

Date

Re: Delinquent Account, \_(Property Address)\_\_\_\_\_

Dear Owner,

Your homeowner account is delinquent in the amount of \$\_\_\_\_\_. This balance includes the following:

- Unpaid assessments
- Unpaid covenant violation fines, fees or charges associated with the covenant violation(s)
- Both unpaid assessments and unpaid covenant violation fines, fees or charges associated with the covenant violation(s).

If this balance includes unpaid assessments, please be aware that unpaid assessments may lead to foreclosure of your property.

The calculation of the delinquency is depicted on the attached accounting.

You may enter into a repayment plan to bring your account current.

If you would like to enter into a repayment plan, please choose from the following options and return a copy of this letter to \_\_\_\_\_(address for Association):

(Please choose one option):

- Repayment plan of 18 equal monthly payments: If you choose to enter into this optional repayment plan, your new monthly payments during this plan will be \$\_\_\_\_\_, which includes ongoing monthly assessments of \$\_\_\_\_\_ per month. Each payment is due on the 1<sup>st</sup> of every month. If regular monthly assessments increase during the payment plan, your monthly payments must increase accordingly.
  - Repayment plan of 17 minimum payments with a balloon payment in month 18: If you choose to enter into this optional repayment plan, your new monthly payments during this plan will be \$\_\_\_\_\_(\$25.00 plus regular assessments), which includes ongoing monthly assessments of \$\_\_\_\_\_ per month for 17 months and 1 final payment of \$\_\_\_\_\_, which includes the remaining balance due plus the ongoing monthly assessment. Each payment is due on the 1<sup>st</sup> of every month. If regular monthly assessments increase during the payment plan, your monthly payments must increase accordingly.
  - I would like to propose the following repayment plan, understanding this request is subject to the Board's review and approval: \_\_\_\_\_
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Please contact: \_\_\_\_\_ (Name of individual) at \_\_\_\_\_  
\_\_\_\_\_ (phone number, email address, or mailing address), if you desire to pay this debt, set up a repayment plan or to verify the debt owed. If you request a copy of your ledger to verify the amount of the debt, the ledger will be provided to you within 7 business days after receipt of your request. If you enter into a payment plan and you fail to make any 3 payments pursuant to the plan within 15 days of the due date of the 1<sup>st</sup> of each month, the Association may proceed with legal action against you without further notice to you. Not responding to this repayment plan offer will be considered a rejection of the offer.

PLEASE NOTE ACTION IS REQUIRED BY YOU TO CURE THE DELINQUENCY. FAILURE TO DO SO WITHIN 30 DAYS OF THE DATE OF THIS LETTER MAY RESULT IN YOUR DELINQUENCY BEING TURNED OVER TO A COLLECTION AGENCY, A LAWSUIT BEING FILED AGAINST YOU OR THE FILING AND FORECLOSURE OF A LIEN AGAINST YOUR PROPERTY, THE SALE OF YOUR UNIT AT AUCTION TO PAY DELINQUENT ASSESSMENTS, WHICH COULD RESULT IN YOU LOSING SOME OR ALL OF YOUR EQUITY IN THE UNIT, OR ANY OTHER REMEDIES AVAILABLE PURSUANT TO COLORADO LAW.

Free online information regarding collection of assessments by an association, including the Association's ability to foreclose an Association lien for unpaid assessments and force the sale of your home is available through the HOA Information and Resource Center at <https://dre.colorado.gov/hoa-center>.

Online information from the Federal Department of Housing and Urban Development regarding credit counseling before foreclosure may be accessed through a link on the Department of Local Affairs' website at <https://cdola.colorado.gov/>.

The Association is required to follow Colorado law and the Association's Covenant and Rule Enforcement Policy before taking action against you regarding covenant violations. Before proceeding with action against you regarding the covenant violations, the Association shall provide time to cure the violation, confirm if the violation has been cured or not, and notify you regarding any unpaid fines, as laid out in the Covenant and Rule Enforcement Policy.

In addition to County Court and District Court, Small Claims Court is available to you or the Association to adjudicate many issues, including injunctive matters for which the Association may seek an order requiring you to comply with Declaration, Bylaws, Covenants, or other governing documents of the Association.

Sincerely,

LONGMONT FOX HILL HOMEOWNERS' ASSOCIATION, INC.

This letter has been sent to you by the following means:

1.  Certified mail, return receipt requested to \_\_\_\_\_ (name(s) and mailing address)\_\_\_\_\_
  
2. AND two of the following:
  - Telephone call to \_\_\_\_\_ (owner/designated contact's phone number) \_\_\_\_\_
  - Text message to \_\_\_\_\_ (owner/designated contact's phone number) \_\_\_\_\_
  - Email to \_\_\_\_\_ (owner/designated contact's email address) \_\_\_\_\_
  
3.  OR via regular mail if you or your designated contact have not provided a telephone number, cellular number, or email address to the Association.

