



**COLLECTION POLICY RESOLUTION
AVONDALE ESTATES CONDOMINIUM ASSOCIATION BOARD OF DIRECTORS**

WHEREAS, the Declaration of Avondale Estates Condominium Association ("Declaration") requires all owners within the Avondale Estates Condominium Association subdivision to pay certain assessments and other charges to the Association; and

WHEREAS, the Declaration and Bylaws of Avondale Estates 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, during the partnership with Heritage Property Management, the Association shall engage in the A.C.T. (Assessment Collection Transfer) program and utilize collection agency services of Heritage's choice at NO charge and NO risk to the Association itself. Any charges associated with the collection agency process while the Association is engaged in the Heritage A.C.T. program will be the sole responsibility of the delinquent homeowner; 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 Avondale Estates Condominium Association hereby adopts the following Collection Policy for Avondale Estates Condominium Association attached hereto as Exhibit "A".

January 22, 2018

Avondale Estates Condominium Association

By:

Dan Collora

Print Name (Board Member)

Signature:

Dan J Collora

Title:

President



EXHIBIT "A"
AVONDALE ESTATES CONDOMINIUM ASSOCIATION COLLECTION POLICY

GENERAL INFORMATION:

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

The Avondale Estates 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. Avondale Estates 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 installments are due on the 1st of every month
- Annual assessment installments are late on the 10th of every month

LATE PAYMENTS AND INTEREST: In accordance with the Declaration, assessments that are not paid within 10 days of the due date shall be considered delinquent and shall be subject to a late fee equal to the greater of \$10.00 or 10% and bear interest at the lesser of (a) the rate of 8% per annum; or (b) the maximum rate of interest permissible under the laws of the State of Georgia.

In addition to the assessment or installment not paid when due, interest on each assessment or installment not paid when due and any delinquency fee or late charge appertaining thereto from the date the charge was first due and payable, the obligation and the lien will also include the cost of collection, including court costs, the expenses of sale, any expense required for the protection and preservation of the unit, and reasonable attorney's fees actually incurred; and the fair rental value of the unit from the time of institution of suit until the sale at foreclosure or other satisfaction of any judgment. All rights provided for and to the Association by the Declaration shall be exercised as provided in the By-Laws.

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.

ESCALATION OF DELINQUENT ACCOUNTS:

DAY 15 - REMINDER NOTICE: If a homeowner has not paid their assessment, fines or other charges, or any part thereof, 15 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.

CORPORATE OFFICE: 500 Sugar Mill Road • Building B, Suite 200 • Atlanta, Georgia 30350 • Tel 770-451-8171 • Fax 770-451-3919

SOUTH METRO: 805 East Lanier Avenue • Suite C • Fayetteville, Georgia 30214 • Tel 770-719-1616 • Fax 770-719-1636

www.heritageproperty.com



DAY 45 - SECOND REMINDER: If a homeowner has not paid their assessment, fines or other charges, or any part thereof, 45 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 collection agency will:

- Initiate a call and letter campaign.
- **Report the homeowner to credit bureau after 100 days.**

BALANCE DUE REACHES \$1,200.00 – TURN OVER TO THE ATTORNEY/SUIT RECOMMENDATIONS: The Association's managing agent can 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 Georgia Condominium Act, the Association is granted an automatic lien on all properties and the sale of the 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.