

**POPLAR GROVE
OWNERS ASSOCIATION**

**A RESOLUTION OF THE BOARD OF GOVERNORS
ESTABLISHING PROCEDURES
FOR THE COLLECTION OF DELINQUENT ASSESSMENTS**

WHEREAS, the Declaration of Covenants, Restrictions, and Limitations and Provisions for Membership in the Poplar Grove Property Owners Association, were executed November 11, 2004, and recorded on November 16, 2004, in Deed Book G 516 at Page 177 in the RMC Office for Charleston County, South Carolina ("Declaration"); and

WHEREAS, the By-Laws of Poplar Grove Owners Association, were executed November 11, 2004, and recorded on November 16, 2004, in Deed Book G 516 at Page 236 in the RMC Office for Charleston County, South Carolina ("By-Laws"); and

WHEREAS, Article VIII, Section 6 of the Declaration authorizes the Board to establish the manner in which Assessments shall be paid, and on such dates Assessments shall be paid; and furthermore grants the Board the authority to "impose special requirements for Owners with a history of delinquent payment," and require any Owner who should be delinquent in paying any Assessments or other charges to pay the outstanding balance in full and immediately; and

WHEREAS, Article VIII, Section 7 of the Declaration establishes a personal obligation by each Owner for "all Assessments, together with interest (computed from its due date at a rate of 12% per annum or such higher rate as the Board may establish, subject to the limitations of South Carolina law), late charges as determined by Board resolution, costs, and reasonable attorney's fees;" and

WHEREAS, Article XI of the By-Laws establishes any assessments not paid when due to be delinquent and, furthermore, grants the Association powers to "bring an action at law against the Member personally obligated to pay the same or foreclose the lien against the property; and interest, costs, and reasonable attorneys' fees of any such action shall be added to the amount of such assessment;" and

WHEREAS, Article VIII, Section 8 of the Declaration establishes the Association's lien against each Site to "secure payment of delinquent assessments, as well as interest, late charges (subject to the limitations of South Carolina law), and costs of collection (including attorney's fees);" and, furthermore authorizes enforcement of such lien by suit, judgment, and foreclosure, at which foreclosure sale the Association is granted the right to bid for the Site and "acquire, hold, lease, mortgage, and convey the Site;" and

WHEREAS, Article X, Section 2 of the Declaration grants the Board of Governors the authority to suspend an Owner's right to vote in the Association and an Owner's right to use any Common Property, other than the right of ingress and egress, in the event of that Owner's failure to timely pay any assessments; and

WHEREAS, it is the intent of the Board of Governors to adopt a standardized Assessment Collection Policy to set forth its determination on such issues;

NOW, THEREFORE, BE IT RESOLVED that the Board of Governors has adopted, and by these presents does hereby adopt, the Assessment Collection Policy set forth below.

ASSESSMENT COLLECTION POLICY

1. **Assessment Billing Cycles.**
 - (a) **Base Assessments.** Base Assessments shall be billed prospectively. Current Owners shall be billed for the full fiscal year. New Owners shall be billed pro-rata from the date of purchase.
 - (b) **Special Assessments and Specific Assessments.** Special Assessments and Specific Assessments shall be billed on an as-needed basis in accordance with the governing documents.
2. **Due Dates.** All Assessments shall be due and payable in such manner and at such time as the Board of Governors may establish, with the following exceptions:
 - (a) **Access Apron Assessments.** Access Apron Assessments shall be due and payable at that time which the Review Fee is due and payable to the Association.
 - (b) **Base Assessments.** Base Assessments shall be due and payable 30 days of the date the corresponding invoice(s) is sent to Owner(s) via USPS First Class Mail.
 - (c) **Transfer of Title to a Site.** The Board of Governors may require advance payment of Assessments prior to closing of the transfer of title to a Site.
 - (d) **Delinquent Assessments.** In the event an Owner is delinquent in paying any Assessment(s), the Board of Governors may require the outstanding balance on all Assessments be paid in full immediately. Furthermore, the Board may impose special requirements for Owners with a history of delinquent payment.
3. **Delinquency.** Any Assessment not paid on or before the date thirty (30) following its due date shall be deemed Delinquent. Delinquent Assessments shall be subject to the following:
 - (a) **Late fee.** A Late Fee of one hundred fifty dollars (\$150.00) shall be levied against Owner accounts with Delinquent Assessment(s).
 - (b) **Finance charge.** Finance Charges shall be levied against any Owner account with Delinquent Assessment(s) on the sum owing and at the rate of twelve percent (12.00%) per annum, compounded monthly, until paid in full. Finance Charges shall be levied independently of, and in addition to, any Late Fee or other Assessment.
 - (c) **Courtesy Notice.** At that time at which an Assessment becomes Delinquent, the Association, acting through its Treasurer or some other Board designee, shall send written notice via USPS First Class Mail to that related Owner stating the past due amount and requiring immediate payment of that amount in full.
 - (d) **Suspension of Certain Member Rights.** In the event that an Owner is Delinquent in the payment of any Assessment for more than thirty (30) days, the Board may

suspend that Owner's right to vote in the Association and that Owner's right to use any Common Property, other than the right of ingress and egress.

