



## RESOLUTION OF THE BOARD OF TRUSTEES ASHBURN FARM ASSOCIATION

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*Policies and Procedures Regarding the Collection of Assessments*

*Resolution 070808A*

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The Trustees of Ashburn Farm Association (the "Association"), at a duly held meeting of the Board of Trustees of the Association, hereby adopt the following resolution. This resolution, (070808A) replaces resolution 04-1 dated March 2<sup>nd</sup>, 2004 in its entirety.

WHEREAS, Article V, Section 1 of the Declaration of Covenants, and Restrictions personally obligates each Owner to pay annual and special assessments to fund the common expenses of the Association; and

WHEREAS, Article V, Section 7 sets forth the remedies of the Association for the Nonpayment of Assessments; and

WHEREAS, the Board of Trustees deems it necessary and in the best interests of the Association to establish orderly procedures for the billing and collection of assessments.

NOW, THEREFORE, BE IT RESOLVED THAT the following procedures regarding the collection of assessments shall be adopted.

### ASSESSMENT OBLIGATIONS

- A. All quarterly assessments of the annual assessments shall be due and payable on the first day of the applicable quarter ("Due Date").
- B. The Association will mail a notice to every Owner which will inform the Owner of the amount of the quarterly assessment; however, no Owner will be excused of the obligation to pay the assessment if a notice is not received. Each Owner is under a legal duty to seek out information about the assessment if a notice is not received.
- C. Non-resident Owners must furnish the Association with an address and telephone number where they can be contacted; otherwise, all notices shall be sent to the property address and the Owners shall be responsible for the information contained therein.

### REMEDIES FOR NON-PAYMENT OF ASSESSMENTS

- A. Late Charge – Any installment of the annual assessment not paid to Association within thirty (30) days after the due date shall be considered delinquent and a late charge of \$25.00 shall be assessed to the Owner and posted to the Owner's account.

- B. Returned Check Charge - If the Association received a check from an Owner which fails to clear the Owner's account, an administrative charge of \$25.00 shall be charged to the Owner and posted to the Owner's account.
- C. Acceleration of Assessments - If any installment of the annual assessments is not paid within sixty (60) days of the due date, the entire balance of the annual assessment shall be and hereby is accelerated and due in full.
- D. Suspension of Privileges - If any installment of the annual assessment is not paid within thirty (30) days of the due date, the Owner's rights, privileges and benefits of ownership shall be and hereby are suspended. Such suspension may include, but is not limited to, the right to use any of the Association's amenities (e.g. Pools, Tennis Courts, Basketball Courts, DeLong Room Rental, Athletic Fields, etc.)

All fees due include, but are not limited to: Returned Check Charges, Late Charges, Attorney's Fees, Quarterly Assessment Payments, All Charges assessed against owners resulting from violations of the governing documents, and Special Assessments, must be paid in full before privileges, including use of the amenities, will be reinstated.

- E. Attorney's Fees - If any installment of the annual assessment is not paid within sixty (60) days of the due date, the Association will employ an attorney to collect the past due balance. The Owner will be responsible for the payment of and will be assessed any costs and attorney's fees incurred by the Association to collect a past due balance.
- F. Method of Crediting Payments - Payments received by the Association from a delinquent Owner shall be credited in the following order of priority:
  - 1. Any attorney's fees, court costs and other costs of collection;
  - 2. Late charges;
  - 3. Interest;
  - 4. Charges assessed against an Owner resulting from a violation of the governing documents;
  - 5. Any Special Assessments; and
  - 6. Quarterly Assessments.

This resolution is duly adopted by the Board of Trustees this 8 th day of July, 2008.

Signed

Ashburn Farm Association  
Marc Ripperger - Secretary