

LA SCALA AT THE COLONY CONDOMINIUM ASSOCIATION

A RESOLUTION OF THE BOARD OF ADMINISTRATION

TO REVISE THE COLLECTION POLICY

BE IT HEREBY RESOLVED by the La Scala at The Colony Condominium Association, Inc. (LSTCCA), as follows:

Section 1. THAT assessments and installments thereof not paid within 10 days from the date when they are due shall be considered by LSTCCA to be delinquent and shall incur interest at the maximum rate allowed by law, or 18% per annum, whichever is greater.

Section 2. THAT each delinquent payment shall be subject to an Administrative Late Fee in an amount not to exceed the greater of \$25 or 5% of each delinquent installment.

Section 3. THAT at 10-days-overdue, LSTCCA shall send a letter to the Unit Owner, asking for immediate payment of the overdue amount. The letter shall be sent via first-class mail to the Unit Owner's address of record. Copies of the letter shall be sent via first-class mail to all other known addresses of the Unit Owner, as well as via e-mail. LSTCCA shall also make an effort to contact the unit owner via telephone and e-mail.

Section 4. THAT at 20-days-overdue, LSTCCA shall send out the First Notice (see Section 1 above) to the Unit Owner. The First Notice letter shall be sent via certified or registered mail, return receipt requested, to the Unit Owner's address of record. Copies of the letter shall be sent via first-class mail to all other known addresses of the Unit Owner, as well as via e-mail. After the expiration of 30 days from when the First Notice is sent to the unit owner, the LSTCCA attorney, upon notification from LSTCCA that the Unit Owner has not paid, shall send out the Second Notice (see Section 1 above) to the Unit Owner's address of record, via certified or registered mail, return receipt requested. Copies of the Second Notice shall also be sent to all other known addresses of the Unit Owner via certified and first-class mail. The First Notice advises that the matter is being handed over to the LSTCCA attorney for further collection action, including the potential recording of a lien against the unit if full payment, including accrued interest, is not received within a further 30 days.

Section 5. THAT if an outstanding amount remains unpaid 30 days from when the Second Notice is sent to the Unit Owner, the LSTCCA attorney shall consult with the Board who may then instruct the LSTCCA attorney to begin foreclosure as soon as possible.

Section 6. THAT the LSTCCA may declare the balance of General Assessment installments and other known assessments to be accelerated and thereby immediately due and payable for the remainder of the fiscal year at the time that the Second Notice and lien are sent to the delinquent Unit Owner.

Section 7. THAT the revised law states that if the billing address is not the property address, then notices must also be sent to the property address. If the address reflected in the records is outside the United States, sending notices to that address via first-class airmail, and to the unit address via regular first-class mail, shall be deemed sufficient.

Section 8. THAT the Condominium Act permits LSTCCA to cash a check marked 'Paid in Full', even if the amount of the check is not the full amount. If the payment is made pre-lien, the LSTCCA attorney will then advise the Association on the pros and cons of recording a lien.

Section 9. THAT allowable interest and legal fees will be applied to the delinquent amounts filed in the lien. The interest rate charged shall be the maximum allowable by law, or 18% per annum, whichever is greater.

Section 10. THAT any payments received by LSTCCA from a delinquent Unit Owner shall be applied first to any interest accrued, then to any Administrative Late Fee, then to any costs and reasonable attorney's fees incurred in collection, and then to the delinquent and any accelerated assessments, regardless of any restrictive endorsement, designation or instruction placed on or accompanying a payment.

ADOPTED by the Board of Administration at the Board Meeting on Wednesday, January 27, 2010.

By: ___ signature on file _____
Andrew Fentiman, *President of the Board*

January 27, 2010