

RESOLUTION
OF THE
LAKE COUNTRY VILLAGE
HOMEOWNER'S ASSOCIATION, INC.

**ESTABLISHING RULES, POLICIES AND REGULATIONS
FOR COLLECTION OF DUES, PENALTIES AND MONEY
FROM UNIT OWNERS**

WHEREAS, the Lake Country Village Homeowner's Association, **Declaration of Covenants, Conditions, Easements and Restrictions (June, 2001)** provides in part in Article V, Section 1 as follows: Each owner of a lot by acceptance of a deed for such lot, whether or not it shall be so expressed in such deed, is deemed to covenant and agrees to pay as of the date of transfer of title to the owner, annual maintenance assessments or charges, such assessments to be established and collected as hereinafter provided; and

WHEREAS, said **Declaration** further provides in Article V, Section 4, that any assessment not paid within 30 days after the due date shall become a lien against that lot and shall bear interest from the due date at the legal rate and the Association may bring an action at law against the owner to pay the same, or may foreclose the lien against the lot, and late charges, interest, costs and reasonable attorneys fees for any such action shall be added to the amount owing; and

WHEREAS, the Lake Country Village Homeowner's Association By-Laws contain the same provisions in Article X (Assessments); and

WHEREAS, the Lake Country Village Homeowner's Association **Declaration of Covenants, Conditions, Easements and Restrictions (June, 2001)** provides in part in Article II, Section 1: (a) each owners right and easement to use the common area is subject to the right of the Homeowner's Association, pursuant to its By-Laws, to adopt rules and regulations governing the use of the Common Area and the personal conduct of the Owners and their guests, and to establish penalties for the infraction thereof; and

WHEREAS, the **Declaration** further provides in Article II Section 3 that with respect to the Common Area owned by the HOA, the HOA shall have the right: (a) to promulgate and enforce reasonable rules and regulations relating to the use, operation and maintenance of the HOA property, and to levy fines for the infraction thereof, in the discretion of the HOA; and

WHEREAS, Lake Country Village Homeowner's Association, Inc. By-Laws provides: Powers and Duties of the Board of Directors, Article VI, Section 1, Powers. The Board, on

behalf of the HOA, shall have the permission to: (a) adopt and publish rules and regulations governing the use and maintenance of the Common Area, the personal conduct of the Members and their tenants, invitees thereon, and to establish penalties for the infraction thereof; and

WHEREAS, the Board of Directors recognizes a need to clarify some of the financial obligations of individual unit owners and to clarify rules and procedures governing the collection of financial obligations due from individual unit owners to Lake Country Village Homeowner's Association, Inc..

NOW, THEREFORE, The Board of Directors of Lake Country Village Homeowner's Association, Inc. after careful consideration of all relevant factors, hereby adopts the following policies, rules and regulations which shall apply immediately to all financial obligations owed by unit owners to Lake Country Village Homeowner's Association, Inc.:

1. A Late charge of 20% shall be automatically levied and due on the delinquent payment of HOA dues, fines, penalties, reimbursements or any other financial obligations owed to Lake Country Village Homeowner's Association, Inc. by individual unit owners on all such delinquencies five (5) days after payment is due; and
2. Interest, at the prevailing legal rate of interest (now 9%), shall be charged and assessed on any delinquent HOA dues, fines, penalties, reimbursement or any other financial obligations owed to Lake Country Village Homeowner's Association, Inc. by individual unit owners on all such delinquencies thirty (30) days after the due date, retroactive to the due date; and
3. Unit owners owing money or other obligations to Lake Country Village Homeowner's Association, Inc. shall be responsible for any and all legal fees, court costs, disbursements and expenses incurred by Lake Country Village Homeowner's Association, Inc. to collect money due to Lake Country Village Homeowner's Association, Inc. or to enforce, protect or defend the rights of Lake Country Village Homeowner's Association, Inc., including, but not limited to, collection efforts, bringing suit or litigation, obtaining liens and judgments, foreclosing liens or judgments, or defending any actions or proceedings; and
4. The following procedures are not mandatory and are not a prerequisite to proceed, but may be followed by the Lake Country Village Homeowner's Association, Inc. Property Manager, in connection with the collection of money due from individual unit owners to Lake Country Village Homeowner's Association, Inc.:

- ❖ 10 days after a payment is due a reminder letter/notice shall be sent by regular mail including assessment of late charges of \$ _____ or 20 %;
- ❖ 30 days after a payment is due a demand letter/notice shall be sent by registered mail – no return receipt and shall include assessment of late charges and interest, to the owner with a copy to the Board Treasurer and HOA Attorney;
- ❖ 60 days after a payment is due the file shall be sent to the HOA Attorney for further action and collection.

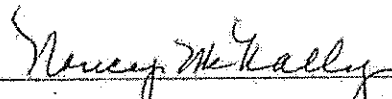
All letters/notices shall be in a form approved by the Lake Country Village Homeowner's Association, Inc. Attorney and reviewed as to form annually.

5. Legal proceedings will be instituted and prosecuted upon the recommendation of the Lake Country Village Homeowner's Association, Inc. Attorney and with the approval of the Board of Directors in a manner directed by the Board of Directors.

6. These policies, rules and regulations are intended to be uniform and generic policies, rules and regulations and are in addition to any provisions contained in the Declaration and/or By-Laws, as they may be amended or modified from time to time, and shall apply to any situations or circumstances wherein there is a financial obligation from an individual unit owner(s) to the Lake Country Village Homeowner's Association, Inc..

CERTIFICATION:

Nancy McNally, the Secretary of the Lake Country Village Homeowner's Association, Inc., hereby certifies that this RESOLUTION was duly passed and adopted by the Lake Country Village Homeowner's Association, Inc. Board of Directors on the 26th day of January, 2009.



Nancy McNally, Secretary