(e) Formal Collection Action. Once an Assessment is Delinquent for more than thirty (30) days, or more than sixty (60) days following its due date, that Owner account shall be turned over to the Association's attorney to initiate formal collection action. Such action may include exercising any and all rights and powers available to the Association under the Declaration and South Carolina law, including but not limited to the filing of a Notice of Lien in the chain of title to the related Site and initiating a foreclosure of the Association's lien against the Site.

- i. Demand Letter. The Association's attorney, upon engagement by the Association for the purpose of collection, is authorized to issue a demand letter to the owner to make payment in full to the Association of all sums owing within thirty (30) days.
- ii. Notice of Lien; Notice of Intent to Foreclose. If payment in full is not received within thirty (30) days; or, if other acceptable payment arrangements are not established; the attorney is authorized to file a Notice of Lien or similar instrument in the chain of title to the related lot, putting members of the public on notice of the Delinquent Assessment and the fact that the debt is secured by a pre-existing lien against the lot. Concurrent with the filing of a Notice of Lien, the attorney is authorized to deliver to the Delinquent owner a Notice of Intent to Foreclose letter, or similar notice, giving the owner notice of the intention of the Association to post the property for foreclosure sale at public auction if the amount owing is not paid in full.
- iii. Foreclosure Postings. If an owner fails to make payment in full or to make other acceptable payment arrangements by the deadline established in the Notice of Intent to Foreclose, or similar notice, the Board shall vote as to whether to post the lot for foreclosure. In general, such lots shall be posted for foreclosure, unless extenuating circumstances dictate otherwise. If and when the Board votes to post a lot for foreclosure, the Board or its designee shall instruct the attorney to complete the posting. No lot shall be posted for foreclosure without such Board consent.
- iv. Foreclosure Trustee. In order to facilitate the timely processing of foreclosure postings, if any, the Board hereby designates the Association attorney as the foreclosure trustee for the Association, and grants to such individual the authority to designate or appoint one or more substitute trustees, as may be desirable or necessary to effectuate any related foreclosure sales.


4. Miscellaneous:

- (a) Delinquency Report. The Director of Finance shall prepare, and the Board of Governors shall review, at least quarterly, a Delinquency Report showing the status of all Owner accounts with Delinquent Assessments.


- (b) Costs of Collection. Any costs, including attorneys' fees, recording costs, title reports and/or court costs incurred by the Association in the collection of delinquent assessments shall be added to the amount owed by the delinquent Owner.
- (c) Costs of Corrective Action Incurred by Association. If any Owner (either by his or her conduct or by the conduct of any occupant) fails to perform any act that he/she is requested to perform by the Declaration, the Bylaws or the Rules and Regulations, the Association may, but shall not be obligated to, undertake such performance or cure such violation and shall charge and collect from said Owner the entire cost and expense, including reasonable attorney fees, of such performing or cure incurred by the Association. Any such amount shall be deemed to be a Specific Assessment and shall be due and payable immediately following notification of such charge, and the Association may obtain a lien for said amount in the same manner and to the same extent as if it were a lien for common expenses.
- (d) Conflicts. To the extent that this Assessment Collection Policy may conflict with the Declaration or South Carolina law, the South Carolina law and Declaration, respectively, shall control.
- (e) Authority to Vary from Policy. In handling any particular Delinquent Assessment(s), the Board of Governors retains the authority to vary from this Assessment Collection Policy as may be appropriate given the particular facts and circumstance involved, so long as the related action is in compliance with the Declaration and South Carolina law.

ADOPTED by the Board of Governors this 24th day of February, 2010.

ATTEST:

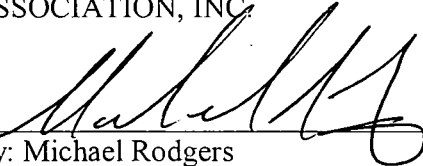

Secretary

POPLAR-GROVE OWNERS ASSOCIATION, INC.


President

I certify that the foregoing A Resolution of the Board of Governors Establishing Procedures for the Collection of Delinquent Assessments constitutes the original A Resolution of the Board of Governors Establishing Procedures for the Collection of Delinquent Assessments of Poplar Grove Owners Association, Inc., as duly adopted by the Board of Governors, and have executed the A Resolution of the Board of Governors Establishing Procedures for the Collection of Delinquent Assessments this 28th day of December, 2018.

POPLAR GROVE OWNERS
ASSOCIATION, INC.


By: Michael Rodgers
Its: President

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