

**ASPEN MESA HOME OWNERS ASSOCIATION
COLLECTION POLICY AND PROCEDURE**

Adopted JUNE 3, 2009

The following policy and procedure has been adopted by the Directors ("Board") Aspen Mesa Home Owners Association ("Association") pursuant to Colorado statutes, for collection of unpaid assessments.

1. Due Date. The Association's Annual Assessment shall be due and payable, in full, within thirty (30) days of the billing for each calendar year. Assessments or other charges not paid to the Association by the 31st day following the annual billing shall be considered past due and delinquent.
2. Late Charge and Interest Imposed. Once a payment is past due and delinquent, a Late Charge equal to one and one half percent (1 ½ %) of the unpaid balance due shall be assessed monthly. Further, interest shall accrue at eighteen percent (18%) per annum on all outstanding or past due balances.
3. Return Check Charges. In addition to any and all charges imposed under the Declaration, Colorado statutes, or this policy, a fifty dollar (\$50.00) fee or other amount deemed appropriate by the Board shall be assessed against an owner in the event any check or other instrument attributable to or payable for the benefit of such owner is not honored by the bank or is returned by the bank for any reason whatsoever, including but not limited to insufficient funds. Such return check charge shall be due and payable immediately, upon demand. Notwithstanding this provision, the Association shall be entitled to all additional remedies as may be provided by applicable law. Returned check charges shall be the obligation of the owner(s) of the Unit for which payment was tendered to the Association. Returned check charges shall become effective on any instrument tendered to the Association for payment of sums due under the Declaration, Colorado statutes, Rules and Regulations or this policy.
4. Attorney Fees on Delinquent Accounts. As an additional expense permitted (collectible as a Common Expense Assessment) under the Declaration and Colorado statutes, the Association shall be entitled to recover its reasonable attorney fees and collection costs incurred in the collection of assessments or other charges due the Association from a delinquent owner. The reasonable attorney fees incurred by the Association shall be due and payable immediately when incurred, upon demand.

5. Application for Payments made to the Association. Regardless of the inscriptions or notations on the front of the check, all payments received on the account of any owner shall be applied in the following order: 1) any and all attorney fees, legal fees and costs incurred for collection of assessments or for owner's failure to comply with provisions of the Association's Governing Documents, including lien fees; 2) fines, late charges and interest; 3) returned check charges, and other costs owing or incurred with respect to such owner pursuant to the Declaration, Colorado statutes, Rules and Regulations, or this Policy; 4) Past-due Special Assessments (if any); 5) currently due Special Assessments (if any); 6) Past-due installments of Annual Assessments; 7) Current installments of Annual Assessments.

6. Collection Procedures.
 - a. After any charge due the Association, becomes 20 days past due, the Board may cause, but shall not be required to send, a "late notice" to the owner who is delinquent in payment.
 - b. If payment in full is not received within 60 days of the date due, the Board may, but shall not be required to send the account to the Association's attorney for collection.

7. Referral of Delinquent Accounts to Attorneys. The Board may, but shall not be required to refer delinquent accounts to its attorney for collection. Upon referral to the attorneys, the attorneys shall take all appropriate action to collect the accounts referred, including recording of a Notice of Assessment Lien against the Owner's Unit. After an account has been referred to an attorney, the account shall remain with the attorney until the account is settled, has a zero balance or is written off. All payment plans involving accounts referred to an attorney for collection shall be set up and monitored through the attorney.

8. Appointment of a Receiver. The board may seek the appointment of a receiver if an owner becomes delinquent in the payment of installments of Annual Assessments. A receiver is a disinterested person, appointed by the court, who manages the rental the property, collects the rent and disburses the rents according to the court's order. The purpose of a receivership for the Association is to obtain payment of current assessments, reduce past due assessments, and prevent the waste and deterioration of the Unit.

9. Judicial Foreclosure. The Board may choose to foreclose on the Association's lien in lieu of or in addition to suing an owner in court for a money judgment. The purpose of foreclosing is to obtain payment of all assessments owing in situations where either a money judgment lawsuit has been or is likely to be unsuccessful in obtaining payment, or other circumstances favor such action.
10. Waivers. The Board may grant a waiver of any provision herein upon petition in writing by an owner showing a personal hardship. Such relief granted an owner shall be appropriately documented in the files with the name of the person or persons representing the Board granting the relief and the condition of the relief
11. Ongoing Evaluation. Nothing in this policy shall require the Board to take specific actions at a specific time but the Board shall not take any action in less than the time stated herein for a particular action. The Board has the option and right to continue to evaluate each delinquency on a case by case basis.

SECRETARY'S
CERTIFICATION:

The undersigned, being the Secretary of Aspen Mesa Home Owners Association, a Colorado non-profit corporation, certifies that the foregoing policy and procedure was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board June 3, 2009, and in witness thereof, the undersigned has subscribed his/her name.

ASPEN MESA HOME OWNERS ASSOCIATION
a Colorado non-profit corporation

By: Susan M. Zimmerman
Secretary