

95-63582

ROLLING HILLS CONDOMINIUM ASSOCIATION, INC.  
ADMINISTRATIVE RESOLUTION No. 91-1  
COLLECTION OF DELINQUENT ASSESSMENTS

WHEREAS, the Governing Documents create an assessment obligation of all Owners and charge the Board with the assessment and collection of such assessment; and

WHEREAS, it is the intent of the Board to adopt a Resolution regarding collection of Assessments.

IT IS THEREFORE RESOLVED THAT, the following Assessment collection procedures are adopted:

I. ROUTINE COLLECTIONS

- A. All monthly installments of any Assessments are due and payable in advance on the first day of the month.
- B. All documents, correspondence, and notices relating to the charges will be mailed to the address on the books of the Association or as modified in writing by an Owner.
- C. Non-receipt of a bill or coupon payment book will in no way relieve the Owner of the obligation to pay the amount due by the due date.
- D. All notices relating to non-payment of assessments will be mailed to the Owner. In addition, the Association's attorney shall mail a copy of the initial attorney's letter (sent when a unit owner is 60 days in arrears) together with the Notice of Lien to the unit owner's mortgagee, if known to the Association, by registered certified mail, return receipt requested. The costs of

Prepared by:



ALAN Y. LOWCHER, An Attorney at  
Law of New Jersey

these mailings including, but not limited to, all charges related thereto which are billed to the Association by its managing agent, shall be added to the account and be a part of the continuing lien for assessments.

- E. The Statement of Account shall be sufficient notice of delinquency. The Association may, in addition to routine Statements of Account, send collection letters as, in its discretion, it deems appropriate. The first collection letter sent out by the Association may be done by the thirtieth day of the month. If the account is still delinquent fifteen days thereafter, a second collection letter shall be sent out by the Association's attorney. A \$75.00 attorney's fee will automatically be added to the account. Subsequent collection letters relating to the same delinquency shall be sent out by the Association's attorney. A \$25.00 attorney's fee will automatically be added to the account.

II. REMEDIES FOR NON-PAYMENT OF ASSESSMENT

- A. Monthly payments are due on the first day of each month.
- B. If payment of an installment is not received by the Association by the fifteenth (15) day of the month due, the account will be deemed late. A \$25.00 late fee will automatically be added to the account, and will be a part of the continuing lien for assessments.
- C. If full payment of the amount in arrears, including late charges and costs of mailing, is not received by the

Association within sixty (60) days after the due date, the matter will be turned over to the Association's attorney who will forward a letter, in the form attached to this resolution, to the delinquent Owner.

- D. The attorney's letter will inform the Owner that a lien will be placed on the unit, with the cost of filing the lien added to the account, together with reasonable attorney's fees, provided that at least three (3) of the monthly assessments are unpaid. If full payment of the amount in arrears, including late charges, attorney's fees and costs of mailing, is not received by the Association within ten (10) days after the attorney's letter a lien will be placed on the unit.
- E. If within thirty (30) days of the filing of the Notice of Lien the account still remains delinquent, appropriate legal action may be initiated by the attorney as directed by the Board, which may include foreclosure or suit for money damages.
- F. Interest shall be charged on the amount of the Association's demand at and from the time the collection complaint is filed and, in the case of a Sheriff's foreclosure sale, on the amount owed by the foreclosed upon unit owner at and from the date of the Sheriff's sale until the date of entry of judgment. The prejudgment interest rate shall be the same as the postjudgment interest rate assessed upon judgments

rendered in the Superior Court of New Jersey. The Association shall calculate the prejudgment interest.

- G. If the amount in arrears exceeds \$750.00, the attorney is directed to institute a suit for money damages or foreclosure.
- H. If the Association receives from any Owner, in any accounting year, two or more returned checks for payment of assessments, the Board may require all future payments to be made by certified check or money order for the remainder of the fiscal year. A returned check charge will be made and added to the account for any returned checks only if the Association's bank charges the Association a returned check fee.
- I. Association membership rights of any Owner whose account is thirty (30) days past due may be suspended at any time at the discretion of the Board during the period that any installment, charge or assessment remains unpaid, subject to the terms of the Governing Documents.
- J. Delinquent Owners shall be liable for the amount of accelerated installments, all late fees, reasonable attorney's fees, interest, costs of suit, and costs of filing prior to reinstatement of account. These payments must be made to the Association prior to the discharge of lien.
- K. Any money collected from delinquent Owners will be applied to their account as follows: first - to satisfy

maintenance fees; second - to satisfy added or special assessments; third -to satisfy late fees; and fourth - to satisfy attorney's and other costs. If any maintenance fee remains unpaid by the fifteenth (15th) day of the month, a Twenty-five Dollars (\$25.00) late fee will be applied to the account.

CERTIFICATION

I hereby certify that the foregoing was duly adopted at a regular meeting of the Board of Trustees of Rolling Hills Condominium Association, Inc. held on July 10,, 1991.

7/10/91  
Dated

*D. Mark Smith*, Secretary

BY: Michael Beller  
Michael Beller, President

ATTEST:

BY: John Mateychick  
John Mateychick, Secretary

STATE OF NEW JERSEY )  
COUNTY OF SUSSEX ) SS:

I CERTIFY that on February 13, 1995, John Mateychick personally came before me, and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the Secretary of Rolling Hills Condominium Association, Inc., the corporation named in this document;
- (b) this person is the attesting witness to the signing of this document by the proper corporate office who is Michael Beller the President of the corporation.
- (c) this document was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Trustees;
- (d) this person knows the proper seal of the corporation which was affixed to this document; and
- (e) this person signed this proof to attest to the truth of these facts.

John Mateychick  
John Mateychick, Secretary

Signed and sworn to before me on February 13, 1995.

Alan Y. Lowcher  
NOTARY PUBLIC

Record and return to:  
Alan Y. Lowcher, Esq.  
40 West Washington Avenue  
Washington, New Jersey 07882

HELEN C. ACKERMAN  
SUSSEX COUNTY CLERK  
OFFICE: NEWTON, N.J.

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95 MAR -3 AM 9:54  
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SUSSEX COUNTY CLERK  
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