

OAK PARK CIVIC ASSOCIATION, INC.
Board of Directors Resolutions
Assessment and Collection Policy
October 29, 2020

WHEREAS, Article V, Sections 5.3, 5.4, 5.5 and 5.6 of the Declaration of Covenants, Restrictions, Rights, Affirmative Obligations and Conditions (“Declaration”) provides that the Board of Directors of the Association (“Board”) may establish, increase and decrease assessments upon Lots in accordance with the By-laws of Oak Park Civic Association, Inc. (“By-laws”); and,

WHEREAS, pursuant to Article V, Section 5.1 of the Declaration, each Owner of any Lot, whether or not it is so expressed in his deed, covenants to pay to the Association assessments as set forth in the Project Documents; and,

WHEREAS, Article V, Section 5.10 of the Declaration provides that the Association may impose a late charge of 5% of the amount of any assessment which is not paid within seven (7) days of its due date; and,

WHEREAS, Article V, Section 5.10 of the Declaration provides that the Association may accelerate all remaining installments of the assessment due within a fiscal year if any assessment is not paid within seven (7) days of its due date; and,

WHEREAS, Article V, Section 5.1 of the Declaration provides that each assessment that is not paid when due shall bear interest at a rate established by the Association, which rate shall not exceed 12% per annum.

WHEREAS, Article V, Section 5.6 of the Declaration provides, in part, that individual assessments shall include violation charges assessed pursuant to Section 4.3 of the Declaration and Section 55-513B of the Virginia Code.

WHEREAS, Article V, Section 5.1 of the Declaration provides that the assessments, together with interest thereon and costs of collection, shall be a continuing lien upon the Lot against which each assessment is made and shall also be the personal obligation of the party who was the Owner of the Lot at the time the assessment fell due; and,

WHEREAS, Article V, Section 5.10 of the Declaration provides that interest and costs of collection, including attorney’s fees shall be added to the amount of such assessment and shall be secured by the assessment lien; and,

WHEREAS, Article V, Section 5.10 provides that the Association may perfect and enforce its lien of the assessments provided for in the Declaration in the manner provided by Section 55-516 of the Virginia Code and also may bring an action at law against any Owner personally obligated to pay the same, including for a deficiency judgment following foreclosure.

WHEREAS, Article III, Section 3.5(ii) of the By-laws provides that, unless otherwise determined by the Board of Directors, the annual regular and any applicable neighborhood assessment against each Lot shall be payable in equal monthly installments, each such installment to be due and payable in advance on the first day of each calendar month.

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the Association, pursuant to Article V of the Declaration and in accordance with Section 55-516 of the Virginia Code hereby adopts and approves the following policy for payment of assessments, charges for late payment of assessments and collection of past due accounts.

I. PAYMENT OF ASSESSMENTS

- a. The annual regular assessment shall be paid in two (2) equal installments due January 1 and July 1 of each year.
- b. The annual individual assessment for unimproved Lot maintenance shall be paid in a single lump sum due on July 1 of each year.

II. CHARGES FOR LATE PAYMENT OF ASSESSMENTS

- a. A late charge shall be imposed against the Lot Owner in the amount of 5% of the amount of the assessment due for any assessment which is not paid in full within seven (7) days of its due date.
- b. All remaining installments of any assessment due within a fiscal year shall be accelerated if the installment is not paid within 30 days of its due date.
- c. Each assessment that is not paid within 30 days of its due date shall be charged interest at a rate of 12% per annum from the time such amounts became due and payable.
- d. All accounts referred to the Association's attorney for collection pursuant to Section III below shall be charged a \$65.00 fee in addition to actual costs and attorney's fees incurred to file and enforce any lien perfected pursuant to Section 55-516B of the Virginia Code.

III. COLLECTION OF PAST DUE ASSESSMENTS

- a. An electronic notice will be sent to the Owner of a Lot who has not paid any assessment within seven (7) days of its due date.
- b. A written notice shall be sent by certified mail to the Owner of a Lot, at his last known address, who has not paid any assessment within 30 days of its due date, informing the Owner that a memorandum of lien will be filed in the Chesterfield County circuit court clerk's office.
- c. If payment is not received from the Owner within 10 days of written notice, the Association shall instruct its attorney to perfect its lien against the Lot by filing a

memorandum of lien with the Chesterfield County circuit court clerk's office in accordance with Section 55-516B of the Virginia Code.

- d. If payment is not received within 30 days of filing a memorandum of lien, the Association shall instruct its attorney to take all actions necessary to enforce the lien and collect the past due assessments including bringing a suit to obtain a judgment against the Owner for all amounts secured by the lien including, without limitation, reimbursement for costs and reasonable attorneys' fees and interest from the time such amounts became due and payable.
- e. When payment or satisfaction is made of a debt secured by a lien perfected in accordance with Section 55-516B of the Virginia Code, the lien shall be released in accordance with the provisions of Section 55-66.3 of the Virginia Code.