



The Association of Unit Owners of Firelight Meadows Condominiums, Inc.

BOARD OF DIRECTORS RESOLUTION

RESOLUTION: ESTABLISHMENT OF AN ASSESSMENT COLLECTION POLICY

Date of Board Adoption: June 17, 2015

Resolution No.: 2015-01

Effective Date June 17, 2015

Dates Revised: _____

RESOLUTION

WHEREAS, Article V of the Declaration and Bylaws for Firelight Meadows Condominiums (the "Declaration") and the Bylaws of The Association of Unit Owners of Firelight Meadows Condominiums (the "Bylaws") provides for the creation of three types of assessments: (a) Annual Assessments to fund Common Expenses as described in the Declaration in Article V Section 8 Paragraph b; (b) Special Assessments as described in the Declaration Article V Section 8 Paragraph e; and (c) Special Assessments as described in the Bylaws Paragraph 8(L); and

WHEREAS, the Bylaws Paragraph 8(F) authorizes the Association to levy and account for said assessments; and

WHEREAS, the Declaration Article V, Section 5 authorizes the Association to collect interest, late charges, costs, and reasonable attorney's fees for delinquent assessments; and

WHEREAS, the Declaration states that assessments shall be due and payable thirty (30) days after the due date as set forth in Article V, Section 5; and

NOW, THEREFORE BE IT RESOLVED THAT: the Board of Directors (the "Board") desires to establish the time for when and how assessments shall be paid and the process for collection of delinquent assessments in accord with the following policy:

1. **Budget:** Per the Declaration Article V, Section 8, Paragraph (a), the Board of Directors shall cause a preliminary budget to be mailed to each Unit Owner prior to the annual meeting and then presented at the annual meeting for discussion, potential amendment, and approval of the Unit Owners. The Association's fiscal year runs from January 1st to December 31st of each year;
2. **Annual Assessment:** The Declaration Article V, Section 8, Paragraph (b) provides for the establishment of annual assessments.
3. The Board establishes that annual assessments shall be billed quarterly and notices for the next fiscal quarter shall be mailed to the Unit Owners of record as of January 1st, April 1st, July 1st, and October 1st. Unit Owners that sell their property to a third party during the



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fiscal year, are to notify the Association of the Unit Ownership change prior to recording and provide the new Unit Owner's mailing address; thereafter the new Unit Owner is responsible for payment of the assessments and the Association shall mail the assessment notices to the new Unit Owner;

4. ***Payment and Due Dates:*** The Declaration Article V, Section 5, states that the assessments shall be paid thirty (30) days from the date of the due date as set forth in the mailing of the Assessments. Assessments shall be paid quarterly in equal amounts and shall be received by the Association on or before January 31st; May 1st; and July 31st; and October 31st of each fiscal year;
5. ***Application of Payments.*** All payments received will be applied in the following order, as applicable: legal costs, legal fees, collection costs and expenses, filing/recording fees, late fees and finance charges, and assessment principal (oldest to newest);
6. ***Assessment Notices and Unit Owner's Responsibility.*** Assessment notices will be sent to each Unit Owner on the first day of each fiscal quarter. The Unit Owner shall pay the assessment amount per the Declaration by the Due Date whether or not the assessment notice is actually received by the Unit Owner;
7. ***Delinquent:*** Assessments not received thirty (30) days after the due date on the assessment notice, are considered delinquent and interest will accrue in accordance with this policy;
8. ***Late Charges:*** The Declaration Article V, Section 5 states that at thirty (30) days past the due date, delinquent amounts are subject to a late fee equal to 25% of the amount due;
9. ***Interest:*** Article V, Section 5 of the Declaration states that all assessments shall bear interest at twelve (12) percent per annum from the date the delinquency first occurs and shall be computed as simple interest not compounding and shall be charged only on the assessment amount owed not on any late charges, costs or attorney's fees;
10. ***Liens:*** If the Unit Owner does not pay the assessments owed, then the Association may file/record a lien in the office of the Clerk and Recorder for Gallatin County and send a copy of the filed/recorded lien to the Unit Owner U.S. Mail, certified;
11. ***Disputes.*** Any Unit Owner who disputes any assessment(s) must submit the dispute in writing to the Board and pay the assessments under protest by the due date. Any disputed assessment must be paid by the due date or will be considered delinquent and all late fees and interest charges will begin to apply. The Board or its agent will send acknowledgement of receipt of the Unit Owner's letter of dispute within thirty (30) days of receipt by the Board and disputes will be reviewed at the next regularly scheduled Board meeting for which there is quorum. The Unit Owner or their agent shall have the opportunity to be present and comment at the Board meeting for which their dispute is discussed. The Board shall issue their decision regarding the Unit Owner's dispute in writing to the Unit Owner within thirty (30) days of the Board meeting;



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12. **Costs and Attorney's Fees:** The Association, in its sole discretion, may charge the cost to prepare any liens and the cost to file/record the liens in the public record to the Unit Owner. All attorney's fees incurred in the preparation or enforcement of assessments owed will be passed through to the delinquent Unit Owner;
13. **Publication of Overdue Assessments:** Unit Owners are on notice that the Board will include in their financial reports a delinquency report reflecting those accounts that are delinquent. Accounts will be identified by account number and/or legal description;
14. **Other Remedies:** If payment of the assessments has not been received within ninety (90) days of the due date, the Board on behalf of the Association reserves its rights to submit any delinquency to its legal counsel or a collection agency for collection. The Board also reserves its rights to send notice of delinquent assessments or lien to the Unit Owner's mortgage lien holder;
15. The Board is the sole interpreter of this Resolution and decisions by the Board are final;
16. This Resolution supersedes all other Policies/Resolutions with regard to handling the collection of delinquent assessments.

DATED this 17 day of June, 2015

BOARD OF DIRECTORS

The Association of Unit Owners of Firelight Meadows Condominiums, Inc.

Karen Roberts

Karen Roberts, President

June 17, 2015

Date

Catherine Gilb

Catherine Gilb, Secretary

June 17, 2015

Date

Curt Wilson

Curt Wilson, Treasurer

17 June 2015

Date