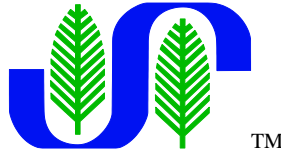


**SPRUCE CREEK PROPERTY OWNERS' ASSOCIATION, INC.**  
**Policy for Collection of Annual Assessments**

**Assessments are due by January 1<sup>st</sup>. There is a grace period until January 10<sup>th</sup> and assessment payments received after January 10 are considered LATE herein referred to as "The Late Date". Payments may be made on Jan 10<sup>th</sup> after the POA Office closes at 4:00 PM by placing your payment in the drop box located on the West side door of the POA Office. Payments that are received by mail and post marked January 10<sup>th</sup> or prior to that date will NOT be considered late. Post marked payments after January 10<sup>th</sup> or any time thereafter will be considered late and subject to late fees and collections as outlined below.**

1. Each November, a courtesy statement will be mailed to each owner. Owners are responsible to provide in writing (letter, POA form, email) a current and correct mailing address to be sure the statement is mailed to the proper address. As each lot is governed by deed restrictions, owners are responsible to make payment on time, even in the event a statement is not properly delivered or received.
2. Payments may be made via cash, check, money order, or wire transfer. Payments may be mailed or made in person at the POA office. For wire transfer payments, please contact the POA for details. Details on the wire transfer fee, which is to be included with payment, will be provided along with the wiring instructions.
3. Checks that are returned due to insufficient funds (NSF) will be charged a \$50.00 returned check charge. Accounts with outstanding balances due to NSF fees as of the assessment late date will be considered past due and subject to late fees.
4. While partial payments are accepted, all accounts not paid in full by the late date are subject to fees, interest and all charges associated with collection activities. In-house payment plans have been discontinued.
5. If payment is not received or post marked by the late date a \$70.00 late fee charge plus interest backdated to January 1st will be added to the account. Checks received must be dated no later than the late date. Postdated checks must be deposited on the date of the check and considered late if dated after the late date. Checks submitted by online banking bill pay services need to be received and/or dated no later than the late date to be considered paid on time.
6. A late statement will be mailed to the owner at the address on record with the Association. As each lot is governed by deed restrictions owners are responsible to make payment in full as noted on the late statement, even in the event statement is not properly delivered or received. All payments will be posted first to fees and charges (legal, interest, late charges, etc.) and then to assessments. All balances outlined on the late statement, must be received by within 10 days from the date of the late statement to avoid further action.
7. If late statement balance is not received a certified letter, with a copy by first class mail, will be sent requesting payment in 10 days. The certified letter will advise owners should the payment not be received within the ten (10) day time frame allotted, the account will be forwarded to legal counsel for collection, resulting in legal fees which will be due from the owner. All charges to date, plus the cost of the certified mail and an administrative fee in the amount of \$45.00, will be added to the owner's account and included in the statement provided with the certified mail.
8. Once an account is forwarded to the Association's attorney for collections, legal counsel shall send a demand letter to the owner whose account is past due, and the associated legal fees will be added to the account. The demand letter shall specify the total amount due by listing the past due



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assessments, late fees, interest due to date, collection fees (postage, filing fees, administrative fees, etc.) and attorney's fees to date. Legal counsel may use mailing address as noted on public record filed with the County Property Appraiser. It is the property owners' responsibility to keep the address on file with the County Property Appraiser current.

9. This demand letter shall provide notice to the owner that the account is past due and that a Claim of Lien will be filed against the owner's property if the account is not paid in full within forty-five (45) days.
10. If an account is not paid in full within forty-five (45) days of the date of the demand, the POA's attorney shall prepare and file a Claim of Lien in the Public Records of Volusia County, Florida against the delinquent owner's property. The Claim of Lien shall specify all past due assessments, late fees, including interest due to date, collection fees (postage, filing fees, etc.) and attorney's fees to date.
11. The Association's attorney shall mail a copy of the Claim of Lien to the delinquent owner with a second demand letter providing notice to the owner that a foreclosure action will be filed to foreclose the lien if the account is not paid in full within forty-five (45) days.
12. If the delinquent account is not paid in full within forty-five (45) days of the second demand letter, the Association's attorney shall file a foreclosure complaint in court to foreclose the Claim of Lien. The owner shall be responsible for all costs incurred by the Association in the collection of past due accounts, including but not limited to, past due assessments, late fees, interest, filing fees, postage, court costs, and legal fees. The court shall determine reasonable attorney's fees and cost for the foreclosure action.
13. All payments will be posted to the account as allowed by the association's documents and Florida Statute, first to fees and charges and then to assessments.
14. It is the owner's responsibility to notify the POA Office in writing (letter, POA form, email) of any change in ownership or address.
15. Failure of an owner to claim certified mail shall not constitute a defense for lack of notice of the collection activities.