

Eagle Crest Master Association

Policy for Dues Collection

Policy for Utility Fee Collection and Termination of Utility Services

Adopted: February 12, 2010

Effective: March 1, 2010

Revised: July 26, 2018; Effective August 1, 2018

General Information

Each Real Property Interest within the Eagle Crest Planned Community is assessed Eagle Crest Master Association (“**Association**” or “**ECMA**”) assessments as provided in the Declaration of Covenants, Conditions and Restrictions (Eagle Crest Planned Community) (the “**Declaration**”). These assessments are established by the Association Board of Directors and are referred to in this policy as “**Dues**.” The owner in title to each Real Property Interest within the Eagle Crest Planned Community is referred to as an “**Owner**” in this Policy.

The Owner of each Real Property Interest connected to the Association’s domestic water and sewer systems must pay monthly water and sewer service fees at rates established by the Association Board of Directors. A “ready-to-serve” fee is assessed to the Owner of any unimproved parcel, and the full-service fees commence upon installation and hookup of the water meter and backflow prevention device to the domestic water system. Fees for the water service are combined with sewer for a flat monthly utility rate. Both the “ready-to-serve” fee and the connected water/sewer full-service fees are referred to in this policy as the “**Utility Service Fees**.”

Dues and Utility Service Fees - Billing

Dues and Utility Service Fees are due and payable quarterly in advance, with due dates of January 1, April 1, July 1 and October 1. As provided in the Declaration, Sub-Associations within the Eagle Crest Planned Community may be delegated the responsibility to bill and collect the Dues and Utility Service Fees from Owners. The amount of the Utility Service Fees will be based on information provided by the Association prior to the first day of each quarter. Owners of Real Property Interests not billed by a Sub-Association are billed directly by the Association prior to the first day of each quarter.

Collection Policy

The Board of Directors for the Association has delegated enforcement authority to its managing agent, Eagle Crest Management, LLC, referred to herein as “**Manager**.”

Payments received after the first day of each calendar quarter are considered past due. For purposes of this policy, “**Payer**” is the Owner of the Real Property Interest for payment of Dues and/or the customer for payment of Utility Service Fees. For Real Property Interests in the Eagle Crest Vacation Resort Ownership Association (VROA), VROA is the Payer on behalf of those owners. Some Owners’ Real Property Interest may be a part of a building, parcel or project, in which multiple Real Property Interests share a connection to the ECMA water system. In that case, a Sub-Association may collect an Owner’s portion of the Utility Service Fees and then pay those Utility Service Fees to ECMA; even in such cases, each Owner is a “**Payer**” for purposes of this policy.

For accounts collected by a Sub-Association, if payment is not received by the 15th day past the due date, a reminder notice will be mailed to the applicable Sub-Association stating that collection action will begin 30 days past the due date on delinquent individual Payer accounts.

If the payment is not received by the 30th day past the due date, a delinquent notice will be mailed to the last known address of Payer stating the account is in default, and that the Association is attempting to collect a debt, and that a late fee will be added to the account if it remains unpaid at 45 days past the due date and interest will be assessed from the due date on the unpaid balance.

If the payment is not received by the 45th day past the due date, a late fee will be assessed against the delinquent account by the Association and interest will accrue from the due date on the unpaid balance. See Exhibit A for current fees adopted by the Association.

If payment is not received by the 60th day past the due date, a demand letter will be mailed by certified and regular mail to the last known address of the Payer stating that the account must be brought current within 10 days, that the Association is attempting to collect a debt, that late fees and interest have been added to the account, and that failure to remit payment in full to the Association will result in the placing of a lien against the delinquent Real Property Interest.

If payment is not received by the 90th day past the due date, and after mailing of the previous notices, a lien preparation fee and a lien recording/handling fee listed in Exhibit A will be assessed against the delinquent account by the Association, a lien will be filed against the Real Property Interest for the delinquent Dues and Utility Service Fees, and the delinquent account may be turned over to legal counsel or an outside service for collection.