**COLLECTION TURNOVER RESOLUTION  
OF  
LONGMONT FOX HILL HOMEOWNERS' ASSOCIATION, INC.**

WHEREAS, the Owner of (PROPERTY ADDRESS) is currently delinquent in payment of assessments and other charges in the amount of \$\_\_\_\_\_ which amount includes late fees, penalties, interest, attorney fees and/or covenant enforcement violation fines; and

WHEREAS, the Association, on (DATE OF REQUIRED LETTER) did notify such Owner of the delinquent assessments and did offer the Owner a payment plan pursuant to the Association's Collection Policy for the repayment of the delinquent assessments; and

WHEREAS, the Owner defaulted in the terms and conditions of the payment plan, or conversely, failed to enter into a payment plan with the Association; and

NOW, THEREFORE, BE IT RESOLVED, by a vote of \_\_\_\_\_ FOR and \_\_\_\_\_ AGAINST the Board of Directors, pursuant to the Association's Collection Policy and in accordance with the Colorado Common Interest Ownership Act, does hereby approve sending the Owner of (PROPERTY ADDRESS) to collections as soon as practical.

**PRESIDENT'S**

**CERTIFICATION:** The undersigned, being the President of Longmont Fox Hill Homeowners' Association, Inc., a Colorado nonprofit corporation, certifies that the foregoing Resolution was approved and adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors of the Association on \_\_\_\_\_ witness thereof, the undersigned has subscribed their name.

**Longmont Fox Hill Homeowners' Association, Inc.,**  
a Colorado nonprofit corporation

By: \_\_\_\_\_  
Its: President

**FORECLOSURE RESOLUTION  
OF  
LONGMONT FOX HILL HOMEOWNERS' ASSOCIATION, INC.**

WHEREAS, the Owner of (PROPERTY ADDRESS) is currently delinquent in payment of assessments in an amount equal to or exceeding six months of common expense assessments allocated to the Owner's Unit/Lot pursuant to the Association's annual budget; and

WHEREAS, as of the date of this resolution, the debt securing the lien consists of more than:

- (a) fines assessed against the Owner as a result of covenant violations; or
- (b) collection costs or attorney fees that the Association has incurred that are only associated with assessed fines as a result of covenant violations; and

WHEREAS, the Association, on (DATE OF NOTICE) did notify such owner of the delinquent assessments pursuant to the Association's Collection Policy and/or Colorado law and did offer the Owner a payment plan of at least 18 months for the repayment of the delinquent assessments; and

WHEREAS, the Owner did default in the terms and conditions of the payment plan by failing to pay at least three (3) of the monthly installments within fifteen (15) days after the monthly installments were due or, conversely, failed to enter into a payment plan with the Association; and

WHEREAS, the Association has complied with any and all applicable association lien or foreclosure provisions as required by C.R.S. §38-33.3-123(3); and

WHEREAS, on (DATE) the Association did comply with the provisions of C.R.S. §38-33.3-316(10.3) by providing written and electronic notice to the Owner or the Owner's Designee regarding the Owner's right to participate in credit counseling at the Owner's expense; and

WHEREAS, the Association did comply with the provisions of C.R.S. §38-33.3-316(10.5) or determined that this provision is not applicable to the Unit pursuant to C.R.S. §38-33.3-316(10.6); and

WHEREAS, on (DATE) the Association did comply with the provisions of C.R.S. §38-33.3-316(10.7)(a) by providing written and electronic notice to the Unit Owner or the Unit Owner's Designee regarding the right to engage in mediation prior to litigation.

Mediation was unsuccessful or the Unit Owner or the Unit Owner's Designee failed to respond within thirty days after the date of the notice; and

WHEREAS, on (DATE) the Association did comply with the provisions of C.R.S. §38-33.3-316(10.7)(d) by providing written and electronic notice to lienholders of record of the pending legal action for foreclosure; and

WHEREAS, on (DATE) the Association did comply with the provisions of C.R.S. §38-33.3-316(10.8) by providing written notice to the Owner or the Owner's Designee regarding the Association's intent to foreclose its lien; and

NOW, THEREFORE, BE IT RESOLVED, by a vote of \_\_\_\_\_ FOR and \_\_\_\_\_ AGAINST the Board of Directors, pursuant to the Association's Collection Policy and in accordance with the Colorado Common Interest Ownership Act, does hereby approve the commencement of a foreclosure action on (PROPERTY ADDRESS) within Longmont Fox Hill Homeowners' Association, Inc. to be commenced forthwith.

**PRESIDENT'S**

**CERTIFICATION:** The undersigned, being the President of Longmont Fox Hill Homeowners' Association, Inc., a Colorado nonprofit corporation, certifies that the foregoing Resolution was approved and adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors of the Association on \_\_\_\_\_ witness thereof, the undersigned has subscribed his/her name.

**Longmont Fox Hill Homeowners' Association, Inc.,**  
a Colorado nonprofit corporation

By: \_\_\_\_\_  
Its: President