I. ROUTINE COLLECTIONS**

A. All monthly installments of the annual assessments shall be due and payable in advance on the first day of each month; all special assessments shall be due and payable, unless otherwise stated in the notice, on the first day of the next month after delivery to the unit owner of notice of a special assessment ("Due Date").

B. All documents, correspondence, and notices relating to assessments or charges shall be mailed to the address which appears on the books of the Association or to such other address as is designated in writing by an owner.

C. Non-receipt of an invoice or notice shall in no way relieve the owner of the obligation to pay the amount due by the due date.

D. Charges assessed pursuant to Section 55-79.80:2 of the Virginia Condominium Act shall be collected as an assessment or in such manner as shall be determined by the Board of Directors.

## **II. REMEDIES FOR NONPAYMENT OF ASSESSMENT**

A. If payment of the total assessments or charges due, including special assessments, charges for violations of the Condominium Instruments or Rules and Regulations, and returned check charges, are not received by the managing agent by the fifteenth (15th) day of the month, the account shall be deemed late and a late charge of Twenty-Five Dollars (\$25.00) automatically shall be added to the amount due and shall be a part of the continuing lien for assessments, as provided for in the Bylaws and in the Condominium Act, until all sums due and owing shall have been paid in full.

B. If a check is returned and an assessment or charge due and owing is not otherwise received in the applicable time period, as provided in paragraph I.A. above, the account shall be deemed late and a late charge shall be added, in addition to a returned check charge of not more than Twenty-Five Dollars (\$25.00).

C. A "Late Notice" shall be sent by the managing agent to owners who have not paid assessments or charges, in full, by the fifteenth (15th) day after the due date. The late notice may warn the owner that the account will be accelerated and may be sent to legal counsel for legal proceedings. Non-receipt of such notice does not relieve the owner of his or her financial obligation to pay the costs of collection accrued by the Association for the collection of the delinquent debt, including, but not limited to, interest, costs and attorneys' fees.

D. If a default in any amounts owed to the Association for other than common assessments continues for in excess of fifteen (15) days, interest of eighteen (18) percent per annum shall be added to the account and shall accrue from the due date thereof until paid in full.

E. If payment in full, of any assessment or charge, interest and returned check charges, is not received by the managing agent by the thirtieth (30th) day after the due date, the account shall be referred to counsel for the Association. Counsel shall mail a demand letter which notifies the owner that the account will be accelerated through the end of the fiscal or budget year and notifies the owner of legal action.

F. If payment in full, of the amounts due, is not received by counsel or the managing agent within ten (10) days after the notice of legal action has been sent, a Memorandum of Lien shall be filed. Non-receipt or lack of notice shall not prevent the Association from filing a lien within the statutory deadline. Reasonable attorneys' fees, interest as appropriate, and the costs of collection, including late charges and the costs of filing and releasing the Memorandum of Lien, shall be added to the account and the delinquent unit owner shall be liable for such costs, interest, and attorneys' fees pursuant to Article X, Section 1 of the Bylaws.

G. If payment in full, of all amounts due, is not received by counsel or the managing agent by the forty-fifth (45th) day after a due date, a civil suit may be filed personally against the delinquent unit owner(s).

H. If an account remains delinquent after the filing of a lien or civil suit, counsel for the Association shall take other appropriate legal action to collect the amounts due, including as may be provided in Paragraph I and unless directed otherwise by the Board of Directors of the Association.

I. If a lien remains unpaid, a suit to enforce those liens and foreclose on the unit may be filed within twenty-four (24) months of the date the lien is recorded, upon authorization from the Board of Directors.

J. If the Association receives from any unit owner, in any accounting year, two or more checks returned for insufficient funds for payment of assessments or other charges, the Board may require all future payments to be made by certified check, cashier's check or money order for the remainder of the fiscal year.

K. All costs incurred by the Association as a result of any violation of the Declaration, Bylaws, Rules and Regulations or Resolutions of the Condominium by a unit owner, his family, employees, agents, lessees or licensees, shall be specially assessed or charged against the unit owner as allowed by law and

the Condominium Instruments.

L. The Board may grant a waiver of any provision herein, except filing of memoranda of liens beyond the statutory deadline, upon petition, in writing, by an owner alleging a personal hardship. Such relief granted an owner shall be appropriately documented in the files with the name of the person or persons representing the Board granting the relief and the conditions of the relief.

M. Payments received from a unit owner shall be credited in the following order:

1. Charges for attorneys' fees and court costs.
2. All returned check charges or interest accrued, as applicable.
3. All other charges incurred by the Association as a result of any violation by an owner, his family, employees, agents, lessees or licensees of the Declaration, Bylaws, Rules and Regulations or Resolutions.
4. The monthly and special condominium assessment and late charges for each unit, applied first to the oldest amount due.

N. This resolution shall become effective on March 1, 2000.

**THE UNIT OWNERS ASSOCIATION  
OF THE CROSSING CONDOMINIUM**

**RESOLUTION ACTION RECORD**

Resolution Type: Policy No. 2000-01

Pertaining to: Collection of Assessments and Charges

Duly adopted at a meeting of the Board of Directors held

January 24, 2000.

Motion by: Peggy Bullocks Seconded by: Jackie Henderson

VOTE:  
YES NO ABSTAIN ABSENT

Peggy A Bullocks  
Director

Jackie Henderson  
Director

Alicia M. Lueto  
Director

Jeff Marshall  
Director

Director

ATTEST:  
Alicia M. Lueto  
Secretary - Acting  
FILE:

1-24-2000  
Date

Book of Minutes - 2000

Book of Resolutions:

	Book No.	Page No.
Policy	_____	_____
Regulatory	_____	_____
Special	_____	_____
General	_____	_____

Resolution effective: 3-1, 2000.