

GAME TRAIL ASSOCIATION
RULE AND REGULATION 22-04 PROCEDURE FOR
COLLECTION OF DELINQUENT ACCOUNTS
INCLUDING AVAILABLE LEGAL ACTIONS

The purpose of this policy is to establish a written policy governing the procedure for collection of delinquent accounts and legal actions available to the Game Trail Association's (GTA) to aid in such collections pursuant to the GTA's Covenants, Policies, and Rules and Regulations of which the Game Trail Architectural Control Policy is a part pursuant to Article V, Paragraph P (b) of the By-laws (Governing Documents) and the Colorado Common Interest Ownership Act (CCIOA).

In all instances, "Notice" to the property owner as used in this R&R means that GTA shall through certified mail, return receipt requested, provide the property owner and/or the property owner's designated representative written Notice of the Delinquency and/or legal action, in English and in any other language that the property owner has notified GTA of a preference. Additionally, a copy of the written Notice will be sent to the property owner by one of the following means based on the owner's contact information provided to GTA to be maintained in its records: First-class mail or a text message to a cellular number or an email.

Notice to GTA can be by First Class or certified mail, return receipt requested to Game Trail Association, P. O. Box 4110, Buena Vista, CO 81211.

A delinquent account can only be referred to a collection agency or attorney if a majority of GTA's Executive Board votes to refer the matter in a recorded vote in an Executive closed-door session.

Before GTA can turn over a delinquent account of a property owner to a collection agency or refer it to an attorney for legal action, GTA must send the property owner a Notice of Delinquency that specifies whether the delinquency concerns unpaid assessments; unpaid fines, fees, or charges; or both unpaid assessments and unpaid fines, fees, or charges that the property owner owes GTA.

The Notice of Delinquency must notify the property owner of the following:

- The total amount due with an accounting of how the total was determined.
- The name and contact information of the GTA individual the property owner may contact to request a copy of the ledger to verify the amount owed.
- The opportunity for the property owner to enter into a repayment plan pursuant to R&R 22-03 - Late Payment Policy. The property owner must also be notified that if within thirty (30) days after GTA has provided the property owner with a written offer to enter into a repayment plan, and the property owner either declined to enter into a repayment plan or after accepting, failed to pay at least three (3) of the monthly installments within fifteen (15) days after the monthly installments were due or to remain current with

regular assessments as they come due during the eighteen (18) month period of the repayment plan, or fails to pay the total amount owed within the eighteen month period, constitutes a failure to comply with the terms of the property owner's repayment plan and GTA can commence legal action to initiate a foreclosure proceeding based on a property owner's delinquency in paying assessments. GTA must comply with these provisions before it can commence a legal action to initiate a foreclosure proceeding based on a property owner's delinquency in paying assessments

- If an assessment is payable in installments, each installment may be subject to a statutory lien if the property owner fails to pay the installment within fifteen (15) days after the installment becomes due.
- If the delinquency is for unpaid fees, charges, late charges, attorney fees up to the maximum amount authorized under CCIOA, fines and interest, the property owner must be notified that they could be subject to a statutory lien but are not subject to a foreclosure action.
- If the delinquency concerns unpaid assessments, the property owner must be notified that unpaid assessments could lead to foreclosure.
- The action required to cure the delinquency and that failure to do so within thirty (30) days of receipt of the Notice of Delinquency could result in the property owner's account being turned over to a collection agency, a lawsuit being filed against the property owner, the filing and foreclosure of a lien against the owner's property, or other remedies available under Colorado law.
- The Notice must also include copies of the following:
 - R&R 22-01 – Enforcement of GTA Covenants, Policies and Rules and Regulations.
 - R&R 22-02 – Procedure for Imposition and Schedule of Fines.
 - R&R 22-03 – Late Payment Policy.
 - R&R 22-04 – Procedure for Collection of Delinquent Accounts including Available Legal Actions.
 - R&R 12-08 – Alternative Dispute Resolution Option for Resolving Differences Between Property Owners and the Actions of the Board of Directors.

If a property owner who has both unpaid assessments and unpaid fines, fees, or other charges makes a payment to GTA, GTA shall apply the payment first to the assessments owed and any remaining amount of the payment to the fines, fees, or other charges owed.

GTA is entitled to costs and reasonable attorney fees that GTA incurs in any action or suit for a judgment or decree brought by GTA provided it has complied with the notice requirements of CCIOA.

GTA cannot foreclose on an assessment lien if the debt securing the lien consists solely of one or both of the following: Fines that GTA has assessed against the property owner; or Collection costs or attorney fees that GTA has incurred and that are only associated with assessed fines.

If a property has been foreclosed, a member of the Executive Board of GTA, an employee of a management company representing GTA, an employee of a law firm representing GTA, or an immediate family member of any such Executive Board member, employees of GTA, or a management company or law firm shall not purchase the foreclosed property.

LEGAL REMEDIES

The following actions can be filed in Small Claims Court where a party seeks:

1. To enforce rights and responsibilities arising under GTA Covenants, Policies, and Rules and Regulations of which the Game Trail Architectural Control Policy is a part pursuant to Article V, Paragraph P (b) of the By-laws, and other governing documents of GTA in relation to disputes arising from assessments, fines, or fees owed to GTA and for which the amount at issue does not exceed seven thousand five hundred dollars (\$7,500.00), exclusive of interest and costs.
2. To enforce a restrictive covenant on residential property and the amount required to comply with the covenant does not exceed seven thousand five hundred dollars (\$7,500.00), exclusive of interest and costs.
3. Replevin if the value of the property sought does not exceed seven thousand five hundred dollars (\$7,500.00), exclusive of interest and costs.
4. To enforce a contract by specific performance or to disaffirm, avoid, or rescind a contract and the amount at issue does not exceed seven thousand five hundred dollars (\$7,500.00), exclusive of interest and costs.
5. Injunctive matters for which GTA seeks an order requiring the property owner to comply with GTA Covenants, Policies, and Rules and Regulations (R/R) of which the Game Trail Architectural Control Policy is a part pursuant to Article V, Paragraph P (b) of the By-laws and other governing documents.

The Small Claims Court has jurisdiction in actions involving injunctive relief solely for the following actions:

1. To enforce rights or responsibilities arising under the declaration, bylaws, covenants, or other governing documents of GTA including actions seeking declaratory relief.
2. To enforce restrictive covenants on residential property.
3. To enforce the provisions of section 6-1-702.5 a/k/a the Spam Reduction Act of 2008.

4. To accomplish replevin.
5. To enter judgments in actions where a party seeks to enforce a contract by specific performance or to disaffirm, avoid, or rescind a contract.

If GTA has violated any foreclosure laws, the property owner in relation to whom the violation occurred may, within five (5) years after the violation occurred, file civil suit in a court of competent jurisdiction against GTA to seek damages. The court may award the property owner damages in an amount of up to twenty-five thousand dollars (\$25,000.00), plus costs and reasonable attorney fees, if the property owner proves the violation by a preponderance of the evidence.