

Westfield Park Homeowners Association

Collection Policy & Consequences for Delinquent Payments

One of the many advantages of living in a community association is sharing with other members the costs of certain maintenance, repairs, and amenities that are often too expensive for a single-family homeowner. All **Westfield Park Homeowners Association** members (Homeowners) are legally bound to share those costs.

WE'RE IN THIS TOGETHER

To properly maintain **Westfield Park Homeowners Association's** common areas, it's imperative that all assessments, whether regular or special, be paid in full and on time. Delinquencies throw the association's entire budget off course and negatively affect all members' property values and lifestyles.

If there is a Member's family hardship which causes an inability to pay any assessment at the time it is due, please notify one of the Trustees *in writing before the assessment is due*. Members must submit *in writing* a reasonable short term payment plan they can commit to and the **Westfield Park Homeowners Association's** Board of Trustees will review the request and inform the Member of the decision to accept or refuse the payment plan.

KEEPING UP OUR END OF THE BARGAIN

To adequately maintain our community, state statutes and our governing documents give **Westfield Park Homeowners Association's** Board of Trustees the authority to impose and collect assessments and other allowable charges from members. In fact, the Board owes a duty to all members to make sure everyone pays. The Board has adopted the following policy to fulfill its duty in a fair, systematic, and impartial manner.

1. COMMON EXPENSES

The term "common expense" refers to any amount a member must pay to **Westfield Park Homeowners Association**. Among the charges it includes are regular annual assessments, special assessments, rules violation fines, late fees, common area repairs, and any other fees, interest, or charges imposed under this policy.

2. WHERE TO SEND PAYMENT

Deliver all payments to the **Westfield Park Homeowners Association** Postal Box:

Westfield Park Homeowners Association
PO Box 38492
Olmsted Falls, OH 44138

3. WHEN COMMON EXPENSES ARE DUE

Annual assessments are due the fifteenth day of January and apply to that calendar year. Unless otherwise stated, other common expenses (issued as invoices) are due within 30 days of notice of members' obligation to pay. If a member does not pay in full any common expense by its due date, that payment is delinquent.

4. LATE PAYMENTS

Once a common expense is delinquent, **Westfield Park Homeowners Association** may take any or all of the following actions:

- a. If payment is not received by the due date, **Westfield Park Homeowners Association** will send a written delinquency notice to the member within 10 days of the due date. The member will have to pay the entire remaining balance of the assessment immediately.
- b. *Late fees and interest.* If **Westfield Park Homeowners Association** does not receive payment for any common expense in full on or before the fifth day after it becomes due, the delinquent member shall pay liquidated damages for **Westfield Park Homeowners Association's** time, inconvenience, and overhead in collecting the late payment, as follows:
 - i. \$30 late fee per invoice; and
 - ii. Interest at an 18 percent Annual Percentage Rate from the original due date until the date of payment.

These charges will be treated as common expenses.

- c. *Returned check fees and bank charges.* In addition to any late fee that may be applicable, for each check to **Westfield Park Homeowners Association** that is returned by a bank for any reason, the member who wrote the check shall pay the following charges:
 - i. Liquidated damages in the amount of \$10 and
 - ii. Any related bank charges that **Westfield Park Homeowners Association** incurs because of the returned check,

These charges will be treated as common expenses.

- d. *Suspend privileges and access to amenities.* If an account contains delinquencies for more than 60 days or has an outstanding balance of \$200 or more, **Westfield Park Homeowners Association** will give the member 10 days' notice of intent to suspend any or all of the following privileges:
 - i. Voting privileges;
 - ii. Approval of any requested Modifications available through the Architectural Design and Review Standards published on the **Westfield Park Homeowners Association** website.

Unless **Westfield Park Homeowners Association** receives full payment by the end of the notice period, the privileges or amenities listed in the notice will be suspended.

- e. *Account referred to an attorney*, **Westfield Park Homeowners Association** may, in its sole discretion, refer a delinquent account to an attorney for further action. The attorney may do any or all of the following:
- i. File a lien against the unit in accordance with state law and **Westfield Park Homeowners Association's** governing documents;
 - ii. File a lawsuit to collect the amount owed;
 - iii. Foreclose on the property;
 - iv. Notify the mortgage lender of any outstanding balance, lien and/or lawsuit **Westfield Park Homeowners Association** has filed; and/or
 - v. Take any and all other appropriate legal action.
- f. *Attorney's fees and costs of collection*. The delinquent member shall be responsible for all of **Westfield Park Homeowners Association's** attorney's fees and costs of collection, including court costs.

These charges will be treated as common expenses.

5. CREDITING LATE PAYMENTS

All delinquent accounts remain delinquent until paid in full. No partial payments will waive **Westfield Park Homeowners Association's** right to pursue full payment and/or to enforce the provisions of this policy, **Westfield Park Homeowners Association** will apply partial payments to pay off the outstanding balance in the following order:

1. Fines, late fees, and interest;
then
2. Court costs, attorney's fees, and other costs of collection;
then
3. Special assessments; and
then
4. Regular assessments, with payment being applied to oldest balance first.

6. NOTICES, PAYMENTS, AND CONSEQUENCES OF NONPAYMENT

Unless otherwise required by law, all notices will be sent by first-class mail, postage prepaid, to the delinquent member's address as shown in **Westfield Park Homeowners Association's** books and records on the date the notice is sent out. All amounts due must be paid in full before the notice period expires. If the notice period expires without full payment, the consequences set forth in the notice and/or in this policy shall apply.