

**Summers Landing Homeowners Association, Inc
Policy Rules and Regulations No. 2017-01**

**Procedural Rule and Regulation to Clarify
Article IX, Section 6, Effect of Non-Payment of Assessment: the Lien
Remedies of the Association, of the Declaration**

This Policy Rules and Regulation supersedes and voids Policy Rules and Regulation 2003-02, 2009-01 and 2012-01 which were approved by the Board of Directors on September 11, 2003, November 18, 2009, and April 24, 2012, respectively.

Whereas: Article VI, Section 1, of the Bylaws of Summers Landing Homeowners' Association, Inc. provides that the Board of Directors has the power to adopt Rules and Regulations clarifying the Declaration, and the power to adopt Procedural Rules and Regulations to implement the Declaration, so long as such Rules and Regulations do not conflict with the Declaration; and,

Whereas: The Board has determined that there is a need to clarify the provisions of Article IX, Section 6, Effect of Non-Payment of Assessment: the Lien Remedies of the Association;

Now, Therefore be it Resolved that the Board adopts the following Policy Rule and Regulation as a procedural clarification of Article IX, Section 6 of the Declaration concerning the non-payment of assessments:

1. Any annual maintenance or special assessment which is not paid within thirty (30) days of the due date will be delinquent.* The failure of any owner to pay any assessment within thirty (30) days from the due date may result in-cost of collection fees and interest. The monthly cost of collection fee of \$15 includes, but is not limited to, costs to prepare letters and invoices, maintaining the delinquent accounts and mailings. The monthly \$15 fee includes cost of collection and interest from the date of delinquency. The monthly \$15 cost of collection and interest fee will be applied for each month that the account is not current. Such interest and cost of collection shall be part of the continuing lien established pursuant to Article IX, Section 2 of the Declaration and Section 55-516 of the Property Owners' Association Act.
2. Any check returned dishonored will result in the assessment of a returned check charge against the account of the owner responsible for payment, plus any protest or bad check return fee, if any, charged to the Association by its bank or other depository.
3. Once the delinquent account becomes six (6) months past due from the due date, the Association may refer the matter to its attorney for collection. Monthly **interest and collection charges** and attorney fees will be added to the total amount due.
4. If the Association's attorney is unable to collect the debt, the Association or its attorney will, upon 30 days written notice to the owner, file a warrant in debt and affidavit in the General District Court of Spotsylvania, Virginia to seek

judgment on accounts that are at least six (6) months delinquent. Any fee for filing service and attorney fees will be added to the delinquent account.

5. Payments received towards the delinquent account will be credited in the following order of priority:

- a. Charges for attorney's fees and court costs;
- b. Interest and cost of collection charges;
- c. Any and all special assessments;
- d. The general assessment.

6. The Association reserves the right to suspend the voting rights and rights of a member to the use of any recreational facilities constructed on the common area for any period during which any assessment against a lot or unit remains unpaid.

**When a payment plan for annual maintenance or special assessment has been approved by the Association and the account becomes delinquent, the Association may, upon notice to the owner, declare the entire balance of any annual general assessment or special assessment due and payable in full.*

The effective date of this policy shall be September 20, 2017.

I hereby certify that this Policy was duly adopted by the Board of Directors on September 20, 2017.

BOARD OF DIRECTORS
SUMMERS LANDING HOMEOWNERS
ASSOCIATION, INC.

By: _____
John D. Thyen, President