

FAIRBORNE CONDOMINIUM ASSOCIATION, INC.

ASSESSMENT COLLECTION POLICY

WHEREAS, the Board of Directors (the "Board") of FAIRBOURNE CONDOMINIUM ASSOCIATION, INC. (the Association) is charged with the responsibility of collecting assessments for common expenses from unit owners pursuant to the governing documents of the Association and the Florida Condominium Act (Chapter 718, Florida Statutes); and

WHEREAS, from time to time unit owners become delinquent in their payments of assessments and fail to respond to demands from the Association to bring their accounts current; and

WHEREAS, the Association's Board deems it to be in the best interests of the Association to adopt a uniform and systematic procedure for dealing with delinquent accounts in a timely manner, and further believes it to be in the best interests of the Association to refer these accounts promptly to the Association's attorney for collection, so as to minimize the Association's possible loss of revenues; and

WHEREAS, the Association's Board has retained the Association's attorneys to protect the Association's interests, including those interests related to the collection of unpaid assessments from unit owners; and

WHEREAS, the Association's Board has directed the Association's attorneys to represent the Association on the terms outlined in this resolution, or as otherwise recommended by the Association's attorneys;

NOW, THEREFORE, BE IT RESOLVED that, the Association's attorneys shall pursue all collection and other matters that the Association's Board, acting through the Association's Management Company, may from time to time refer to them and to provide any advice and counsel that the Association's Board may from time to time require; and

BE IT FURTHER RESOLVED that, the Association's Management Company is directed to send to any unit owner who is more than fifteen (15) days delinquent in the payment of any regular assessment, special assessment or other charges authorized by the Association's governing documents or statutes (hereinafter referred to as "Assessments"), a written notice of the delinquent balance and a request for immediate payment; and

BE IT FURTHER RESOLVED that, the Association's Management Company, upon the direction of the Board, will send any unit owner's account that is more than thirty (30) days delinquent in the payment of any Assessments to the Association's attorney for immediate legal action; and

BE IT FURTHER RESOLVED that, when required by law, the Association's attorney is directed to send to any unit owner who remains delinquent thirty (30) days after the payment of any Assessment was initially due a thirty (30) day notice advising of the Association's notice of intent to lien the unit to collect Assessments, which thirty (30) day notice shall include demand for all pre-lien attorney's fees and costs of collection; and

BE IT FURTHER RESOLVED that, as required by law, the Association's attorney upon receipt of written instructions from the Board shall record a claim of lien against any lot when the unit owner remains delinquent after the thirty (30) day notice to the unit owner has expired, and the unit owner shall be liable for payment of all attorney's fees and costs of collection imposed by the Association and the Association's attorney; and

BE IT FURTHER RESOLVED that, as required by law, following the recording of a claim of lien against any unit, the Association's attorney is directed to send to any unit owner who remains

delinquent a thirty (30) day notice advising of the Association's notice of intent to foreclose the claim of lien to collect Assessments, which thirty (30) day notice shall include demand for all attorney's fees and costs of collection, including those related to the claim of lien; and

BE IT FURTHER RESOLVED that, the Association's attorney is directed, upon receipt of written instructions from the Board, to file a lawsuit seeking all relief available, at law or in equity, against any unit owner who remains delinquent thirty (30) days after notice of the Association's intent to foreclose the claim of lien to collect Assessments has been sent; and

BE IT FURTHER RESOLVED that, as permitted by law and recommended by the Association's attorney, the Board has the discretion in its business judgment to depart from the above-stated processes from time to time in order to protect the Association's interests; and

BE IT FURTHER RESOLVED that, the Association's Management Company is directed to consult with the Association's attorney and turn over for a response or other action any account where the unit owner files or is the subject of a petition for relief in bankruptcy or a lender has commenced any action for foreclosure of its lien right against a lot, whether the unit owner's account with the Association is delinquent or not; and

BE IT FURTHER RESOLVED that, in addition to all other remedies available to the Association, if a unit owner's account is delinquent in excess of ninety (90) days, the Association shall suspend the unit owner's rights, as well as the unit owner's tenant's and guest's rights, to use Common Areas and Amenities. If the Association imposes a suspension, the Association must provide written notice of such suspension by mail or hand delivery to the unit owner and, if applicable, to any tenant, licensee, or invitee of the unit owner.

BE IT FURTHER RESOLVED that the following policies shall apply to all delinquent accounts turned over to the Association's attorney for collection:

1. All contacts with a unit owner who has been placed with the Association's attorneys for collection, including a demand letter, lien or lawsuit, shall be handled through the Association's attorney. Neither the Management Company nor any Association officer or director shall discuss the collection of the amount directly with a unit owner after it has been turned over to the Association's attorneys, unless one of the Association's attorneys is present or has consented to the contact.

2. All sums collected on a delinquent account shall be promptly remitted to the Association upon receipt. The Association's attorney shall request an account history from the Association's Management Company before settling or closing an account. Management Company shall provide the Association's attorney with same.

3. The Association's attorney's legal fees and costs shall be assessed against each delinquent lot and its owner when the account is turned over to the Association's attorneys for collection.

IN WITNESS WHEREOF, the Board of Directors of FAIRBOURNE CONDOMINIUM ASSOCIATION, INC. has approved the provisions hereof this 26th day of April, 2012, at a duly called meeting of the Board at which a quorum was present, by a unanimous vote of 5 to 0.

Respectfully submitted,



Ellen Moyle Harris, Secretary
Fairbourne Condominium Association