

MVHOA #2 Minutes for meeting January 13, 2020 at 8654 Andromeda Rd 92126

Board Attendees.

Present: Steve Duescher (President), Deb McManus (Vice President), Brendan Duggan (Treasurer), Cyndy Bell, Dave Breidenbach.

Absent: Predrag Markovic (Secretary)

Accountant: Mary Rogers, present.

Meeting called to order by Steve at 7:05pm

Secretary's report

Brendan moved to approve minutes of the regular board meeting on December 2019.

Deb seconded. Motion carried.

Treasurer's Report

a. Finances

	January 12	December 2	November 18
Checking:	\$ 40,864.89	\$ 15,692.24	\$ 16,132.81
Savings:	\$ 54,873.47	\$ 108,974.97	\$ 109,965.96
Income:	\$ 31,042.08	\$ 1,096.13	\$ 1,737.17
Expenses:	\$ 59,970.93	\$ 2,527.69	\$ 4,578.68
Transfer:	\$ -54,109.76	\$ -1,000.00	\$ 41,400.00

Transfers from savings to checking to pay for pool resurfacing.

Two checks from homeowners bounced.

Insurance company (Farmer's) does not respond to calls.

Mary said new agent handling account, will pass along contact details.

Deb moved to accept Treasurer's Report.

Dave seconded. Motion carried.

Bookkeeper's Report

Accounts Receivable and Aging Summary were presented.

Three properties approved for lien paid balance in full.

One property approved for lien (MV2-5588) went through escrow. All funds owed were received.

One property approved for lien (MV2-5180) requested a payment plan.

Old Business

Pool resurfacing – nearly complete, water being cleaned, very happy with work by Everything Swimming Pools.

West gate key card – two homeowner responses from newsletter; one for, one against.

Voicemail on pool phone is setup and working. Dave has responded to several messages.

Voicemail number has been added to website

Electrical panel replacement – Neighbor's pavers need to be lifted to allow City access.

Dave moved to have electricians lift and replace pavers as part of job.

Brendan seconded. Motion carried

Assessment Collection Policy – document revised by lawyers was discussed.

Brendan moved to accept document in form supplied by lawyers.

Dave seconded. Motion carried

Brendan moved to set late fees at \$1 consistent with lawyer's Collection Policy document.

Dave seconded. Deb opposed. Cyndy abstained. Motion carried.

Update of CC&Rs

Brendan moved we contact lawyers regarding updated CC&Rs that reduce voting requirements for future changes to CC&Rs to majority of those voting, and allows late fees to be increased to maximum allowed by state law.

Dave seconded. Motion carried.

Holiday decorating contest winners selected by Predrag and Deb.

1st. 8655 Ara Place

2nd. 8369 Hydra Lane

3rd. 8695 Hydra Lane

Email contest winner selected by Brendan.

8630 Hydra Lane

New Business

Dave moved that the HOA accept a payment plan for MV2-5180. Homeowner will provide post-dated checks for \$75/month and interest and fees will be waived as long as payments are met. Brendan seconded. Motion carried.

Next Board Meeting

Next regular meeting is scheduled for February 10th, 7pm at 8654 Andromeda Rd

Adjournment

Dave moved to adjourn the meeting at 8:09pm.

Cyndy seconded. Motion carried.

Minutes made by Brendan Duggan, January 20th 2020.

bmduggan@yahoo.com

Appendix: Approved Assessment Collection Policies

Mesa View Homeowners' Association #2 (MVHOA #2) Assessment Collection Policies

Effective January 14, 2020

1. Regular and Special Assessments. Regular assessments are billed twice a year for 6 months in advance. They are due January 1 (late if postmarked after January 15) and July 1 (late if postmarked after July 15). Special assessments shall be due and payable on the due date specified by the Board in any notice imposing the special assessment, or in a ballot presenting the special assessment to the members for approval where required. A special assessment will not be due and payable earlier than fifteen (15) days after the special assessment is duly imposed.

2. Late charges and Interest. A late charge (currently \$1.00) per billing cycle will be applied if payment is not postmarked by January 15 or July 15. Interest (currently 12% APR or 1% per month) may be added to the past due balance of assessments. Interest may also accrue on late charges and costs of collection.

