

WHISPERING WOODS HOMEOWNER'S ASSOCIATION, INC. OF PINELLAS COUNTY
COLLECTION POLICY

BACKGROUND:

WHEREAS, the Board of Directors (the "Board") of Whispering Woods Homeowners Association, Inc. of Pinellas County (the "Association") is charged with the responsibility of collecting assessments for common expenses and other charges from Owners pursuant to the Declaration of Covenants, Conditions and Restrictions for Whispering Woods (the "Declaration") and the Association's Articles of Incorporation, By-Laws and Rules and Regulations, as may be amended from time to time (collectively the "Association's Governing Documents");

WHEREAS the Association is a Florida not-for-profit corporation subject to Chapter 720, Florida Statutes, as amended from time to time;

WHEREAS, the Association's Governing Documents, along with Chapter 720 of the *Florida Statutes*, provides the Association with the power to levy and collect assessments from Owners;

WHEREAS, the Board deems it to be in the best interest 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 interest of the Association to refer these accounts promptly to an attorney for collection so as to minimize the Association's loss of revenue; and

WHEREAS, the Board has retained the Association's attorneys for their experience on representing community associations in collection matters, and the Board has directed the Association's attorneys to represent the Association on the terms outlined in this resolution. The Association's attorneys shall pursue all collection and other matters which the Board, acting through the Association's Community Association Manager, may from time to time refer to them, and to provide any advice and counsel which the Board may from time to time require.

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 RESOLVED AS FOLLOWS:

PROCEDURE:

1. Pursuant to the Governing Documents, any monthly, special, or specific assessment which is not paid in full within thirty (30) days of the due date shall be subject to a late charge of \$25.00 for each installment that the payment is late. Additionally, any assessment which is not paid in full within thirty (30) days of the due date shall bear interest from the date of delinquency at eighteen percent (18%) per annum.

2. The Association's Community Association Manager is directed to send to any Owner who is more than thirty (30) days delinquent in the payment of an assessment a written notice of the delinquent balance and a reminder statement of the balance outstanding. This notice shall request

immediate payment and provide notification that the matter will be turned over to the Association's attorney for legal proceedings if payment in full is not received in the next thirty (30) days. Reminder statements and attorney transfer packages shall be subject to administrative fees, which shall be reimbursable to the Association by the delinquent Owner and collectable through the Association's lien.

3. The Association's Community Association Manager is directed to turn any Owner who is sixty (60) days or more delinquent in the payment of any assessment to the Association's attorney to take formal legal proceedings against the Owner, by first sending the statutorily required forty-five (45) day notice of intent to lien, which shall include all legal fees and additional collection costs.

4. Thereafter, if payment is not received in response, the attorney is directed to record a claim of lien on the subject property and to send to any Owner who remains delinquent, a copy of the claim of lien, together with a written notice of the Association's intent to foreclose, stating that if the account is not paid in full within forty-five (45) days of the notice of intent to foreclose, the Association may proceed with a lien foreclosure action.

5. The attorney will notify the Association of any Owner who does not pay their account in full by the end of the second forty-five (45) day notice period.

6. The Board of Directors will provide authorization for the attorney to foreclose the lien. No foreclosure of the lien may proceed without authorization of the Board of Directors.

7. As required by law, any payment received by the Association and accepted shall be applied first to any interest accrued then to any actual costs and reasonable attorney's fees incurred in collection then to late fees incurred and then to the delinquent Assessments.

Note: If the property is the subject of an active mortgage foreclosure or bankruptcy proceeding, the Board may vote to move forward with lien and lien foreclosure without the statutorily required notices.

ADDITIONAL REMEDIES:

A) Suspensions/Demands for Rental Payments

1. If a Unit is occupied by a lessee and the Owner is delinquent in monetary obligations owed to the Association, counsel may issue a written demand for rental payments and, if applicable, a motion to deposit rental payments into the Court Registry.

2. The Board of Directors may suspend the use rights of any Member, tenant, guest or invitee to use common areas and facilities if an Owner is more than ninety (90) days delinquent in the payment a fee, fine or other monetary obligation due to the Association. A suspension may not prohibit an owner or tenant of a parcel from having vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park. All suspensions must be approved at a properly noticed board meeting. Upon approval, the Association must notify the Owner, and if applicable, the Owner's tenant, occupant, licensee, or invitee by mail or hand delivery.

3. The Board of Directors may suspend the voting rights of any Member more than ninety (90) days in default of the payment of assessments or other charges levied by the Association. All suspensions must be approved at a properly noticed board meeting. Upon approval, the Association must notify the Owner, and if applicable, the Owner's tenant, occupant, licensee, or invitee by mail or hand delivery.

4. The Board of Directors may suspend the use rights of any Member, tenant, guest or invitee to use common areas and facilities for the failure of the owner, tenant, guest, or invitee to comply with any provision of the Association's Governing Documents. Such rights may be suspended only after notice and an opportunity for hearing in accordance with Section 720.305(2) of the Florida Statutes. A suspension may not prohibit an owner or tenant of a parcel from having vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park.

These remedies may be imposed simultaneously, or in any sequence that the Board may determine in its discretion.

POLICIES:

The following policies shall apply to all delinquent accounts turned over to the Association's attorneys for collection:

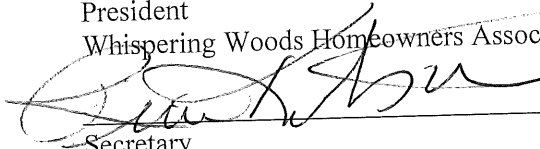
1. Once a matter is turned over to counsel for collection, all contact with a delinquent homeowner shall be handled through the Association's attorneys. Neither the Association's Community Association Manager nor any Association officer or director nor member shall discuss the collection of the amount directly with a homeowner 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 remitted to the Association in care of the Association's attorneys until the account has been brought current, unless otherwise agreed to by counsel on behalf of the Board of Directors, and management
3. The Association's attorneys' legal fees and actual costs shall be assessed against each delinquent parcel and its owner when the account is turned over to the Association's attorneys for collection.

IN WITNESS WHEREOF, the Board of Directors has approved the provisions hereof on the date indicated below at a duly called meeting of the Board at which a quorum was present.



President
Whispering Woods Homeowners Association, Inc. of Pinellas County

Date 02/25/19



Secretary
Whispering Woods Homeowners Association, Inc. of Pinellas County

Date 2/25/19