

**Collection Policy**  
**for**  
**Fairfield Mountains Property Owners Association, d/b/a,**  
**Rumbling Bald Resort**

All Fairfield Mountains Property Owners are legally bound to share costs. To adequately maintain our community, our governing documents, as well as state laws, give the Association, acting by and through the Board of Directors, the authority to impose and collect assessments and other allowable charges from members. In fact, the Board of Directors has a duty to ensure that all members contribute their share of the assessments and charges.

**ASSESSMENTS FOR COMMON EXPENSES**

The term “common expenses” means expenditures made by or financial liabilities of the Association, together with any allocations to services. For the purpose of this Collection Policy, it shall specifically refer to the amount a member must pay to the Association as their share of the assessments. “Common expenses” specifically includes regular annual assessments, special assessments, rules violation fines, lien filing fees, common area repairs, new member initiation fees and any other fees, interest, or charges approved by the Board of Directors imposed under this policy and provided for under the Declaration of Covenants and Restrictions, as amended, Rules and Regulations.

**WHERE TO SEND PAYMENT**

Deliver all payments to the POA Membership Services Manager’s office:

Fairfield Mountains POA, Inc.  
112 Mountains Blvd.  
Lake Lure, NC 28746

**WHEN ARE ANNUAL ASSESSMENTS DUE**

Annual assessments are due the first day of January and apply to that calendar year. \* Unless otherwise stated, other assessments are due within 30 days of notice of members’ obligation to pay. If a member does not pay in full any assessments by its due date that payment is delinquent.

\*Approved payment options are annually, semi-annually and quarterly. Due dates are Jan. 1, April 1, July 1, and Oct 1. To cover the additional cost of handling semi-annual and quarterly payments, there are administrative fees assessed for the semi-annual and quarterly pay options

at \$25.00 per payment. Again, members have the option of avoiding any administrative fees by making annual payments.

## LATE PAYMENTS

Once a common expense is delinquent, the association may take any or all of the following actions:

1. **Finance charges and fees.** If the Association does not receive payment for any common expense in full on or before the 30<sup>th</sup> day after it becomes due, the delinquent member shall pay administrative charges for the association's time, inconvenience, and overhead in collecting the late payment, as follows:
  - A. Interest at an annual rate of 18% or 1.5% per month from the original invoice date until paid in full.
2. **Returned check and back charges.** In addition to any late fee that may be applicable for each check written to the association that is returned by the bank for any reason, the member who wrote the check shall pay the following charges:
  - A. The amount of \$25.00; and
  - B. Any related bank charges that the Association incurs because of the returned check.
3. **Procedure for Collection.** Any assessment levied remaining unpaid for a period of 30 days or longer will constitute a lien on that property when a claim of lien is filed. After an account is 30 days delinquent the following action(s) will be taken:
  - A. The property owner will be notified by written letter of the delinquency. The letter will provide them with thirty (30) days from receipt to remedy the delinquency. If the delinquency is not remedied a claim of lien will be filed on the property in sixty (60) days.
  - B. Prior to mailing the letter or filing a claim of lien, the Resort will make efforts to ensure that the owner's current mailing address is being utilized.
  - C. The letter will be sent by first-class mail (certified, registered, etc.), or by delivery service (FedEx, UPS, etc.) to the property owner's address of record with the Resort, to the physical address of the property, and, if different, to the address for the property owner shown on the county tax records. If the property owner is a corporation, the letter will also be sent by first-class mail or by delivery service to the mailing address of the registered agent for the corporation.
  - D. Once confirmation of receipt of the letter is received by the Resort, or notification that attempts have been made to delivery the letter to all known addresses, and no payment is received within the sixty (60) days provided, the Resort will file a Claim of Lien in accordance with the Declaration as recorded in Deed Book 386,

Page 404 and as subsequently amended, and in accordance with §47-F-3-116 of the North Carolina Planned Community Act (NCCGS §47-F-101-et seq).

4. **Legal Proceedings.** The association or its collection agent may do the following:
  - A. File a lawsuit to collect the amount owed;
  - B. Foreclose on the property; and/or
  - C. Take other appropriate legal action to ensure the legal rights of the Association and its members are protected.
5. **Attorney's Fees and Costs of Collection.** As allowed under law, the delinquent member shall be responsible for all fees and costs associated with the attempt to collect past due assessments and any Board approved fees.
6. **Crediting Late Payments.** According to normal accounting procedures, payments will be applied to the oldest balance first.

All delinquent accounts remain delinquent until paid in full. No partial payments will waive the Associations' right to pursue full payment and/or to enforce the provisions of this policy.

Members are responsible for ensuring that the Association is provided with any change of address. All amounts due must be paid in full before the notice period expires. If the notice period expires without full payment, the consequences as set forth in the notice and/or in this policy shall apply.

In accordance with the Fair Debt Collection Practices Act, this policy applies to all attempts to collect a debt and any information obtained will be used for that purpose.

Policy Approved by the Board of Directors,. August 22, 2002

Policy Amended by the Board of Directors, November 24. 2003

Policy Amended by the Board of Directors, May 24, 2006

Policy Amended by the Board of Directors, March 31, 2011