



## **DECISION PAPER**

**DATE November 9, 2020**

### **TITLE:**

Action to record lien against property for delinquent assessments.

### **RECOMMENDATION:**

#### **By Motion:**

The Board of Directors authorizes Platinum Resolution Services to record a lien against Property Account Number 11332000 for which delinquent assessment amounts are owed.

### **BACKGROUND**

Property Account Number 11332000 has outstanding delinquent assessments with an assessment lien last recorded in May 2019. The property has not paid on the prior outstanding balance nor set up a payment plan with the Accounting Department and is delinquent on the 2020 Annual Assessment.

### **ANALYSIS:**

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 policy and governing documents but are authorized by state law.

Members who still owed the regular assessment as of March are advised of this pending action. They are 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 as part of the policy.

Property Account Number 11332000 has outstanding delinquent assessments including the 2020 Annual Assessment. As the current property lien does not include the delinquent 2020 Annual Assessment, a new lien should be recorded on the outstanding balance. Under the current Civil Code 5673, the Board is required to specifically authorize the recording of assessment liens against members' properties; this responsibility cannot be delegated.

The Association contracts collections services with Platinum Resolution Services to assist in collections and foreclosure proceedings on properties with delinquent assessments which are with one or more years of delinquent assessments. The proposed action today authorizes Platinum Resolution Services, as the agent collecting delinquent assessments on behalf of Tahoe Donner Association, to record the property lien.

### **OUTREACH:**

Properties with delinquent assessments are notified by first class and certified mail of delinquent assessment(s) and pre-lien notice. Additionally, properties with delinquent assessments are sent a monthly invoice with balance due.





### **FISCAL IMPACT**

Lien fees are applied to the property and are recovered at the time of collection. The collection services expense varies; however, estimate for the collection of delinquent assessments per property is \$850.

### **ALTERNATIVE:**

The board has a number of alternatives:

1. The board may choose to direct staff to not authorize the new lien;
2. The board may choose to direct staff to modify collections processing.

### **ATTACHMENTS:**

Resolution - Authorization to Proceed with Recording of Lien for Account Number 11332000

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

Board Meeting Date: November 20, 2020

General Manager Approval to Place on the Agenda: \_\_\_\_\_

