

CHAMISA GREENS HOMEOWNERS ASSOCIATION

Assessment Collection Policy

Pursuant to Article 7 of the By-Laws for the Chamisa Greens Homeowners Association, as supplemented by resolutions adopted from time to time by the Board of Directors, ("Declaration"), the following resolution is hereby adopted by the undersigned, all being directors of Chamisa Greens Homeowners Association. ("Association").

NOW THEREFORE, IT IS RESOLVED that the following procedures and practices are established for the collection of Assessments owing and to become owing by the Owners in the Association and the same are to be known as the "Assessment Collection Policy" for the Association in the discharge of its responsibilities regarding collection of Assessments levied against Lots:

1. **POLICY OBJECTIVE.** The Association will pursue collection of all Assessments pursuant to the By-Laws and this Assessment Collection Policy.

2. **OWNERSHIP INTERESTS.** Pursuant to the By-Laws, the person or corporate entity who is the Owner of a Lot as of the date an Assessment becomes due is personally or corporately liable for the payment of the Assessment. The personal or corporate obligation for delinquent Assessment shall not pass to the successors in title of the Owner unless expressly assumed by them.

3. **HANDLING CHARGES AND RETURNED CHECK FEE.** In order to recoup costs incurred because of the additional administrative expenses associated with collecting delinquent Assessments, collection of these fees and charges are part of the Collection Policy. These fees and charges, including a \$20.00 Collection Fee, will be added to the amount outstanding and are collectible to the same extent and in the same manner as the delinquent Assessment.

4. **APPLICATION OF FUNDS RECEIVED.** All moneys received by the Association will be applied to amounts outstanding to the extent of and in the following order:

- a. First to the unpaid Assessment amount;
- b. Next, to interest accrued;
- c. Last to late fees, collection costs and attorney's fees incurred by or on behalf of the Association.

5. OWNERSHIP RECORDS. All collection notices and communications will be directed to those persons or owner's representative shown by the records of the Association as being the Owner of the Lot for which Assessments are due and will be sent to the most recent address of such Owner solely as reflected by the records of the Association. Any notice or communication directed to a person at an address, in both cases reflected by the records of the Association as being the Owner and address for a given lot, will be valid and effective for all purposes pursuant to the By-Laws and this Assessment Collection Policy until such time as there is actual receipt by the Association of written notification of any change in the identity or status of such Owner or its address or both.

6. NOTIFICATION TO OWNER.

a. 1st LATE NOTICE. A payment by a member is deemed delinquent if it is unpaid eleven (11) or more days after the due date. The Association will send a notice via regular first-class mail to the Owner setting forth the amount of the delinquent Assessment owing. All fees associated with this letter will be charged to the Owner's account, along with a collection fee of \$20.00.

b. 2nd LATE NOTICE. No sooner than Thirty (30) days after the first late notice is sent, the Association will send a second notice via regular first-class mail to the Owner. All fees associated with this letter will be charged to the Owner's account, including an interest payment based on 20% per annum.

c. ASSOCIATION DEMAND LETTER. No sooner than Thirty (30) days after the first second notice is sent, the Association will send a Demand Letter to the Owner making formal demand for payment of all outstanding amounts within Thirty (30) days of the date the Demand Letter is posted. The Demand Letter will be sent via certified mail, return receipt requested. All fees associated with this letter, including a \$80.00 collection fee and an interest payment based on 20% per annum, will be charged to the Owner's account.

d. NOTICE OF LIEN. If an Owner fails to pay in full the entire amount stated in the Demand Letter by the date specified, the Board will cause the matter to be sent to an attorney who will prepare and record with the County Recorder a written Notice of Lien. All attorneys' fees, filing fees and other costs associated with the lien will be charged to the Owner's account. The Lien fee will be \$150.00.

7. ALTERNATIVE COLLECTION COURSES. The Board, acting with input and recommendation from management and counsel, will evaluate which course of legal action appears to be in the best interest of the Association for recovery of unpaid Assessments. Where foreclosure of the Assessment lien in favor of the Association against a Lot, together with pursuit of personal judgment against the Owner, is determined to be advisable, or personal judgment alone, the Board will direct counsel to proceed accordingly pursuant New Mexico law.

8. VERIFICATION OF INDEBTEDNESS. Where an Owner requests verification of the indebtedness, Management will, upon notification of the Owner's request, supply such verification within fifteen (15) business days. The exercise of the collection rights of the Association regarding Assessments will in all ways comply with the Fair Debt Collection Practices Act.

IT IS FURTHER RESOLVED THAT this Assessment Collection Policy replaces and supersedes in all respects all prior resolutions with respect to the collection of Assessments by the Association and is effective upon adoption hereof, to remain in force and effect until revoked, modified, or amended.

Wesley Montano
_____, President

This is to certify that the foregoing resolution was adopted by the Board of Directors of Chamisa Greens Homeowners Association, Inc. on the 20 day of May, 2010, to be effective as of _____, and has not been modified, rescinded, or revoked.

Paul A. Montano

Secretary

Date 5-21-10

Revised: February 11, 2010.