

**THE WESTERLIES CONDOMINIUM COUNCIL OF CO-OWNERS**

**POLICY RESOLUTION No. 99-3  
AMENDED AND RESTATED OCTOBER 27, 2008**

**(Assessment Collection Procedure)**

WHEREAS, Article III, Section 1 of the Bylaws of the Council of Co-Owners of the Westerlies ("Westerlies Bylaws") provides that the Council shall establish and collect from the Co-Owners monthly assessments in accordance with the Master Deed and Bylaws; and

WHEREAS, Article VI, Section 2 of the Westerlies Bylaws provides that the Board shall have the powers and duties necessary for the administration of the affairs of the Council; and

WHEREAS, Article IX of the Westerlies Master Deed provides that each Co-Owner and Tenant of Co-Owner shall comply with all of the provisions of the Master Deed, Bylaws and decisions and resolutions of the Council, as may be amended. Failure to comply with such provisions, Bylaws, decisions or resolutions shall be grounds for an action to recover damages; and

WHEREAS, the Board believes that it is necessary to establish and clarify the means and methods of the billing and collection of assessments levied by the Council and to publish such procedures to the Co-Owners.

WHEREAS, the Board deems it to be in the Council's best interest to increase the amount assessed for late fees.

**NOW, THEREFORE, be it resolved that the Board of Governors does hereby adopt the following policy governing notification and collection of assessments.**

**A. ROUTINE COLLECTIONS**

1. The Board of Governors shall set the annual assessment. It may be paid by the Co-Owners on a monthly basis. The due date for each monthly installment shall be the first day of each month. The grace period for payment shall be until the fifteenth (15<sup>th</sup>) day of each month. Co-Owners may pre-pay their fee at any time.
2. The Council shall mail a notice to every owner which will inform the Co-Owner of the amount of the annual assessment; however, no Co-Owner will be excused of the obligation to pay the assessment if there is a problem with receipt of the notice. Each Co-Owner is under a legal duty to seek out information from the Council about the assessment if the notice is not received.
3. Non-resident Co-Owners must furnish the Board with a telephone number and address where they can be contacted; otherwise, all notices shall be sent to the property address and Co-Owners shall be responsible for the information contained therein.

**B. REMEDIES FOR NON-PAYMENT OF ASSESSMENTS**

1. Late Charge - Any assessment which is not fully paid to the Association within fifteen (15) days of the due date shall be considered delinquent and a charge of 10% of the outstanding balance shall be imposed on the account rounded to the nearest dollar (previously \$10).

2. Returned Check Charge - If the Council receives a check from a Co-Owner which fails to clear the Co-Owner's personal banking account, the Council may charge the Co-Owners an administrative fee of \$50.00.

3. Referral to Legal Counsel, Acceleration and Suspension of Privileges - Whenever any Co-Owner fails to pay any portion of any assessment, the following action may be taken by the Board:

a. The account may be referred to legal counsel for immediate legal action.

b. The entire balance of the annual assessment may be accelerated and declared due in full; a lien in the accelerated amount may be recorded against the title of the property; and a suit for judgment may be filed against the Co-Owner in the County of Fairfax Courts.

c. The Board may suspend a Co-Owner's rights, privileges and benefits of membership. If imposed, the suspension shall continue until payment in full is received by the Association.

4. Payment of Attorneys' Fees - In accordance with Section 55-79.53 of the Code of Virginia, a Co-Owner is liable for attorneys' fees incurred by the Council in association with the collection of unpaid assessments.

5. Method of Crediting Payments - For bookkeeping purposes, payments received from delinquent Co-Owners shall be applied by the Council against the following costs and fees, as applicable:

a. Any fees (including reasonable attorneys' fees) or costs of collection;

b. Monthly fees for late charges and interest;

c. All other charges and fees incurred by the Council as a result of any violation by a owner, his family, employees, agents, tenants or licensees of the regulations of the Council;

d. Any and all special assessments; and

e. The annual assessments.

I hereby certify that this Policy Resolution was duly adopted by the Board of  
Governors on August 9, 1999 and as Amended on Oct. 27, 2008.

THE WESTERLIES CONDOMINIUM  
COUNCIL OF CO-OWNERS

  
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President

Resolution effective: Jan. 1, 2009