

WALLENPAUPACK LAKE ESTATES
PROPERTY OWNERS ASSOCIATION
COLLECTION POLICY

Updated 12/9/23

WHEREAS, the Association's Board of Directors has a fiduciary responsibility to maintain Wallenpaupack Lake Estates and operate the Association's governing documents in particular the lot covenants and Article VI; section 1(n) and (o) of the By-Laws and state statutes gives the Association, by its board of directors, the authority to impose and collect assessments and other allowable charges. The board has adopted the following policy to ensure a fair and impartial manner of collecting assessments owed to the Association:

WHEREAS, one of the benefits of living in a private community administered by an Association of property owners is by sharing the cost of common expenses with other members to make for an affordable and safe environment for individual families. This only can be done if all your lot assessments are consistently paid in full and on time. Delinquencies burden the Association and each member. It burdens the Association by hindering its capability to meet its obligations as to planned work and other financial obligations. It burdens the members' lifestyle and the value of their property by cutbacks and delays in providing community maintenance and services.

WHEREAS, it is the intent that this policy be applicable to the membership and this resolution shall remain in effect until otherwise rescinded, modified, or amended by the Board of Directors.

NOW, THEREFORE, BE IT RESOLVED THAT the following policy on collections is hereby adopted by the Board of Directors:

1. At each year end, property owners are provided with the next years billing, which includes quarterly payment notification by way of enclosed coupons. Any account falling in arrears by one (1) quarter qualifies as past due and therefore will become a collection matter. After thirty (30) days, all past due accounts receive a monthly reminder concerning the amount owed. After sixty (60) days, any accounts still outstanding will receive a final notice and the date the water will be shut off.
2. If all such notification attempts are disregarded by the property owner or the delinquent account remains unresolved, a Civil Complaint shall be filed with the Magistrates Office unless a different procedure is taken in the discretion of the Associations management. Circumstances may justify an alternate collection approach in the Associations interest. As stated in the PA Uniform Planned Community Act also known as Act 180, § 5315 if an assessment is payable in installments and one or more installments are not paid when due, the entire

- outstanding balance of the assessment becomes effective as a lien from the due date of the delinquent installment. Accordingly, the Civil Complaint will include the full amount of dues payable for the entire year, plus any prior year's assessments /fees.
3. Once a magisterial court judgment is entered, there is a thirty (30) day stay for anyone wishing to file an appeal.
 4. If there is no appeal after thirty (30) days, a letter is sent explaining that the judgment will now be filed with the Court of Common Pleas and become a matter of public record. Subsequently, the account delinquency and/or court judgment will appear on credit reports of the non-paying lot owner.
 5. Thirty (30) days after the date of the judgment recording with the Court of Common Pleas, the collection process continues with Sheriff's Sale, (whether it be a sale of personal property or the actual lot/home), and/or garnishing wages, bank or deposit/investment accounts.
 6. Also affirmed in PA Act 180, § 5315 the Association has a lien against a lot for any assessment levied against that unit or fines imposed against its lot owner from the time the assessment or fine becomes due. Further, the costs of the Associations collection efforts are assessed to the lot account.
 7. Partial payments will be applied in the following order:
 - Accrued Interest
 - Collection Cost including Legal Fees
 - Fines
 - Other Fees
 - Misc. Expenses
 - Assessments

Keep in mind that the Association dues become payable on the 1st of each year. The quarterly payment schedule is offered to opt out of a lump sum submission. This is, in fact an already agreed upon payment agreement.

Please take note: Property owners, who can show true circumstances of hardship, shall be considered for a payment arrangement. Each individual property owner will be considered on a case by case basis. Contact the Associations Paralegal/Collection Administrator to discuss any possible options.