

HOLLY HEIGHTS HOME OWNERS ASSOCIATION

Resolution of the Board of Directors

COLLECTION OF UNPAID HOA ASSESSMENTS

RECITALS

A. The Board of Directors of the Association is charged with the responsibility to establish, assess and collect homeowner assessments.

B. The Board deems it in the best interest of the Association and the owners to adopt a uniform and systematic procedure for the collection of unpaid assessments that assures that unpaid assessments are timely and efficiently collected to minimize the loss of assessment revenue.

NOW, THEREFORE, IT IS RESOLVED that:

I. The rules governing collection of delinquent assessments set forth below be adopted to provide for a uniform and systematic procedure for the collection of unpaid assessment.

II. A copy of this Resolution be sent to all owners at their address as shown in the records of the Association.

III. This Resolution supersedes any resolution regarding the collection of assessments currently in place.

ARTICLE I

AUTHORITY, DUTIES AND OBLIGATIONS UNDER GOVERNING DOCUMENTS & ACT

1.1 “**Declaration**” is Amended Declaration of Protective Covenants, Conditions and Restrictions for Holly Heights Subdivision recorded July 11, 2023, as Document No. 2023-02992, Records of Tillamook County, Oregon, including any amendments thereto.

1.2 “**Bylaws**” is Amended Bylaws of the Holly Heights Home Owners Association recorded on July 11, 2023, as Document No. 2023-02993, Records of Tillamook County, Oregon, including any amendments thereto.

1.3 “**Act**” is the Oregon Planned Community Act, Oregon Revised Statutes 94.550 to 94.783.

1.4 **Specific Authority and Duties.**

(a) Article IV, Section 4.3(f) of the Bylaws and ORS 94.630(a) allow the Association to adopt rules.

(b) Article IV, Section 4.3(b) of the Bylaws authorize the Board to enforce provisions of the Declaration, Bylaws and Rules and Regulations, including action to collect unpaid assessments.

regardless of whether suit or action is commenced. Collection costs include, without limitation, the following:

(a) Management Company Charges. Collection charges imposed by the management company, if included in the contract between the Association and the management company, including reasonable mailing costs, recording fees, time spent for account maintenance, and other similar expenses.

(b) Attorney Fees. Any attorney fees for work performed with respect to the assessment account such as file intake; preparing calculations; consultations and telephone calls with the Association, owners, court, witnesses and other individuals involved in the process; legal research; drafting and preparing legal documents; drafting and preparing letters; depositions; trial preparations; travel time; investigations; court appearances; analyzing the account to determine the appropriate action; and preparing and attending post judgment proceedings.

(c) Other Costs. All expenses such as recording fees, postage costs, copy costs, service costs, court costs, filing fees, paralegal fees, private investigator fees, garnishment fees and other similar expenses.

ARTICLE III **PROCEDURE**

3.1 Association Lien. When an assessment is levied against a unit and owner, the Association or an agent of the Association may cause a lien to be recorded in the Records of Tillamook County, Oregon.

3.2 Association Payment Demand Letter. When an assessment is delinquent, the Association or its agent shall send the owner a written payment demand letter, see attached Exhibit A, (“Association Payment Demand Letter”) that includes:

(a) A statement of the amount due under the assessment account.

(b) A demand for immediate payment.

(c) A notice that if the stated amount due is not paid by the turnover date, the assessment account may be turned over to an attorney for collection in accordance with the Collection Resolution.

(d) A statement that the owner is responsible for the payment of all costs for collection incurred, as specified in the Collection Resolution, and the costs constitute assessments against the owner and the unit.

3.3 Turnover of Assessment Account to Attorney.

(a) Subject to Subsection (b) of this section, when an assessment remains unpaid after the turnover date specified in the Association Payment Demand Letter given under Section 3.2 above, Association or its agent shall turn over the assessment account to an attorney for collections. Said attorney shall proceed as provided in this Resolution.

assessments are paid when due.

(b) Owner Responsibility to Update Address. It is the sole responsibility of the owner to notify the Association in writing of any change of owner mailing address.

(c) Other Association Remedies. Nothing in this Resolution prevents the Association from taking any other actions against an owner, including termination of utilities and preventing the owner from access to recreational or service facilities, if provided under the Declaration, Bylaws, Rules and Regulations, or the Act.

EXHIBIT A
ASSOCIATION
PAYMENT DEMAND LETTER

August 24, 2023

John Doe
111 S.W. 11th Avenue
Portland, OR 97208

RE: NOTICE OF UNPAID ASSESSMENTS
DEMAND FOR PAYMENT

Dear Mr. Doe:

The records of Holly Heights Home Owners Association show that your assessment account is now past due. Our records reflect the following:

Principal Assessments Due:	\$ _____
Accrued Late Charges:	\$ _____
Accrued Interest:	\$ _____
Total Due:	\$ _____

Demand is hereby made for immediate payment in full of the above Total Due. If payment in full is not made within thirty (30) days of the date of this letter, your assessment account will be turned over to Vial Fotheringham LLP for collection in accordance with the Holly Heights Home Owners Association Collection Resolution. A lien will be recorded against your property in the Records of Tillamook County, Oregon.

All charges, including attorney fees, associated with collection of your assessment account are imposed against you and your unit as provided in the Collection Resolution.

NOTICES

I. BEFORE THE END OF THE 30-DAY PERIOD:

You may request a hearing if you disagree with the calculation of the above Total Due. To request a hearing, you may contact the undersigned in writing to voice your challenge. The Board must receive any written challenge of the calculation of these charges no later than the expiration of the 30th day after the date of this letter. If a hearing is not requested by the end of the 30-day period, your right to a hearing is forfeited.

If you would like to set up a payment plan, arrangements must be made with the contact below before the 30 days expires.

II. LENDER FORECLOSURE: