

**POTOMIA COMMUNITY ASSOCIATION, INC.**

**ADMINISTRATIVE RESOLUTION NO. 1**

**PROCEDURES RELATIVE TO ASSESSMENTS**

relating to collection of routine and delinquent payments

WHEREAS, Article 7, Section 7.1 (c) of the Bylaws states that the Board of Directors may "exercise for the Association all powers, duties, and authority vested in or delegated to this Association and not reserved to the Membership by other provisions of these Bylaws, the Articles of Incorporation, or the Declaration;" and

WHEREAS, Article 5, Section 5.1 of the Declaration creates an assessment obligation for owners; and

WHEREAS, Article 6 of the Declaration establishes certain provisions for the payment and collection of assessments; and

WHEREAS, there is a need to establish orderly procedures for the billing and collection of said assessments;

NOW THEREFORE, BE IT RESOLVED THAT the following assessment procedures be adopted:

**I. ROUTINE COLLECTIONS**

A. All monthly installments of the annual assessments shall be due and payable in advance on the first day of the applicable month ("Due Date").

B. All documents, correspondence, and notices relating to the charges shall be mailed to the address which appears on the books of the Association or as modified in writing by a Unit Owner.

C. Non-receipt of an invoice shall in no way relieve a Unit Owner of the obligation to pay the amount due by the Due Date.

**II. REMEDIES FOR NON PAYMENT OF ASSESSMENT**

A. If payment is not received by the Managing Agent by the tenth (10th) day of each month (or the first working day thereafter if such day is a Saturday, Sunday or legal holiday) the account shall be deemed late and a late fee of fifteen dollars (\$15.00) per dwelling unit shall automatically be added to the account and thereafter be a part of the continuing lien for assessments as provided for in Article 5 of the Declaration until all sums due, including such late charge, shall have been paid in full. A "Late Notice" substantially in the form of Exhibit A to this Administrative Resolution shall be sent to Owners who have not paid their assessments in full by the thirtieth (30th) day of the month.

B. If payment in full, including late charges, is not received by the Managing Agent by the forty-fifth (45th) day after the due date, a "Notice of Intent to Accelerate Installments and File a Memorandum of Lien" substantially in the form of Exhibit B to this Resolution shall be mailed to the Unit Owners. The Managing Agent may simultaneously send a copy of such Notice to the Mortgagee of such Unit, if known. The Notice shall be sent to the Unit Owner by certified mail, return receipt requested.

C. If payment in full, including late charges and cost of the certified letter is not received by the Managing Agent within thirty (30) days after the "Notice of Intent to Accelerate Installments and File Lien" has been issued, then the remaining installments of the annual assessment shall be accelerated and a lien shall be placed on the Unit. Counsel will so notify Owner with a copy of the lien, and the Managing Agent may notify the Mortgagee, if known. Counsel may also file a civil suit against the Unit Owner on the basis of the personal obligation to pay the assessments. The cost of filing both the lien and the civil suit will be added to the account, plus accrued late fees, interest chargeable by law on the unpaid assessment, and all other costs incurred by the collection process as allowed by Article IV of the Declaration.

D. If within ten (10) days of the filing of the Memorandum of Lien the account still remains delinquent, counsel for the Association shall take other appropriate legal action as directed by the Board.

E. If the Association receives from any Owner, in any accounting year, two or more returned checks for payment of assessments, the Board may require all future payments to be made by certified check or cashier's check or money order for the remainder of the fiscal year. A reasonable charge will be made for any returned checks, which amount shall be established by the Board of Directors and may be changed by the Board from time to time.

F. The Board may grant a waiver of any provision herein upon petition in writing by an Owner alleging a personal hardship. Such relief granted an Owner shall be appropriately documented in the Association files. Such documentation shall include, without limitation, the basis for taking such action. Generally, late charge waivers will not be considered for owners who have not mailed their assessment in sufficient time to have been received by the due date.

G. The Board hereby authorizes the Managing Agent to waive the imposition of late fees on payments received by the Managing Agent after the thirtieth (30th) day of the month, if the delinquent Unit Owner has owned the Unit for less than three (3) months at the time of the delinquency and, in the judgment of the Managing Agent, the delinquency was the result of a misunderstanding of the correct procedures relating to payment of the assessment. Such a waiver may be granted only once to any delinquent Unit Owner.

