

**EAST HORIZON CONDOMINIUM ASSOCIATION, INC.**

A Corporation Not-For-Profit

**RESOLUTION OF THE BOARD OF DIRECTORS ADOPTING  
COLLECTIONS POLICY AND PROCEDURES**

WHEREAS, East Horizon Condominium Association, Inc. (the “Association”) is a condominium association governed by Chapter 718, Florida Statutes; and

WHEREAS, the Board of Directors of the Association, by majority vote of the directors, does hereby determine that the adoption of a Collections Policy and Procedures is required to effectuate the better management of the community, and;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Association, that:

Assessments shall be due on the first day of each month. If an assessment is not paid after ten (10) days, an administrative late fee may be charged, this late fee being the greater of \$25 or five percent (5%) of the amount due. The Board shall also send a late notice via regular U.S. Mail or e-mail notifying providing the owner of the late fee and the non-payment of a due assessment. The letter will note that the Association can commence legal collection proceedings as soon as thirty (30) days after the due date if the late fee and unpaid assessment is not received provided such letter is sent within twenty (20) days of the due date; otherwise, collection procedures can commence no sooner than ten (10) days after transmission of the letter.

If payment is not made within thirty (30) days of due date, collection procedures shall commence via a “Notice of Intent to Lien”, which shall be prepared and mailed to the delinquent unit owner by the Association’s management company or attorney in accordance with Florida Statutes. Additionally, interest shall be charged on the delinquent sum at the rate of fifteen percent (15%) per annum, from the date of delinquency until paid. Such interest is in addition to the administrative late fee and legal expenses of the collection effort.

If the outstanding balance is not paid within thirty (30) days of the date the “Notice of Intent to Lien” is mailed, the Association’s management company or attorney shall cause a lien to be recorded on the condominium parcel. Simultaneously, a “Notice of Intent to Foreclose on Claim of Lien” shall be prepared and mailed to the delinquent unit owner, along with a copy of the recorded lien, by the Association’s management company or attorney in accordance with Florida Statutes.

If the outstanding balance has not been paid within thirty (30) days of the recording of the lien in the public records (approximately sixty (60) days from the due date), and if the Association’s management company has handled the pre-litigation notices, the account will be sent to the Association’s attorney to commence further collections actions as deemed necessary by the Association’s Board, management company or attorney. The association’s management company is authorized by the Board to execute any necessary documents, pay any cost deposits, and take

such other actions as maybe necessary to facilitate the lien foreclosure, as well as the other aspects of the Association's collections process. The attorney and/or Association's management company may temporarily suspend or cancel the lien foreclosure, as well as the other aspects of the Association's collection process, if, in their judgment, circumstances make continuance of such action and/or process legally or economically inadvisable, specifically including, but not limited to, situations involving mortgage foreclosure or bankruptcy. The attorney or Association's management company may also pursue other collection methods upon advice of counsel and agreement of the Board.

Pursuant to Florida law, the delinquent unit owner is ultimately responsible for the payment of the charges, costs and attorneys fees related to the collection of delinquent assessments. To the extent possible, the Association's management company and the Association's attorney will endeavor to collect these fees and costs from the unit owner as permitted by law. These remedies may include the collection of rent as permitted in Florida Statute §718.116(11)(a). This Florida Statute authorizes the Association to collect rent directly from a delinquent unit owner's tenant and apply it towards any unsatisfied assessments or monetary obligations owed by the delinquent unit owner to the Association. It is hereby the intent of the Association to pursue this method of collection to the extent applicable following the notice requirements and procedures set forth in Florida Statute §718.116. The Association's management company will endeavor to collect these fees and costs as permitted by law.

Any special assessments, individual assessments, or other assessments levied by the Association shall be collected in accordance with the Association's Governing Documents and this collections policy.

The above collection policy and timeframes are intended to be a guideline and all actions are subject to administrative and processing delays. However, any deviation from this policy shall not constitute a waiver of any rights or remedies of the association in collecting amounts due. The association does not allow payment plans, except as otherwise provided for in the Association's governing documents, for delinquent account balances or waiver of late fees, interest or collection costs. In the event that any provision of this policy is held unenforceable by any court or is deemed unenforceable by any change in Florida Statute, this policy shall be deemed to have been implemented by the Association with such provision not having been included therein, and the remainder of the policy shall not be rendered void thereby. The Association may determine not to enforce this policy, or any portion thereof, if the Association's attorney has advised the Association not to do so, due to any change in the law which may occur from time to time.

The undersigned hereby certifies that the above is a true and correct copy of the Resolution approved by the Board of Directors at its meeting on \_\_\_\_\_, 20\_\_\_\_, to become effective date April 1, 2021.

**EAST HORIZON CONDOMINIUM  
ASSOCIATION, INC.**

By: \_\_\_\_\_  
PRESIDENT