

SULLY STATION II COMMUNITY ASSOCIATION
ADMINISTRATIVE RESOLUTION NO. 1
(Originally Adopted April 20, 1989; Revised: February 16, 2010)

PROCEDURES RELATIVE TO ASSESSMENTS

relating to collection of routine and delinquent payments

WHEREAS, Article VI, Section 8 of the Bylaws states that “The Board of Trustees shall have all of the powers for the conduct of the affairs of the Association which are enabled by law, the Declaration and the Articles of Incorporation which are not specifically reserved to members” and

WHEREAS, Article V of the Declaration creates an assessment obligation for owners; and

WHEREAS, Article V, Section 8 of the Declaration establishes certain provisions for the payment and collection of assessments; and

WHEREAS, there is a need to establish orderly procedures for the billing and collection of said assessments;

NOW THEREFORE, BE IT RESOLVED THAT the following assessment procedures be adopted:

I. ROUTINE COLLECTIONS

- A. All monthly installments of the annual assessments shall be due and payable in advance on the first day of the applicable month (“Due Date”).
- B. All documents, correspondence, and notices relating to the charges shall be mailed to the address which appears on the books of the Association or as modified in writing by a Unit Owner.
- C. Non-receipt of an invoice shall in no way relieve a Unit Owner of the obligation to pay the amount due by the “Due Date”.

II. REMEDIES FOR NONPAYMENT OF ASSESSMENT

- A. If payment is not received by the Managing Agent by the fifteenth (15th) day of each month (or the first working day thereafter if such day is a Saturday, Sunday or legal holiday) the account shall be deemed late and a late fee shall automatically be added to the account and thereafter be a part of the continuing lien for assessments as provided for in Article V, Section 1 of the Declaration until all sums due, including such late charge, shall have been paid in full. The late fee shall be twenty (\$20) dollars, or such other amount as has been established by the Board of Trustees. "Late Notice" shall be sent to Owners who have not paid their assessments in full by the fifteenth (15th) day of the month.

- B. If payment in full, including late charges, is not received by the Managing Agent by the forty-fifth (45th) day after the due date, a "Notice of Intent to Accelerate Installments and File a Memorandum of Lien" substantially in the form of Exhibit B to this Resolution shall be mailed to the Owner. The Managing Agent may simultaneously send a copy of such Notice to the Mortgagee of such Lot, if known. The Notice shall be sent to the Owner by certified mail, return receipt requested.

- C. If payment in full, including late charges and cost of the certified letter is not received by the Managing Agent within thirty (30) days after the "Notice of Intent to Accelerate Installments and File Lien" has been issued, then the remaining installments of the annual assessment may be accelerated and the Association shall refer the matter to legal counsel for the filing of a lien on the Lot. Counsel may also file a civil suit against the Owner on the basis of the personal obligation to pay the assessments. The cost of filing both the lien and the civil suit will be added to the account, plus accrued late fees, interest chargeable by law on the unpaid assessment, and all other costs incurred by the collection process as allowed by Article , Section 1 of the Declaration.

- D. If payment in full, including the cost of attorney's fees, filing charges, late fee, interest payment, delinquent fees and accelerated fees, is not received within thirty (30) days of the filing of the Memorandum of Lien the account remains delinquent, counsel for the Association shall take other appropriate legal action as directed by the Board, which includes the commencement of proceedings to foreclose upon the unit in accordance with the provisions of the Virginia Contract Lien Act.

- E. If the Association receives from any Owner, in any accounting year, two or more returned checks for payment of assessments, the Board may require all future payments to be made by certified check or cashier's check or money order for the remainder of the fiscal year. A reasonable charge will be made for any returned checks, which amount shall be established by the Board of Directors and may be changed by the Board from time to time.

- F. The Board may grant a waiver of any provision herein upon petition in writing by an Owner alleging a personal hardship or any other extenuating circumstances. Such relief granted an Owner shall be appropriately documented in the Association files. Such documentation shall include, without limitation, the basis for taking such action. Generally, late charge

waivers will not be considered for owners who have not mailed their assessment in sufficient time to have been received by the due date.

- G. The Board hereby authorizes the Managing Agent to waive the imposition of late fees on payments received by the Managing Agent after the fifteenth (15th) day of the month, if the delinquent Owner has owned the Lot for less than six (6) months at the time of the delinquency and, in the judgment of the Managing Agent the delinquency was the result of a misunderstanding of the correct procedures relating to payment of the assessment. Such a waiver may be granted only once to any delinquent Owner.

All Owners who are delinquent shall be subject to the provisions of this Resolution and to the provisions of Article V, Section 8 of the Declaration with respect to nonpayment of assessments.

III. OTHER SANCTIONS FOR NONPAYMENT OF ASSESSMENTS

- A. Voting rights shall be suspended for any Owner who is more than sixty (60) days in arrears with respect to the payment of assessments.
- B. Use of the Recreation Facilities and parking shall be suspended for any Owner who is more than sixty (60) days in arrears with respect to the payment of assessments.
- C. The Board of Trustees may choose not to impose the sanctions in A through C above or to restore sanctions previously imposed in cases where an Owner in default enters into an agreement approved by the Board for the payment of past due assessments.

**SULLY STATION II COMMUNITY ASSOCIATION
RESOLUTIONS ACTION RECORD**

Resolution Type Administrative No. 1

Pertaining to: Procedure for Collection of Assessments

Duly adopted at a meeting of the Board of Trustees of the Sully Station II Community Association, held February 16, 2010

Motion by: Mr. Munger Seconded by: Mr. Jasper

OFFICER	TITLE	YES	NO	ABSTAIN	ABSENT
Bill Perry	President	x			
Jerry Jasper	Vice President	x			
Ed Pauley	Treasurer	x			
Tina Weinheimer	Secretary	x			
Doug Munger	Trustee	x			
Anne Pearo	Trustee	x			

ATTEST:


Secretary

2/16/10
Date

Resolution Effective, February 16, 2010