Once turned over for collection, all direct costs of collection will be assessed against the delinquent account. Payers must communicate with the collection company or designated legal counsel directly, and must make all payments, including attorney's fees, to the collection company or designated legal counsel until the Payer brings his or her account current unless the Payer, the Manager, and legal counsel, if designated by the Board, agree otherwise in writing. The Board will also decide, after consultation with legal counsel, as applicable, what further steps, if any, the Board needs to take to protect interests of the Association.

Termination of Utility Services for Non-Payment

In addition to the obligation to pay Utility Services Fees, Owners of Real Property Interests are obligated to pay all costs of compliance with the ECMA Cross Connection Control Policy (“**CCC Policy**”) including, but not limited to, reimbursing the Association all costs incurred in bringing the Real Property Interest into compliance with the CCC Policy. Assessments for the reimbursement of such enforcement costs are referred to as “**Remedial Assessments.**” Remedial Assessments are due and payable 10 days after the Association gives written notice to the Owner of the assessment.

The Association may terminate water service for non-payment of either the Utility Services Fee or Remedial Assessment. Procedures for termination of water service are provided in Exhibit B to this policy.

All payments received on Payer accounts will be applied in the following order: 1. Lien Filing Fees, Collection Costs, Late Fees, Interest and related costs; 2. Dues; 3. Remedial Assessments; 4. Utility Service Fees.

Once the account is paid in full and current, liens will be released and the Payer's account returned to current status within five business days.

EXHIBIT A
To the Eagle Crest Master Association
Policy for Dues Collection and
Policy for Utility Fee Collection and Termination of Utility Services

Fee Schedule

Late Fee (Assessed at 45 days past due date)	\$25.00 or 5% of past due amount, whichever is greater
Interest	At the rate of 12% per annum
Lien Preparation Fee:	\$100.00
Lien Filing Fee:	County recording cost + \$15.00
Utility System Reconnection Fee:	\$100.00
Utility System Unauthorized Reconnection:	\$250.00

EXHIBIT B

To the Eagle Crest Master Association Policy for Dues Collection and Policy for Utility Fee Collection and Termination of Utility Services

Termination of Water Service for Non-Payment

“**Utility Fees**” as used in this Exhibit B refers to both Utility Service Fees and Remedial Assessments.

If payment of Utility Fees is not received by the 60th day past the due date, a turn-off notice will be mailed to the last known address of the Payer and Owner, if different, stating if payment is not received in full within 10 days from the date of the notice, the Association has the authority and its respective agents are authorized to proceed with disconnection of water service for nonpayment of Utility Fees following delivery of the notices required by Oregon Administrative Rules Chapter 860 (“**OAR Ch. 860**”).

If requested by the Owner within 10 days of being given the turn-off notice, the Association Board of Directors will convene a meeting at which time the Owner may have an opportunity to speak or present the Owner’s position on the non-payment matter in writing. If such a meeting is requested, the Board will convene a meeting within 15 days of the Owner’s request. If a Board hearing is not requested by the Owner, the Association will proceed with the disconnection process. If the Board of Directors held a meeting at which time the Owner’s position was presented, a majority vote of the Board of Directors will determine the payment requirements for the Utility Fees and the disconnection process, as applicable, and the Owner will be immediately notified of the decision.

The Association will provide advance written notices of disconnection pursuant to OAR Chapter 860. The effective turn-off will be at the date and time stated on the turn-off notices. The Association will use all reasonable and practical measures to personally notify the Payer or an adult at the residence and provide notice of the proposed disconnection within 48 hours of discontinuance of service. Service shall not be shut off for nonpayment on a Friday, a holiday or holiday eve. Holidays are: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. A copy of the turn-off notice will be provided to the Sub-Association that bills and collects the Dues and Utility Service Fees, if applicable.

The Payer will continue to be responsible for the monthly Utility Service Fee charged by the Association during a period of disconnection regardless of the reason for the disconnection.

All past due Utility Fees and a reconnection service fee must be paid before service is restored following an involuntary disconnection. An additional fee will be charged and collected following an unauthorized reconnection by the delinquent Payer. See Exhibit A for current fees adopted by the Association.