

# DECISION PAPER



May 22, 2020

## DESIRED ACTION

The Board of Directors will consider authorizing the recordation of liens against the properties of members who have failed to bring their assessment accounts current.

## BACKGROUND

The Tahoe Donner delinquent account policy prescribes those members who have failed to bring their assessment accounts current calls for the recording of assessment liens against their Tahoe Donner properties, should their accounts remain delinquent after May 1, 2019. These actions are not only set forth in our policy and governing documents but are authorized by state law.

Members who still owed the regular assessment as of March were advised of this pending action. They were also given notice of their right to address the Board regarding this contemplated action, and that their opportunity to do so would be upon request.

Under the current Civil Code, the Board is required to specifically authorize the recording of assessment liens against members' properties, and that this responsibility cannot be delegated. Therefore, the Board is being called upon to authorize the recording of such a lien if members remain delinquent regarding the Regular Assessment as of the time when liens are being recorded – after May 1, 2019. It has been the practice of the Association to not record a lien if the amount of the delinquency does not exceed \$270.

Because the code now requires that the Board specifically authorize the lien recording, accompanying this memo (Attachment A), please find a listing of those properties (count 75) for which liens are indicated under our documents, policy and state law (to be recorded after May 1, 2019 if the delinquency is not brought current within that time). Out of courtesy to the affected members, the listing is by Accessors Parcel Number, which reflects the specific property involved.

## OPTIONS

1. To authorize the recording of an assessment lien after May 1, 2019, against those properties for which the delinquent amount is owed, if the amount of the delinquency exceeds \$270 and remains unpaid as of the time recording is to take place.
2. Not authorize the recording of an assessment lien against those properties for which the delinquent amount is owed.

## RECOMMENDATION

The board of directors will consider Option 1: To authorize the recording of an assessment lien after May 1, 2019, against those properties for which the delinquent amount is owed, if the amount of the delinquency exceeds \$270 and remains unpaid as of the time recording is to take place.

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**Prepared By:** Annie Rosenfeld, Director of Risk Management and Real Property

**Board Meeting Date:** June 5, 2020

# DECISION PAPER



## ATTACHMENT A

45-580-21-000	45-010-21-000	46-320-10-000	44-290-52-000
45-580-22-000	45-020-15-000	46-370-29-000	44-240-14-000
45-580-23-000	46-020-15-000	46-380-05-000	45-180-83-000
46-120-14-000	46-080-23-000	46-350-38-000	
44-100-09-000	46-097-30-000	46-270-55-000	
44-100-20-000	46-140-03-000	46-270-11-000	
46-010-14-000	46-150-21-000	46-510-07-000	
44-320-34-000	46-190-02-000	46-560-04-000	
44-210-13-000	46-170-11-000	45-220-11-000	
46-150-22-000	46-170-10-000	45-220-04-000	
45-620-04-000	46-150-04-000	45-370-34-000	
45-160-18-000	46-140-15-000	45-310-01-000	
44-050-23-000	46-090-01-000	45-760-05-000	
44-140-10-000	46-160-38-000	45-610-40-000	
44-090-32-000	44-210-12-000	45-640-33-000	
44-060-06-000	44-170-28-000	45-580-26-000	
44-060-13-000	44-180-19-000	45-550-24-000	
44-100-16-000	44-220-10-000	45-540-42-000	
45-180-72-000	44-300-20-000	44-600-25-000	
45-180-15-000	44-290-18-000	44-620-63-000	
45-160-31-000	44-290-38-000	44-620-28-000	
45-160-01-000	44-410-15-000	46-610-15-000	
45-120-11-000	44-360-04-000	44-570-49-000	
45-070-21-000	44-460-32-000	44-300-34-000	
45-100-13-000	44-450-03-000	45-610-20-000	
45-060-62-000	46-440-44-000	44-550-25-000	
45-030-22-000	46-330-04-000	45-180-52-000	