

Jamestown Hundred Homeowners Association, Inc.

Policy Resolution #2010 – 002 Procedures Relating to Collection of Assessments

Article IX of the Amended and Restated Bylaws of Jamestown Hundred Homeowners Association Inc. dated March 25, 2002 creates an assessment obligation for owners of property in Jamestown Hundred (“The Association”) and empowers the Association’s Board of Directors (“the Board”) to make and enforce assessments against owners, and to establish the methods of collecting assessments from owners. Orderly procedures for collecting assessments must be established.

NOW THEREFORE, it is hereby resolved that the Board of Directors of Jamestown Hundred Owners Association, Inc. by the Association’s governing documents, the Virginia Property Owners’ Association Act, and this Resolution duly adopts the following assessment collection procedures:

1. Installments. The Association will allow owners to pay annual assessments in two (2) payments, payable on the 1st day of January and the 1st day of July each year. All special assessments, unless otherwise provided by the Board, shall be due and payable on the first day of the month after notice to the owner of the special assessment.
2. Address. The Association shall mail all documents, correspondence, and notices relating to assessments to the address that appears on the books of the Association. An owner is obligated to provide the Association a current mailing address. Non-receipt of an invoice shall in no way relieve the lot owner of the obligation to pay any amount due by the due date.
3. Interest. If payment of an assessment, any installment, or other charges not received paid within thirty (30) days after the original due date, the Assessment and late charge combined shall begin to accrue interest at the rate of eighteen percent (18%) per annum, compound annually.
4. Late Fee. If payment of an assessment, any installment or other charges is not received by the fifteenth (15th) day of the month in which payment is due, a late fee of five percent (5%) OR \$20.00, whichever is greater shall be added to the amount due and shall be a part of the continuing lien for assessments.
5. Acceleration. In the event that any Assessment against any Lot is not paid within forty-five (45) days after the original due date, the Board of Directors shall have the right, at its option, by written notice to the Member, to accelerate the Assessments attributed to that Lot for the remainder of the calendar year, which amount shall be immediately due and owing and shall result in an additional late charge and interest if not paid within the time periods described above for assessments generally.

6. Legal counsel. If a lot owner has not paid the assessment, the Association may bring an action at law against the Member personally obligated to pay the same, or foreclose on the lien against the Lot; and in either event, the Association shall be entitled to recover interest, costs, and attorneys' fees of not less than twenty-five (25%) of the amount due or One Hundred Fifty Dollars (\$150.00), whichever is greater.

7. Foreclosure. Notwithstanding any other provisions hereof to the contrary, the lien of any Assessment levied pursuant to these Bylaws upon any Lot in the Development shall be subordinate to, and shall in no way affect the rights of the lender which is the holder of an indebtedness secured by a recorded first mortgage or first deed of trust (meaning a mortgage with priority over all other mortgages) upon such Lot made in good faith and for value received; provided, however, that such subordination shall apply only to Assessments which have become due and payable prior to a sale or transfer of such Lot pursuant to a decree of foreclosure, or any other proceeding in lieu of foreclosure. Such a sale or transfer shall not relieve the purchaser of the Lot at such sale from liability for any Assessments thereafter becoming due, nor from the lien or any such subsequent Assessments, which lien shall have the same effect and may be enforced in the same manner as provided herein.

8. Returned Checks. If a check is returned on any payment, a returned check charge of Twenty-five Dollars (\$25.00) shall be added to the amount due and shall be a part of the continuing lien for assessments. If the Association receives two (2) or more checks returned for insufficient funds from any owner, in any accounting year, the Board may require all payments to be made by certified check, cashier's check or money order for the remainder of the fiscal year.

9. Board Waiver. The Board may grant a waiver of any provision herein, except filing of memoranda of liens beyond the statutory deadline, at its discretion or upon petition, in writing, by an owner alleging a personal hardship.

10 Crediting of Payments. Payment received from a lot owner shall be credited in the following order:

- a. Attorneys' fees and costs.
- b. Returned check charges, interest, and late fees.
- c. Expenses incurred by the Association as a result of any violation by an owner, his family, employees, agents, lessees or licensees of the governing documents.
- d. Annual and special assessments applied first to the oldest amount due.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to all homeowners at their last known address

This resolution was adopted by the Board of Directors on the ____ day of _____, 2010 effective on the 15th day of October 2010. Approved and recorded in the Minutes of the meeting on the ____ day of _____, 2010.

Jamestown Hundred Owners Association, Inc.

By: _____
Paul Harder – President

Certified By: _____
Taru Keith Taylor, Secretary

CITY/COUNT OF James City County

COMMONWEALTH/STATE OF Virginia

The foregoing instrument was acknowledged before me this ____ day of _____ 2010, by:

Joseph Robert Gagliano

Notary Public

My commission expires: February 28, 2013.

This Resolution upon adoption shall become effective on the 1st day of October 2010.