



**TAHOE DONNER ASSOCIATION
BOARD OF DIRECTORS**

**POLICIES AND PROCEDURES
REGARDING DELINQUENT ASSESSMENT ACCOUNTS**

RESOLUTION 2011-3 - A

WHEREAS, the California Civil and Corporations Codes and the Governing Documents of the Association authorize the Board of Directors to adopt and implement reasonable measures to protect the interests of the Association in the timely collection of assessments duly imposed upon the membership; and,

WHEREAS, upon review, the Board finds it to be in the best interests of the Association to adopt and implement the policies and procedures reflected in the statement of same proposed herewith, and further finds that it has the requisite authority to do so;

NOW, THEREFORE, BE IT RESOLVED, that the attached "Statement of Policies and Procedures Regarding Delinquent Assessment Accounts" is hereby approved and adopted as the policy of the Association, effective March 19, 2011, and that this resolution shall supersede all past policies adopted with reference to the matters stated herein, in their entirety as of said effective date.

ACCEPTED AND DATED: March 19, 2011



Ron Wulff, President



Don Berryman, Secretary



Suzy Knisley, Vice President



John Dundas, Treasurer

TAHOE DONNER ASSOCIATION
Statement of Policies and Procedures
Regarding Delinquent Assessment Accounts

The Annual Property Owner Assessment is due January 1, and becomes delinquent March 2, of the year of that Annual Assessment. Special Individual Assessments (Architectural Standards, Covenants and Forestry Assessments, Fines and Inspection Fees) are due thirty (30) days after invoicing and delinquent fifteen (15) days thereafter. Delinquent accounts are subject to the following schedule of procedures and charges. (The actions indicated below will not be taken until at least the date specified, but may occur at a later date due to scheduling considerations.)

ANNUAL ASSESSMENT

March 1: DELINQUENCY FEE (10 PERCENT OF ASSESSMENT BALANCE) is charged to the account; also, interest equal to the maximum allowed by law (currently 12 percent per annum) begins to accrue on the delinquent assessment balance.

April 1: Notice of pending suspension of membership rights (eligibility for candidacy to serve as a director, to vote in any election, to access the amenities as a member) for failure to pay the assessment and of the member's right to a prior hearing thereon, and notice of intent to record a lien against the member's property to secure amounts owed, is sent to Owner(s) of Record via certified mail.

April 15: Assessment Lien recorded against property; LIEN FEE OF \$175 is charged to the account. If requested, hearing on pending suspension of membership rights must be completed at least five days prior to the suspension's effective date.

April 20: Approximate effective date of suspension of membership rights, which shall remain in effect until the account is brought current.

May 1: Interest begins accruing on Delinquency Fee.

June 15: Delinquent accounts become subject to all appropriate collections/legal recourses, including FORECLOSURE of the assessment lien, to recover amounts owed. All costs and fees related to such actions, including attorneys' fees, become the property owner's obligation.

July 1: Interest begins accruing on Lien Fee.

SPECIAL INDIVIDUAL ASSESSMENT(S)

Days After

Invoicing

60: DELINQUENCY FEE (10 PERCENT OF ASSESSMENT BALANCE) is charged to the account; also, interest equal to the maximum allowed by law (currently 12 percent per annum) begins to accrue on the delinquent assessment balance.

90 days after invoicing and/or notice of corrective-action requirement:

Notice of pending suspension of membership rights (eligibility for candidacy to serve as a director, to vote in any election, to access the amenities as a member) for failure to pay the assessment and/or failure to comply with any duly-issued corrective-action requirements, and of the member's right to a prior hearing thereon, and, if applicable, notice of intent to record a lien against the member's property to secure amounts owed, is sent to Owner(s) of Record via certified mail.

- 105:** If applicable, Assessment Lien recorded against property; LIEN FEE OF \$175 is charged to the account. If requested, hearing on pending suspension of membership rights must be completed at least five days prior to the suspension's effective date.
- 110:** Approximate effective date of suspension of membership rights, which shall remain in effect until the account is brought current.
- 120:** Interest begins accruing on Delinquency Fee.
- 165:** Delinquent accounts become subject to all appropriate collections/legal recourses, including FORECLOSURE of the assessment lien, to recover amounts owed. All costs and fees related to such actions, including attorneys' fees, become the property owner's obligation.
- 180:** If applicable, interest begins accruing on Lien Fee.

Timeliness of payments in relation to the imposition of penalties, etc., in accordance with this schedule shall be determined by:

Actual date of **RECEIPT** of hand-delivered payments or payments by credit card authorized by telephone.

Official U.S. Postal Service postmark date appearing on the envelope in which a payment is received through the mail (private postage meter dates are ignored).

It is the Association's policy to apply payments received as follows: First, to the oldest unpaid Assessment. Second, to the Interest and Penalties (Delinquency Fee, Lien Fee, costs of collection, etc.) related to that oldest unpaid Assessment. Next, to the second-oldest Assessment, followed by the Interest and Penalties related to that second-oldest Assessment. This sequence continues until the most recent Assessment is paid, the Interest and Penalties related to that most recent Assessment are then paid.