

# Muirfield Association, Inc.

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## **Annual Assessment Collection Policy**

The Muirfield Association, Inc. Annual Assessment Collection Policy is in accordance with Article 2 of the Warranty Deed and addresses the application and use of the annual assessment fees and deed enforcement fees.

The annual assessment billing is usually mailed at the end of January of each year. Payment is due and considered late if not received within 30 days. Interest in the amount of 8% per annum shall be incurred on late payments.

Delinquency of more than 90 days may result in a lien being filed against the property and/or legal action for a personal judgment. In addition, the Association shall have the right to enforce and foreclose on the property. Any costs, including attorneys' fees, recording costs, title reports and/or court costs, incurred by the Association in the collection of delinquent assessments shall be added to the amount owed by the delinquent Owner.

Unpaid assessments may result in the suspension of owners/residents rights to use the common property and elements. (See Sec. 5.05)

Payments received are allocated to the owner's account in the following order:

1. Collection of legal fees;
2. Interest and/or administrative late fees;
3. Principal amount owed for common expenses and assessments.

Owners may request a certificate stating that all annual charges or installments thereof (including interest and other fees, if any) have been paid with respect to any specified unit as of the date of such certificate. In the event that all charges and installments thereof have not been paid, the certificate must set forth the amount (including interest and fees, if any) due and payable as of such date. The Association may charge a reasonable fee for this certificate.

## **Annual Assessment Procedure**

### **First Notice – Original Invoice**

- The Annual Assessment invoice is sent via electronic means or postal mail.
- The annual assessment is due within 30 days of invoice date.

### **Second Notice**

Should the assessment remain unpaid after 30 days of the date of the invoice:

- MAI sends owners a statement (2<sup>nd</sup> notice) via electronic means or postal mail.
- This notice advises owners that 8% interest will be added to the account if not paid within 15 days.

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## Third Notice

Should the assessment remain unpaid after 45 days of the date of the original invoice:

- MAI sends the owner a statement which includes interest (3<sup>rd</sup> notice) via electronic means and also by postal mail.
- This notice advises owners that legal action will be taken if account is not paid within 15 days.

After 60 days of the date of the original invoice:

- MAI staff notifies the attorney of the delinquent accounts.

After 90 days has passed without payment:

- MAI staff sends the Association attorney a list of 90-day delinquent accounts.
- The association's attorney is authorized to automatically file a lien against any account that is delinquent more than 90 days and release said lien upon satisfaction.
- The Association's attorney will solicit authorization from the Board of Directors to file a Complaint of Foreclosure against any Lot with an account that has a balance more than \$3,000.

At any time, should another lien holder issue a Complaint for Foreclosure; the Association's attorney will file an Answer to protect the Association's interest if there is no lien. They will file an Answer and a Cross Claim against the owner if there is a lien in order to pursue the amount owed to the Association. The Cross Claim may be dismissed only upon receipt of payment in full.