All Unit Owners who are delinquent shall be subject to the provisions of this Resolution and to the provisions of Article 6 of the Declaration with respect to nonpayment of assessments.

**EXHIBIT "A"**  
**TO ADMINISTRATIVE RESOLUTION NO. 1**

**LATE NOTICE**

Account Number: \_\_\_\_\_ Past Due: \_\_\_\_\_  
Address: \_\_\_\_\_ Late Fee: \_\_\_\_\_  
Balance Due: \_\_\_\_\_  
Pay to: Potomia Community Association

NAME:  
ADDRESS:  
QUESTIONS?  
CALL CMC: (703) 63 1-7200

**REMINDER NOTICE**

ACCOUNT #: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
POTOMIA COMMUNITY ASSOCIATION

Balance Due: **1**

Past Due:  
Late Fee:  
THIS BILL REFLECTS PAYMENTS  
THROUGH \_\_\_\_\_

C/O Community Management Corporation  
12701 Fair Lakes Circle, Suite 400  
P.O. Box 10821  
Chantilly, Virginia 20153-0821  
**Payment Due the First Day of the Month**  
**Return this Portion with Check**

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

EXHIBIT "B" TO ADMINISTRATIVE RESOLUTION NO. 1  
NOTICE OF INTENT TO ACCELERATE INSTALLMENTS AND FILE LIEN

RE: POTOMIA COMMUNITY ASSOCIATION

Date: \_\_\_\_\_

To: \_\_\_\_\_

TOTAL AMOUNT DUE:

DELINQUENT ASSESSMENTS:

TOTAL DELINQUENT ASSESSMENTS

LATE FEES AND OTHER CHARGES:

Late Fees \$

Certified Mail/Admin. Charges \$

TOTAL LATE FEES AND OTHER CHARGES \$

TOTAL AMOUNT DUE \$

Prompt payment of assessments is essential to the financial health of the Association and the protection of all the Unit Owners. We hope that you will promptly pay the amount now due.

If payment in full is not received by the Managing Agent within thirty (30) days after the date of this Notice, the remaining installments of your annual assessment shall be declared due and payable immediately and a Memorandum of Lien for \$\_\_\_ shall be filed against your unit, pursuant to Administrative Resolution No. 1, or suit may be filed by the Association to recover outstanding balance plus court costs and attorney fees.

If a PRIOR judgment exists against you for assessments, you will need to contact the association attorney, \_\_\_\_\_, to determine costs, interest and attorney fees that may be owed by you. The attorneys may be reached at \_\_\_\_\_. Any judgments already recorded will have costs, interest and attorney fees that will have to be paid through the attorney's office before the judgment may be released.

We sincerely hope your prompt payment will eliminate the necessity of taking this action.

Sincerely,

Delinquency Coordinator

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

**EXHIBIT "C"**  
**TO ADMINISTRATIVE RESOLUTION NO. 1**

**POTOMIA COMMUNITY ASSOCIATION**  
**NOTICE OF ACCELERATION OF INSTALLMENTS AND FILING OF LIENS**

Date:	AMOUNT DUE: \$
To:	Assessment: \$
	Late Fees: \$
	Certified/Admin. Charges: \$
Re:	TOTAL \$
	Accelerated Assessments: \$
	TOTAL DUE: \$

You have previously received two notices of the delinquent status of your account. The installments on your assessments HAVE NOW BEEN ACCELERATED, and a memorandum of lien will be filed in the Circuit Court Clerk's Office of Loudoun County, if full payment is not made within ten (10) days. Your account will be referred to an attorney who shall be directed to record the lien and file suit for the accelerated assessments.

If a **PRIOR** judgment exists against you for assessments, you will need to contact the association attorney, \_\_\_\_\_, to determine costs, interest and attorney fees that may be owed by you. The attorney's may be reached at \_\_\_\_\_. Any judgments already recorded will have costs, interest and attorney fees that will have to be paid through the attorney's office before the judgment may be released.

Sincerely,

Delinquency Coordinator