

GLEN VISTA PROPERTY OWNERS ASSOCIATION, INC.
COLLECTION POLICY AND PROCEDURE
(revised 2/25/2014)

The following policy and procedure has been adopted by the Board of Directors (“Board”) of Glen Vista Property Owners Association, Inc. (“Association”) pursuant to Colorado statutes, for collection of unpaid assessments.

1. Due Date. The Association’s Yearly Common Expense Assessment shall be due and payable in full on the first of January of each year. (A discount may be offered, at the Board’s discretion, for payments received prior to March 31st.) Annual assessments not paid in full by June 30th will be considered past due and delinquent.
2. Late Charge and Interest Imposed. Once an account is past due and delinquent, interest charges shall accrue at 10% per annum on all outstanding or past due balances. A \$25 late charge will be assessed on delinquent accounts as of July 1st and each subsequent July in any year the annual assessment is not paid in full by June 30th.
3. Return Check Charges. In addition to any and all charges imposed under the Declaration, the Bylaws, the Rules and Regulations or the Articles of Incorporation (collectively, the “Governing Documents”) or pursuant to Colorado statutes or this Policy, a thirty five dollar (\$35.00) fee or other amount deemed appropriate by the Board shall be assessed against an owner in the event any check or other instrument attributable to or payable for the benefit of such owner is not honored by the bank or is returned by the bank for any reason whatsoever, including but not limited to insufficient funds. Such return check charges shall be due and payable immediately, upon demand. Notwithstanding this provision, the Association shall be entitled to all additional remedies as may be provided by applicable law. Returned check charges shall be the obligation of the owner(s) of the Lot for which payment was tendered to the Association. Returned check charges shall become effective on any instrument tendered to the Association for payment of sums due under the Governing Documents or this Policy.
4. Attorney Fees on Delinquent Accounts. As an additional expense permitted (collectible as a Common Expense Assessment) under the Declaration and Colorado statutes, the Association shall be entitled to recover its reasonable attorney fees and collection costs incurred in the collection of assessments or other charges due the Association from a delinquent owner. The reasonable attorney fees incurred by the Association shall be due and payable immediately when incurred, upon demand.
5. Application for Payments made to the Association. Regardless of inscriptions or notations on the front of the check, all payments received on the account of any owner shall be applied in the following order:
 - 1) Any and all attorney fees, legal fees and costs incurred for collection of assessments or for owner’s failure to comply with provisions of the Association’s Governing Documents, including lien fees
 - 2) Fines, late charges and interest

- 3) Returned check charges, and other costs owing or incurred with respect to such owner pursuant to the Declaration, Colorado statutes, Rules and Regulations, or this Policy
- 4) Past-due Special Assessments (if any)
- 5) Current due Special Assessments (if any)
- 6) Past-due payments of Annual Assessments
- 7) Current payments of Annual Assessments. Checks containing a restrictive endorsement on the back will be returned to the owner and the amount tendered shall be considered unpaid.

6. Collection Procedures.

- a. After a payment, or other charge due the Association, becomes 30 days past due, the Association will send a past due notice to the owner who is delinquent. Past due notices shall be sent out July 1st to all delinquent owners.
- b. Past Due statements from the Association will include, at a minimum:
 - 1) Total Amount Due
 - 2) Explanation of Amount Due (and discounts, as applicable)
 - 3) Past Due charge for delinquent accounts (after July 1st), accrued annually
 - 4) Calculation of 10% per annum interest on all outstanding or past due balances
 - 5) The method by which payments are applied to delinquent accounts
 - 6) Contact information for the GVPOA for the clarification of charges or other inquiries.
 - 7) A statement explaining that failure to keep the account current may result in the property owner's delinquent account being turned over to a collection agency, a lawsuit being filed against the owner, the filing and foreclosure of a lien against the property, or other remedies available under Colorado law.
- c. The Board does not consider financial hardship as a basis for a payment plan.
- d. At the time the owner is provided notice of delinquent dues, the owner shall also be informed that payment in full must be received within 30 days of the date due; and, that failure to do so may result in the property owner's delinquent account being turned over to a collection agency, a lawsuit being filed against the owner, the filing and foreclosure of a lien against the property, or other remedies available under Colorado law.

7. Referral of Delinquent Accounts to Attorneys. The Board may, but shall not be required to refer delinquent accounts to its attorneys for collection. Upon referral to the attorneys, the attorneys shall take all appropriate action to collect the accounts referred, including recording of a Notice of Assessment Lien against the Owner's Lot. After an account has been referred to an attorney, the account shall remain with the attorney until the account is settled, has a zero balance or is written off. The property owner shall be informed on the notice of delinquency that:

- a. Whether the opportunity to enter into a payment plan exists and instructions for contacting the entity to enter into such a payment plan;
 - b. The name and contact information for the individual the property owner may contact to request a copy of the property owner's ledger in order to verify the amount of the debt; and
 - c. That action is required to cure the delinquency and that failure to do so within thirty days may result in the property owner's delinquent account being turned over to a collection agency, a lawsuit being filed against the owner, the filing and foreclosure of a lien against the property owner's property, or other remedies available under Colorado law;
 - d. The method by which payments may be applied on the delinquent account of a property owner; and
 - e. The legal remedies available to the Association to collect on a property owner's delinquent account pursuant to the governing documents and Colorado law.
8. Appointment of a Receiver. The Board may seek the appointment of a receiver if an owner becomes delinquent in the payment of Annual Assessments. A receiver is a disinterested person appointed by the court. The purpose of a receivership for the Association is to obtain payment of current assessments, reduce past due assessments, and prevent the waste and deterioration of the Lot.
 9. Judicial Foreclosure. The Board may choose to foreclose on the Association's lien in lieu of or in addition to suing an owner in county court for a money judgment. The purpose of foreclosing is to obtain payment of all assessments owing in situations where either a monetary judgment lawsuit has been or is likely to be unsuccessful in obtaining payment, or other circumstances favor such action.
 10. Waivers. The Board may grant a waiver of any provision herein upon petition in writing by an owner showing a personal hardship. Such relief granted an owner shall be appropriately documented in the files with the name of the person or persons representing the Board granting the relief and the conditions of the relief.
 11. Ongoing Evaluation. Nothing in this Policy shall require the Board to take specific actions at a specific time but the Board shall not take any action in less than the time stated herein for a particular action. The Board has the option and right to continue to evaluate each delinquency on a case-by-case basis.

PRESIDENT'S CERTIFICATION:

The undersigned, being the President of Glen Vista Property Owners Association, Inc., a Colorado non-profit corporation, certifies that the foregoing policy and procedure was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board on June 10, 2014, and in witness thereof, the undersigned has subscribed his/her name.

GLEN VISTA PROPERTY OWNERS ASSOCIATION, INC.
A Colorado non-profit corporation

Signed By: Nathaniel S. Hein
President, GVPOA

Adopted On: June 10, 2014
Date

ATTEST:

[Signature]
Secretary