



PINE CREEK HOMEOWNERS ASSOCIATION, INC.

---

## **HOMEOWNERS ASSOCIATION DELINQUENCY POLICY**

The Pine Creek Homeowners Association, Inc. (the "Association") Delinquency Policy has been prepared based on the guidelines of the Declaration of Covenants, Conditions, and Restrictions for Pine Creek, dated July 30, 2002 (the "Restrictive Covenants"), and the laws of the State of North Carolina. This policy will be enforced by the Pine Creek Board of Directors (the "Board of Directors") to ensure the financial security of all Pine Creek homeowners, while simultaneously ensuring that the appearance and integrity of the Pine Creek community common needs are maintained as outlined in the Restrictive Covenants. This delinquency policy will be enforced effective July 1, 2009, and thereafter.

### **I. ANNUAL BILLING**

Each homeowner will be billed in advance for the annual assessment<sup>1</sup>, to be paid annually<sup>2</sup>. Billing will be mailed to each homeowner 30 days in advance. The payment due date for any Assessment paid is the first business day of the month following the date of the annual billing from the Association. All bills and notices will be sent to the mailing address of each lot on file with the Association's records and to any alternate mailing address provided by the lot owner in writing in accordance with North Carolina state law. All such mailings will be sent via First Class mail.

---

<sup>1</sup> *The assessment per lot each year can include both annual dues and special assessments as determined by the Board of Directors in accordance with the provisions of Article V of the Restrictive Covenants. Such amounts are collectively hereinafter referred to as the "Assessment."*

<sup>2</sup> *A returned check reimbursement charge of \$25.00 or the maximum allowed by North Carolina State law will be issued to any account whose checks on which payment has been refused by the payer bank because of insufficient funds, stop payments, or because the drawer did not have an account at that bank. The Board of Directors reserves the right to require that any homeowner with a history of non-sufficient fund payments to make all Assessment payments in certified funds.*



PINE CREEK HOMEOWNERS ASSOCIATION, INC.

---

## **II. LATE PAYMENTS**

If any Assessment payment is not received within thirty (30) days from the due date, the homeowner will incur a late charge in the amount of twenty (\$20.00) dollars per month the account is delinquent.

If any Assessment payment has not been received within thirty (30) days from the original due date, the unpaid balance of the Assessment shall bear interest from the due date at the rate of eight percent (8%) per annum until paid in full.

## **III. LATE NOTICE**

If any Assessment payment is delinquent beyond thirty (30) days from the original due date, a late notice will be issued. All bills and notices will be sent to the mailing address of each lot on file with the Association's records and to any alternate mailing address provided by the lot owner in writing in accordance with North Carolina state law. All such mailings will be sent via First Class mail. Such notice will allow a minimum of fifteen (15) days for the lot owner to make payment in full of the Assessment<sup>3</sup>. After that minimum fifteen (15) day period if the Assessment is not paid in full, the lot owner will be subject to any and all legal fees, costs or charges as allowed in the Restrictive Covenants and North Carolina state law.

## **IV. LEGAL ACTION AND COSTS**

If payment in full of the Assessment, interest, late charges and legal costs has not been made within the time periods stated in numbers I, II, or III of this policy, the Association may bring action at law against the owner, or foreclose to lien against the property, and the interest, late charges, costs and reasonable attorney fees of such action or foreclosure shall be added to the Assessment and become the responsibility of the lot owner to pay.

---

<sup>3</sup> Partial payments will be applied to attorney fees, costs, late charges and interest first, and to Assessments last.



---

**PINE CREEK HOMEOWNERS ASSOCIATION, INC.**

---

In such circumstances, a pre-lien letter will be sent to the property owner after the annual dues and assessments become 90 days delinquent, followed by the filing of a lien on the subject property after an additional 30 days if amounts are not paid in full. The pre-lien letter will be sent to the mailing address of each lot on file with the Association's records and to any alternate mailing address provided by the lot owner in writing in accordance with state law. All such mailings will be sent via First Class mail.

The Board of Directors will determine the appropriate action to be taken in any situation not expressly covered by this delinquency policy.