

Policy Resolution #4-20 Annual Assessment Late Fees

West Hill Estates Homeowners Association (WHEHOA)

Interpretation of Bylaws, CC&Rs and Policy Resolutions Pertaining to Annual Assessment Late Fees

WHEREAS, Article 2, Section 2.2(b) and (c) of the West Hill Estates Homeowners Association Bylaws states, in part:

“Powers. The Association has such powers and duties as may be granted to it by the Act, including each of the powers set forth in ORS 94.630, as the statute may be amended to expand the scope of association duties and powers, together with such additional powers and duties afforded by the Declaration, the Articles of Incorporation, these Bylaws and the Oregon Nonprofit Corporation Act, including the following: (12) From time to time adopt, modify, or revoke such Policies and Procedures governing the conduct of persons and the operation and use of the Lots, the Common Maintenance Area or any Common Property as the Board of Directors may deem necessary or appropriate in order to assure the peaceful and orderly use and enjoyment of the Property; (13) Enforcement by legal means of the provisions of the Declaration, these Bylaws and any Policies and Procedures adopted thereunder.

Governance: The affairs of the Association shall be governed by the Board of Directors as provided in these Bylaws. Owners have no authority to act on behalf of the Association and may take action with respect to affairs of the Association as specifically provided under the Declaration, these Bylaws, or the Act.”

WHEREAS, Article 2 of Articles of Incorporation of West Hill Estates Homeowners’ Association An Oregon Non-Profit Corporation filed with the Oregon Secretary of State on February 22, 1995, states in part:

“The purposes for which said corporation is organized are: To promote the health, safety and welfare of residents within the boundaries of WEST HILL ESTATES SUBDIVISION, and for this purpose . . . to fix assessments (or charges) to be levied against the property; to enforce any and all covenants, conditions and restrictions, and agreements applicable to the property; . . . and insofar as permitted by law, do any other things that, in the opinion of the Board of Directors, shall promote the common benefit and enjoyment of the residents of the properties.”

IT IS RESOLVED, the Policy Resolution #4-20 Annual Assessment Late Fees be and hereby is adopted, ratified and confirmed:

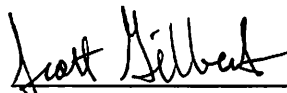
The Board of Directors hereby adopts Policy Resolution #4-20 Annual Assessment Late Fees, attached hereto as Exhibit A and by this reference incorporated herein.

The Board of Directors also repeals West Hill Estates Homeowners Association Policy Resolution #14-18 Annual Homeowners Association Assessment Late and Delinquent Fees, adopted on June 28, 2018.

Duly adopted at a meeting of the Board of Directors of the West Hill Estates Homeowners Association held February 20, 2020. The Policy will be effective February 20, 2020.

Board of Directors 2019-2020	Vote
Scott Gilbert, President	Yes
Tom Gwynn, Vice President	Yes
Lorna O’Guinn, Treasurer	Yes
Doug Austin, Secretary	Yes
Sami Wright, member at large	Yes
Gudrun Hoobler, member at large	Yes
Steve Masten, member at large	Yes

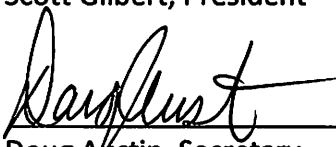
ATTEST:



Scott Gilbert, President

February 20, 2020

(date)



Doug Austin, Secretary

February 20, 2020

(date)

Exhibit A:**Policy Resolution #4-20 Annual Assessment Late Fees**

Interpretation of Bylaws, CC&Rs and Policy Resolutions Pertaining to Annual Assessment Late Fees

BACKGROUND AND PURPOSE (*Bylaws Sections 7.6, 10.1, 10.3, CC&R Sections 10.1(a)(1), 10.5, 11.3, 11.6, 11.7*)

The Bylaws and CC&Rs give the Board of Directors authority to levy an Annual Assessment based on the budget adopted under Section 10.2 of the Bylaws. The Treasurer has primary responsibility for administration of the day-to-day financial matters of the Association. Included in those duties is collection of the Annual Assessment and any applicable late charges for each eligible lot. The 2019-2020 Annual Assessment is \$180.

1. Annual Assessment Billing

Each year, following the date of the Annual Meeting and prior to July 1 of the same year, the Treasurer shall send or ensures that the Association management service provider, if employed, sends an Annual Assessment invoice to every lot owner of record. The assessment shall be for the twelve (12) month fiscal year July 1 through June 30. The payment due date is August 31. Annual Assessment payments not received by the Treasurer or management service provider on or before August 31 shall be considered delinquent and will accrue late and default charges as provided for below.

2. Late Charge

A late charge of \$50 will be assessed on September 1 of the assessment fiscal year to any delinquent lot owner whose Annual Assessment is not paid in full by August 31 of that year. The Treasurer or the management service provider, as appropriate, will send a second invoice to the delinquent lot owner reflecting the \$50 late charge as soon after September 1 as practical. The due date for payment of the delinquent Annual Assessment and late charge is September 30 of the fiscal year levied.

3. Default Charge

- Lot owners who have not paid their assessment and \$50 late charge by September 30 will be both delinquent and in default for the current fiscal year.
- The Treasurer or the management service provider, as appropriate, will send a third invoice as soon after October 1 as practical for the total amount due. The invoice shall contain a notice that if the amount due for the assessment and late charge is not paid by October 31 of the fiscal year levied, an additional 9% simple interest, computed monthly, will be charged until unpaid assessments and penalties are paid in full. This letter shall be sent "Certified Mail" with return receipt.
- Thereafter, the Treasurer will not have the obligation to send the lot owner in default an updated invoice every month unless so directed by the Board. If a management service provider is employed, a monthly or other periodic scheduled invoice reflecting the total due, including any service fee, may be sent as directed by the Board.

4. Ongoing Default

- If by the end of the fiscal year (June 30) full payment of assessment and other charges owed is not received, the Board shall determine if collection action will be initiated against the lot owner.
- A property owner in default as described above with a total amount owed of \$300.00 or more, will be notified by "Certified Mail" that WHEHOA may take any legal action available on or after July 30, including but not limited to, filing a lien, making a small claims court filing, or initiating a lawsuit for a money judgment. The property owner will also be advised they are obligated to pay all expenses incurred by the Association in collecting any unpaid assessment and other charges, including a reasonable administrative fee as established by the Board.

5. Determining Payment Date

- Payments received after the due date but postmarked prior to or on the last day of the month due will not accrue a late charge for the payment due month.
- Payments received after the due date for which the postmarked date cannot be determined and are deposited and/or posted in the financial records by the fourth day after the last day of the due month will not accrue a late charge for the payment due month.

6. Invoices

Invoices for assessment and late charges may include other fees owed. The type and date the fees accrued will be clearly identified in the invoice.

Certified True Copy
Doug Austin
WHEHOA Secretary