

Forest Gate Homeowners Association Board of Directors  
Policy Regarding  
**HOA Dues Collection and Delinquent Accounts**  
June 16, 2014

**Purpose:** The Purpose of this Policy is to comply with House Bill 13-1276 and to establish policies and procedures with regards to the collection of our Dues and/or Special Assessments and processing of delinquent accounts.

**Due Date:** As per the recorded Restrictions & Covenants of the Forest Gate Homeowner's Association, dues are set by the majority of members voting on a proposed budget for the following year at the Annual Meeting. Dues are due and payable January 1st of the year assessed. Special Assessments are due and payable upon the date established during the determination of the need for a Special Assessment. All dates regarding Special Assessments shall follow the same general time frame as the annual dues, meaning that the amount of time to pay will be similar, and delinquency will be handled the same as annual dues.

**Delinquent:** February 1st of the assessed year.

**Delinquent Letter:** To be mailed, *certified return receipt*, February 15th stating the delinquency, and

1. that a Late Fee of \$25 will be assessed if not paid prior to March 1st;
2. that interest will start March 1st at 18% per annum;
3. and that if account is not paid in full prior to December 31st it could result in the account being turned over to a collection agency, a lawsuit being filed against the owner, the filing and foreclosure of a lien against the owner's property and other remedies available under Colorado law.

**Late Fee Association is entitled to:** \$25, if not paid by March 1st.

**Interest the Association is entitled to collect:** If a member's Dues are Delinquent as of March 1st of the year they are assessed for, the HOA shall collect interest at the rate of 18% from March 1st until the last day of the month that payment of the Delinquent Dues or Special Assessment is received.

**Return Check Fee:** If a member's check for payment of their Dues and/or Special Assessment is returned for insufficient funds, or stop payment is requested by the member, a Return Check Fee of \$75 will be assessed. This Return Check Fee is to cover the return check fee the bank charges our account, additional paperwork and postage.

**Long term Delinquency Action:** If dues are delinquent for one year or more, action by the Owner is required to cure any delinquency and failure to do so within 30 days from Notice of Long Term Delinquency may result in the account being turned over to a collection agency, a lawsuit being filed against the owner, the filing and foreclosure of a lien against the owner's property and other remedies available under Colorado law.

**Payment Plan:** The amount due may be paid by a payment plan if the total delinquency is \$200 or more, in which case the amount due may be divided into two payments no more than 6 months apart. The Owner must request and the Board must vote to approve the payment plan.

**Foreclosure:**

The association, or the holder or assignee of the association's lien, may only proceed to foreclosure if the total amount secured by the lien would equal or exceed two years of assessments. Also, the board of an association must vote to proceed with foreclosure on any given delinquent account. Boards are not permitted to delegate this responsibility to authorize a foreclosure action to an attorney, insurer, manager or any other person.