

EMERALD ESTATES/INDIAN RIVER HOMEOWNERS' ASSOCIATION, INC.
COLLECTION POLICY AND PROCEDURES FOR COLLECTION

- SUBJECT:** Adoption of a Collection Policy and Procedures for Collection.
- PURPOSE:** To adopt a standard Collection Policy and Procedures for Collection to be used in collection of delinquent assessments, fees, or charges in order to facilitate the efficient operation of the Association.
- AUTHORITY:** This Policy and Procedures is adopted to comply with The Declaration, Bylaws and Articles of Incorporation of the Association, and Florida law.
- EFFECTIVE DATE:** June 22, 2023

DUE DATE

- The quarterly installment payments of the annual assessment are due and payable on the 1st day of January, April, July, and October of each year.
- Other assessments, fees, or charges are due and payable as set forth in the Association's notice.
- Payments will be deemed received on the date the payment is received in the Association's office or the Association's payment processor's office.
- Any payment not paid in full within 15 days of the due is past due and delinquent.

LATE FEES

A late charge in the amount of \$25.00 will be imposed for any past due assessment, fine, or charge without further notice to the Owner.

INTEREST

Interest at the rate of 18% per annum will accrue on any delinquent assessment, fine, or other charge from the due date without further notice to the Owner.

ADMINISTRATIVE EXPENSE

Collection costs imposed by the Association or its agent for delinquent accounts will be the obligation of the Owner and may be posted to the Owner's account.

SUSPENSION OF RIGHTS

- An Owner's voting rights. may be suspended due to non-payment of an assessment for any period during which the assessment against the Owner's lot remains unpaid.
- If suspended, member's vote may not be counted towards the total number of voting interests for any purpose.

COLLECTION COSTS

The Association is entitled to recover its reasonable attorney's fees and collection costs incurred in collecting assessments or other charges due the Association from a delinquent Owner.

APPLICATION OF PAYMENTS

Payment received from delinquent Owners will be applied in the following order:

1. Interest
2. Late fees
3. Expenses related to collection
4. Assessment
5. Other charges

Deficit will be carried forward

NOTICE OF DELINQUENCY

The Owner will be sent a Notice of Delinquency by the Association's accountant.

DELINQUENT ACCOUNT REFERRAL

- Before a delinquent account is referred to a collection agency or attorney, a majority of the Board must vote to refer the matter by recorded vote conducted in a duly noticed and held meeting of the Board of Directors.
- After an account has been referred to the Association's attorney, the account remains with the attorney until it is settled, has a zero balance, or is otherwise resolved.
- Once accounts are turned over to the Association's attorney, Owners will make payments to the Association at the attorney's address.
- The Association's attorney is authorized to take whatever action is necessary, in consultation with the Board, believed to be in the Association's best interest.

RECORD OF NOTIFICATION

The Association will maintain a record of the contact(s) it has made with an Owner regarding a delinquency, including the type of communication used to contact the Owner and the date and time the contact was made.

NOTICE OF LIEN

The Association reserves the right to record a Notice of Lien in the county records to provide record notice of the Association's claim against the property.

FILING LAWSUIT

The Association may file a lawsuit against the delinquent Owner seeking a monetary judgment. If a personal judgment is entered against the delinquent Owner, the Association may pursue all remedies available to collect the judgment.

JUDICIAL FORECLOSURE

The Association may foreclose on its lien in lieu of, or in addition to, suing an Owner for a money judgment. The purpose of foreclosing is to obtain payment of all assessments owing in situations where either a money judgment lawsuit has been or is likely to be unsuccessful or in other circumstances that may favor such action.

RETURN CHECK CHARGES

If any check or other instrument payable to, or for the benefit of, the Association is not honored by the bank or is returned by the bank for any reason, including, but not limited to insufficient funds, the Owner is liable to the Association for any fees incurred by the Association and may be subject to additional late charges and interest.

BANKRUPTCIES AND FORECLOSURES

Upon receipt of any bankruptcy notice or a foreclosure notice by any holder of an encumbrance against any Lot within the Association, the Association may advise the Association's attorney of the same and turn the account over to the Association's attorney for resolution.

WAIVERS

- The Board of Directors may modify these procedures as it determines appropriate under particular circumstances.
- Any accommodation shall be documented in the Association's files.
- Failure to require strict compliance with this policy is not deemed a waiver of the Association's right to require strict compliance and will not be deemed a defense to payment of assessment fees or other charges, late charges, return check charges, attorney's fees, and/or costs as described and imposed by this policy.

PRESIDENT'S CERTIFICATION: The undersigned, being the President of Emerald Estates/Indian River Homeowners' Association, Inc., a Florida nonprofit corporation, certifies that the foregoing Policy and Procedure was adopted by the Board of Directors at a duly called and held meeting of the Board of Directors on this 22nd day of June 2023 the undersigned has subscribed his/her name.

EMERALD ESTATES/INDIAN RIVER HOMEOWNERS' ASSOCIATION, INC.

By: 

Arthur Starr, President