3. Costs/ Attorney Fees Incurred in Collection. Pursuant to Civil Code Section 5650(b)(1) the Association is entitled to collect reasonable attorneys fees and costs incurred in collecting delinquent assessments, whether incurred in the event of a lawsuit or other proceedings, such as a non-judicial foreclosure. These fees will be added to the Owner's account and the Owner is responsible to pay them. This also includes direct costs incurred by the Association.

All assessments and collection costs are the personal obligation of the owner and are a debt of the owner of the separate interest at the time that the assessment or other sums are levied.

4. Application of Payments on Delinquent Assessments. Payments received on delinquent assessments will be applied first to the principal owed, then applied to interest, late charges, collection expenses, administration fees, attorneys' fees, reimbursement assessments, monetary penalties or fines, and any other amount due to the Association in connection with collection of delinquencies.

5. Communications to Delinquent Homeowners:

--- **Step 1: Billing Statements.** When late fees, interest or collection costs are added to a Homeowner account, they will be sent a billing statement each month showing the late fee, interest and collection costs and the new balance owed. The statement will include a notation to please contact the HOA if there any problems or questions about the fees or account balance. Billing statements are a courtesy. Owners are responsible for making payments on time, whether or not a statement is received.

--- **Step 2: Collection Letter.** When a homeowner is delinquent, they may be sent a letter via Certified Mail stating that their account is past due. It will show the balance owed including late fees, interest and any collection costs. It will ask the homeowner to contact the HOA if they have questions regarding the balance or fees. It will alert the homeowner that if payment is not received with 30 days of the date of the letter, they will receive a Pre Lien Letter which will add additional fees to their account and start the lien process.

--- **Step 3: Pre Lien Letter.** If a homeowner has not paid their balance by the 30 day deadline included in the Step 2 - Collection Letter, they will be sent a Pre Lien Letter via Certified Mail. This letter has very specific legal requirements of items to be included. This Pre Lien letter will incur significant collection costs which will be added to the homeowner's account. This letter will include a 35 day deadline to pay the past due account balance. Failure to pay will result in a lien being recorded against their property upon authorization of the Board of Directors.

6. Assessment Lien. If the delinquent homeowner does not bring their account current with the deadline set forth in the Step 3 - Pre Lien Letter, the Association may refer the matter to the Association's attorneys for collection and will record a lien ("Notice of Delinquent Assessment") with the San Diego County Recorder's office which sets forth the amount of delinquent assessment and other sums levied such as late charges, costs and reasonable attorney's fees, a legal description of the property, the name of the recorded owner, and name and address of Trustee authorized to enforce the lien by sale. The recording of this Notice will create a lien on the Owner and would make their property subject to foreclosure. A copy of the lien will be mailed to the Owner within ten (10) calendar days after recordation.

7. Foreclosure. If an Owner is delinquent for thirty (30) additional days after the Notice of Delinquent Assessment/Lien has been recorded and sent to the delinquent Owner, non-judicial foreclosure proceedings may begin pursuant to the Association's Declaration of Covenants, Conditions and Restrictions (CC&R's) and Civ. Code 5700 and 2924 et. seq.

A. Notice of Default and Election to Sell

A-1. A Notice of Default and Election to Sell (NOD) will be recorded at the County Recorder's Office (a ninety (90) day time frame beginning with the filing of the NOD.)

A-2. A Title Report will be obtained from a title company, the cost of which is charged to the Owner.

A-3. Attorney's fees will be imposed at this stage.

B. Notice of Sale

B-1. If the delinquency is not cured within ninety (90) days after the NOD is recorded, (and a lawsuit has not been filed as set forth in Section 9) the HOA may proceed with the recording and publishing of a Notice of Sale (NOS). Attorney's fees in addition to publication, recording, posting and other related costs may be charges.

8. Lawsuit. The HOA may, at any time, decide to file a personal lawsuit against the delinquent Owner to recover all delinquent assessments owed to the Association, in lieu of pursuing foreclosure. In the event of a lawsuit, all costs and attorney's fees in connection with the lawsuit, in addition to delinquent assessments, late charges and other charges will be paid by the delinquent Owner.

9. Payment. If at any time an Owner pays all delinquent assessments and charges in full, the attorney will prepare a Release of Lien, which will be recorded in the San Diego County Recorder's Office.

10. Overnight Payments. Overnight payments may be sent to 10606 Camino Ruiz, Suite 8, PMB 224, San Diego CA 92126-3263