



Birkdale Community Association - Assessments Collection Policy

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I. Purpose and Intent

WHEREAS, the Declaration of Birkdale Community Association provides that the Association is specifically organized to provide for maintenance, preservation, and architectural control of the property; and,

WHEREAS the Declaration of Birkdale Community Association provides that the Association shall exercise all of the powers and privileges and perform all of the duties and obligations of the Association as set forth in the governing documents of the Association; and,

WHEREAS, Section 13.1-826 of the Virginia Non-Stock Corporation Art provides that the Board of Directors of a corporation shall have the power to do all things necessary or convenient to carry out its business, and 13.1-826 Subsection 17 provides for the Board of Directors to exercise all powers necessary and convenient to effect any and all of the purposes for which the corporation is organized; and,

WHEREAS, the Board of Directors of Birkdale Community Association has adopted a budget with moneys to accomplish the purposes of the Association and has levied assessments against each Unit Owner,

NOW THEREFORE, the Board of Directors desires to create and establish a procedure by which collection of assessments as provided in the Declaration are to be collected.

BE IT RESOLVED, that the following collection procedure shall be used in the Association’s attempt to collect assessments.



II. Billing and Collection of Regular or Special Assessments

In the normal course of business, the Board is authorized to establish assessments for the support of the association and levy special assessments for unusual requirements.

A. Regular Assessments

1. Notice of regular assessments for the year will be sent to owners no later than December 15, along with a budget for the ensuing fiscal year.
2. Regular quarterly assessment installments are due on the first day of January, April, July, and October. If there is an outstanding balance, funds received will be applied to the oldest outstanding balance.
3. Any regular assessment installment payment that is received more than fifteen (15) days after the due date will be considered late and shall be assessed a late charge in the amount of \$5.00, which will be added to the account at that time.
4. A late notice will be mailed to the owner of any account which has a past due balance on or about fifteen (15) days after the due date. An administrative fee of \$10.00 will be assessed for the mailing of the late notice.
5. A final notice which states that unless the balance is received within fifteen (15) days, the account will be turned over to an attorney for collection, and any related collection costs including attorneys' fees will be charged to the affected owner, will be mailed to the owner of any account which has a past due balance approximately thirty (30) days past due. At the time the final letter is mailed, an administrative fee of \$20.00 will be assessed to the owner's account.
6. Within fifteen (15) days after the final letter is mailed and with any balance remaining unpaid (unless otherwise negotiated by the Board of Directors or the Managing Agent), a twenty-five-dollar (\$25.00) attorney transfer charge will be added to the account; and it will be transferred to an attorney selected by the Board, for the collection with direction to accelerate the collection of all assessments for the remainder of the fiscal year.

As an example:

January 2018 Assessment	\$101.00
Late Fee on January 16 th	5.00
First late notice mailed on January 16 th -- Administrative Fee	10.00
Final notice mailed around February 15 th -- Administrative Fee	20.00
March 1 st send to attorney -- Attorney Transfer Fee	25.00



B. Special Assessments

1. If necessary, the Board is authorized to levy Special Assessments to defray costs and expenses of the common areas. The Board has established reserve accounts in accordance with state law to anticipate such needs.
2. Special Assessments, if levied, shall establish an amount due per owner and specify the terms for the payment of the assessment including a due date.
3. Any special assessment installment payment that is received fifteen days after the due date will be considered late and a late fee of 5% of the special assessment amount will be added to the account on or about the 1st day of any and every quarter in which the assessment installment is late.
4. Servicing procedures and fees specified in II, A above shall also apply.

III. Collection Procedures by Birkdale Community Association

Collection processes prior to sending to collection attorney or agent shall be conducted by the association through its managing agent. During this time, the Association may take any actions it deems appropriate to adjust any charges. When the account has been released to the collection agency, the association authority ceases.

IV. Collection Procedures by Collection Agent

1. The collection agent employed by the Association shall perform in compliance with these procedures and other directives of the Association. The collection agency shall comply with federal and state laws.
2. The Board and the collection agent reserve the right to obtain a lien against the property in question according to the authority that is provided for in the Declaration, Article V, Section 5.1.
3. Following the transfer to the attorney, additional attorney fees and court costs will be added to the total amount due and the entire delinquency amount will be payable to the collection attorney until the account balance is brought back to zero and the attorney returns the account to the Association for normal collection. Accounts referred to the attorney CANNOT be returned to the Association unless all balances are paid and CANNOT be addressed by the Association until released by the attorney.

V. Effective Date

These procedures replace any previous Collection Procedures, the most recent being approved 1-1-11.

They were approved by the Board of Directors on February 7, 2018 and shall be effective April 1, 2018.



BIRKDALE COMMUNITY ASSOCIATION
BOARD RESOLUTION

The Board of Directors of Birkdale Community Association at their meeting February 7, 2018 approved the revised **ASSESSMENTS COLLECTION POLICY** attached hereto to be effective immediately. This resolution and policy supersede any previous policies approved by the Board.

Motion Made: Elizabeth G. Harrison

Seconded: [Signature]

Approved: Earl R. Brady
President