

RESOLUTION OF THE BOARD OF DIRECTORS OF STONEYBROOK VILLAGE
OWNERS ASSOCIATION for the Collection of Unpaid HOA
Dues / Assessments

The Stoneybrook Village Owners Association (The Association) Board is charged with the responsibility to establish, assess and collect homeowner assessments. Owners are obligated to pay all assessments levied by the Association. (*See Amended and Restated Declaration of Protective Covenants, Conditions, Restrictions and Easements for Stoneybrook Village, recording number 2011-483476 and Amended and Restated Bylaws of Stoneybrook Village Owners Association, recording number 2011-483477 in the County of Benton and State of Oregon .*) It is vital to the economic stability of the Stoneybrook Village Owners Association that every owner pay its share of the association's expenses. The Board has adopted a procedure for imposing fees, charges and fines associated with collection efforts pursuant to ORS 94 along with a process for collecting the dues. In addition, it has entered into a contract with Vial Fotheringham LLP who is authorized to undertake collection and lien enforcement activities on behalf of Stoneybrook Village Owners Association

Adopted by The Board of Directors
of Stoneybrook Village Owners Association
Date: 3-14-12

Regardless of any and all processes outlined below and otherwise, it is the responsibility of the owner to ensure that assessments are paid on time.

If a home is being foreclosed on by a first lender, an owner cannot expect the past due assessments to be paid through the foreclosure, especially in negative equity situations. Assessments owed to the Association, which are not paid out of the foreclosure sale are still the responsibility of the homeowner and the association will proceed against them in seeking a personal judgment.

A billing statement will be sent Quarterly prior to the due date of each assessment or other charge imposed by the Board. All assessments are payable in advance and are due on the 1st of each month. All penalties and interest will be posted on the last day of each month.

- A. Any assessment not paid within **30 days** of its due date will be charged a LATE FEE in an amount equal to \$10.00 for each unpaid assessment.
- B. All past due assessments and late fees shall accrue interest at the rate of eighteen percent per annum (18%) from the initial due date.
- C. The Association will send to the address on file with the Association a notice of delinquency to the Owner indicating the amount due, including interest and penalties assessed from the original due date, demanding immediate payment, and warning of further action.
- D. Any Owner not paying an assessment within **60 days** of its due date will have their Voting Rights and rights to use the Common Areas, including Pool House and

- Clubhouse suspended until the account and any penalties, interest or other costs associated with the account are paid in full.
- E. Notice will be sent by the Association to the delinquent account Owner at the address on file with the Association. A reinstatement of \$50 will be charged to re-activate the Clubhouse and Pool House key card .
 - F. Owners may request a hearing before the Board concerning suspension of these rights. Such request must be in writing and be made within ten days from the date of this notice.
 - G. Any Owner not paying an assessment within **90 days** of its due date will have a LIEN placed on the account by the Association. Further, all amounts owing will be referred to Vial Fotheringham LLP (VF) for collection.
 - H. All costs of collection are hereby assessed against the delinquent owner and lot and are due when incurred in the amounts incurred. Such collection costs including, but not limited to all of the following shall be added to the initial balance due and collected concurrently:
 - a. Collection charges imposed by the management company if included in contract with association; including reasonable mailing costs, recording fees, time spent for account maintenance etc.
 - b. Any attorney fees for work done on the account such as; file intake, preparing calculations, processing payments, monitoring compliance with payment plans, consultations and telephone calls with the Association, consultations and telephone calls with witnesses, legal research; drafting and preparing legal documents; drafting and preparing letters, depositions, trial preparations, travel time, investigations, court appearances, analyzing the account to determine the appropriate next action, preparing and attending debtor exams.
 - c. Any and all costs such as; recording fees, postage costs, copy costs, service costs, court costs, filing fees, paralegal fees, private investigator fees; garnishment fees etc.
 - I. Whenever a collection matter has been referred to a third party collection agency or an attorney, neither the Board nor any of its agents shall discuss the collection of the account directly with the owner or an owner's agent. All communication shall be between the collector and the owner.

PROCEDURE

1. Once an assessment is more than 30 days delinquent, the Association, or its agent, will send notice to the owner with the amount due and demand immediate payment. The board will thereby notify the owner that from that date forward any and all collection costs incurred to collect the past due balance are imposed against the owner as assessments and will be the responsibility of the owner to pay.

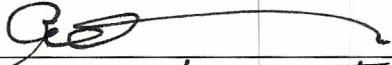
2. Once the assessment is 60 days delinquent, the Association, or its agents, will send a second demand for payment and inform the owner that their voting rights and use of the Common Areas have been suspended and notify the owner that a lien will be placed against the property and the account will be turned over to VF for collection.
3. Once the assessment is 90 days delinquent, the Association, or its agents, will place a lien on the property and will turn the file over to VF for Collection. The Association or its agents will send a notice informing the owner that a Lien has been placed on the property and that the account has been turned over to VF for collection. VF will then:
 - (a) send a demand for payment and notify the owner that a lien has been placed against the property.
4. After the file has been turned over to VF, all contacts with the delinquent owner must be through VF unless VF gives consent otherwise. The association will not send out a quarterly statement until the account is paid in full and released from VF.
5. If the Assessment is still not paid after 30 days from VF's notice, VF will send a final letter demanding payment within 10 days. The letter will state that VF may sue the owner or foreclose on its lien.
6. If the assessment is not paid after VF's 10 day letter, VF will file suit against the owner or a personal money judgment, to foreclose on its lien, or both.
7. After VF obtains a judgment, it will begin collection of the judgment by any combination of the below:
 - a. garnishing the owner's bank account;
 - b. garnishing the owner's wages;
 - c. executing a writ against the owner's real or personal property;
 - d. any additional methods authorized by law.
8. At any time after the file has been turned over to VF, and at the discretion of VF, the owner may enter into a payment plan that is secured by a Confession of Judgment or Stipulated Judgment.
9. Payments from the owner or through a judgment shall be made to VF. The Association grants VF a limited power of attorney to endorse and deposit checks made payable to the Association or its manager. Funds will be disbursed to the Association as outlined in the Association's representation agreement with VF. When payments are received, they are split 50/50. Fifty percent of the payment is applied to past due assessments and non-attorney related collection charges and fees and fifty percent is applied to attorney related charges and fees. Each payment will be split accordingly until one is paid in full at which point the remainder payments will be applied in full to the remaining balance.

10. Nothing in this resolution prevents the Association from taking any other actions against an owner, including preventing access from recreational or service facilities at the Property.

11. A copy of this Resolution will be sent to all owners.

Barbara A Bowns

President


Secretary Lyn Martin

3/6/2012

Date

3/6/2012

Date