

**RESOLUTION OF
YORKSHIRE VILLAGE HOMEOWNER'S ASSOCIATION
Collection Fee Resolution
(July 2020)**

WHEREAS, the Yorkshire Village Homeowner's Association (the "Association") is organized as a Utah nonprofit corporation under the Utah Revised Nonprofit Corporation Act¹ (the "Nonprofit Act"), and

WHEREAS, the Association is subject to the Utah Condominium Ownership Act² (the "Condo Act"), and

WHEREAS, the Utah Collection Fee statute³ authorizes the Association to charge a collection fee to a debtor in addition to any other amount owed to the Association for a debt if, among other things, there is a written agreement between the Association and the debtor that provides for the imposition of the collection fee in accordance with the statute,⁴ and

WHEREAS, the Condo Act subjects all unit owners, tenants of such owners, employees of owners and tenants, or any other person who may in any manner use the property of the Association or any part thereof to the Condo Act and to the declaration and bylaws of the Association,⁵ thus establishing the requisite written agreement between the Association and the foregoing parties, and

WHEREAS, via its declaration, the Association is granted the power and authority to collect unpaid common expenses and related costs,⁶ and

WHEREAS, the Association may adopt and establish rules by resolution,⁷ and

WHEREAS, the declaration of the Association obligates each unit owner, tenant, subtenant or other occupant of a unit to comply with the rules of the Association,⁸

THEREFORE, be it

¹ UCA 16-6a-101 *et. seq.*

² UCA 57-1-46; Declaration of Covenants, Conditions, & Restrictions of Yorkshire Village as recorded 10-10-1996, section 3

³ UCA 12-1-11

⁴ *Id.* at (2)(B)

⁵ UCA 57-8-34

⁶ Declaration of Covenants, Conditions 7 Restrictions of Yorkshire Village, recorded October 10, 1996, § 19(a); *see also* § 2(e), § 11(a)(11), § 14, and § 19(f).

⁷ Declaration, § 23

⁸ *Id.*

RESOLVED, that the Management Committee hereby duly adopts the following by this Resolution:

Each debtor shall be deemed to covenant and agree to pay, and shall be deemed jointly and severally liable for, all assessments described in the association's governing documents, as they may be amended from time to time, that may be assessed against a debtor's account together with any related costs, fees, and interest provided for by the governing documents. Should one or more accounts be assigned to a third party for collection, each debtor shall be deemed to covenant and agree to pay, and shall be deemed jointly and severally liable for, all related collection costs and fees, including a fee in the amount of the maximum percentage allowed by law of the total unpaid assessments, in addition to all legal fees related to collection, with or without suit, including attorney fees, court costs, filing fees, and all other costs and fees related to the unpaid assessments and their collection. The term "debtor" as used herein means the owner or joint owners of a lot or unit in the association, the tenants of the lot or unit, and any other party or parties obligated or allegedly obligated to pay an assessment to the association whether or not the assessment is related to a lot or unit in the association. As an exception to the foregoing, no tenant shall be liable for an assessment imposed only against one or more owners, or for any collection or other costs or fees related to the assessment.

IN WITNESS WHEREOF, the undersigned, being all of the members of the Management Committee, have executed and ratified this Resolution effective as of the date first written above.

Signed: Shanell Johnson

Printed Name: Shanell Johnson, Management Committee Member

Signed: Debra Hansen

Printed Name: Debra Hansen, Management Committee Member

Signed: Rennie M. Lee

Printed Name: Rennie M. Lee, Management Committee Member