

Rules Governing Delinquent Homes Association Dues
as adopted by the Board of Directors of Deer Creek Villas Homes Association
November 2, 2005

Pursuant to the Declaration of Restrictions and the Deer Creek Villas Homes Association Declaration, as amended from time to time, in effect for Deer Creek Villas, the Board of Directors is empowered to assess annual dues and assessments in order for the Association to pay for and provide certain services for the benefit of the owners within Deer Creek Villas, including, but not limited to, trash removal, landscaping and mowing and snow removal. In order for the Association to provide such services, all owners of dwellings within Deer Creek Villas are obligated to pay, when due, such quarterly installments of the annual dues adopted by and assessed by the Board. Because of the relatively small number of dwellings within Deer Creek Villas, failure of any one owner to pay his or her dues in a timely manner jeopardizes the ability of the Association to provide the services required by the owners. The Association is prohibited from expending greater moneys than the assessments collected (plus any surplus from a prior year). Pursuant to the Homes Association Declaration, the Board of Directors is empowered to adopt rules to carry out purposes of the Declaration.

In order to assure that the Association is able to provide services contemplated by the Declaration, that the Association does not expend greater funds than collected and to provide for assurances of collection of assessments, and that owners are not provided services for which they do not pay, these rules are hereby adopted by the Board.

1. In accordance with Section 6.1 of the Homes Association Declaration (as amended) in the event any owner fails to pay any installment of the annual dues or assessments within thirty (30) days from when due, such delinquent amount shall bear interest at ten percent (10%) per annum.
2. Pursuant to the Bylaws of the Association, in addition to interest, the Association may assess a late charge of \$10.00 per month after the date on which the payment of assessments becomes due.
3. Failure to pay dues within thirty (30) days of the date due entitles the Association to file a Certificate of Non-Payment of Assessment with the Register of Deeds of Johnson County will shall recite the amount due, late fees or charges and interest. The Association is entitled to collect \$50.00 as a fee for the filing of such certificate.
4. At any time after the passage of thirty (30) days from the date dues become delinquent, the delinquent owner shall be sent a notice of such delinquency and of their default under the Declarations and shall be notified that if such delinquency is not cured within 15 days after the date of the notice, the Association shall have the right to cease providing services, including landscaping and mowing, snow removal and/or trash removal since each owner is obligated to pay for such services.
5. In addition to the above actions, the Association may engage an attorney to collect any delinquent dues and if so engaged, the owner shall be responsible to reimburse the Association for all attorneys fees incurred in collecting any delinquent dues.
6. Lastly, the Association, in the event all other efforts fail to collect dues, shall have the right to commence foreclosure or other legal proceedings in accordance with Kansas law to enforce the lien of the delinquent assessments and to collect such assessments, interest and other permitted charges.