

Declarations Required by Law

Notice – Delivery to Association: All delivery of official communications to the Glen of Pacific Grove Homeowners Association shall be delivered to the Association’s designated representative:

Regency Management Group Inc.
24571 Silver Cloud Court
Suite 101
Monterey, CA 93940
(831) 647-2442
(831) 647-2441 fax
info@regencymg.com

Notice – Assessment Payment Address: All assessment payments must be mailed to the following address (overnight delivery address information found below):

The Glen of Pacific Grove Homeowners Association
P.O. Box 96993
Las Vegas, NV 89193-6993

Notice – Overnight Address: Per Section 5655, if an owner wishes to send assessment payments via overnight delivery, the payment must be mailed to the following address:

The Glen of Pacific Grove Homeowners Association
3033 W. Ray Road, Suite 200
Chandler, AZ 85226

Secondary Address - A member may provide written notice by facsimile transmission or United States mail to the association of a secondary address. If a secondary address is provided, the association shall send any and all correspondence and legal notices required pursuant to this article to both the primary and the secondary address.

General Delivery or Notice – Per Section 4045, if a document is required to be delivered via general delivery or general notice, The Glen of Pacific Grove Homeowners Association will mail via First-class mail or will send via electronic means, if the recipient has consented. General delivery and general notice may also be published in a newsletter or posted in a prominent location at the property.

Individual Delivery or Notice – Per Section 4040, if a document is required to be delivered via individual delivery or individual notice, The Glen of Pacific Grove Homeowners Association will mail via First-class mail or will send via electronic means, if the recipient has consented. Members have the option to request all general delivery or general notices be delivered via individual delivery or individual notice methods.

Notice – Minutes of Board Meetings: Members are entitled at their expense to receive copies of minutes within 30 days after the meeting. Said minutes, if not approved by the board within 30 days, will be draft minutes and will comply with this provision of the law pursuant to Section 4950(b).

- The minutes, minutes proposed for adoption that are marked as draft status, or a summary of the minutes of any meeting of the Board of Directors, other than an executive session, shall be available to members within thirty (30) days of the meeting. The minutes, proposed minutes or summary minutes shall be distributed to any member of the Association upon request and upon reimbursement of the Association’s costs for making that distribution.

Notice – Financial Reports: Per Section 5305, members are entitled to receive copies of the annual financial report within 120 days of the end of the fiscal reporting year.

Notice – Obligation of Owners to Provide Secondary Address: Per Civil Code 4041, owners are required, on an annual basis, to provide the association with a mailing address to which notices from the association are to be delivered, a secondary address to which notices from the association are to be delivered, the name and address of their legal representative, if any, including any person with power of attorney or other person who can be contacted in the event of the owner's extended absence and whether the property is owner-occupied, rented, vacant or undeveloped land.

Internal Dispute Resolution Rights: The notice provided pursuant to Section 5920 shall include a description of the internal dispute resolution provided pursuant to Article 2. Internal Dispute Resolution, persons wishing to avail themselves of these proceedings should obtain the full text of the California Civil Code 5900-5915.

Alternative Dispute Resolution: Members and the Association shall have the issues, disputes and complaints concerning certain elements of the Covenants, Conditions and Restrictions (CC&Rs) Bylaws, and Rules are enforced through Alternative Dispute Resolution procedures (Mediation or Arbitration). The notice provided pursuant to section 5965 shall include a description of the alternative dispute resolution provided pursuant to Article 3. Alternative Dispute Resolution Prerequisite to Civil Action, "Failure of a member of the association to comply with the alternative dispute resolution requirements of Section 5930 of the Civil Code may result in the loss of your right to sue the association or another member of the association regarding enforcement of the governing documents or the applicable law". Persons wishing to avail themselves of these proceedings should obtain the full text of California Civil Code 5925 through 5965.

Architectural Procedures – Per Civil Code 4765, the procedures for architectural modification are located in the Glen of Pacific Grove Homeowners Association Conditions, Covenants and Restrictions (CC&Rs). Board of Director authorization is required for all architectural procedures.

Schedule of Monetary Penalties: Per Civil Code 5850, the Association has adopted a policy imposing monetary penalties on any association member for violation of the governing documents, including a monetary penalty relating to the activities of a guest or tenant of the member. The Glen of Pacific Grove Homeowners Association will impose a \$250.00 penalty for violation of the governing documents, per Civil Code 5850 and 5855.

The Associations policy regarding penalties is to charge a reimbursement assessment pursuant to the provisions of Civil Code 5855. This assessment shall be the actual costs (paid to others) by the Association while bringing an owner of the property into compliance.

Other Fees & Charges: It is the policy of the Association that costs incurred by the Association, which are for the single benefit of an owner, will be paid by the owner to the Association. Under California Civil Code 5600(b) the Association is entitled to recover the actual costs for providing these "single benefit" services.

Security Disclaimer - We hope that our security systems provide some deterrence to crime. However, no matter what steps we take, the association can never be completely safe and secure. For example, it is possible for someone to enter the property under false pretenses to commit crimes, for residents to commit crimes against their own neighbors, for guests of residents to commit crimes, and for employees to commit crimes. As a result, the association is not and can never be free of crime and we cannot guarantee your safety or security. Accordingly, you should NOT rely on the association to protect you from loss or harm. Instead, you should provide for your own security by taking common sense precautions such as carrying insurance against loss; keeping your doors locked; refusing to open your door to strangers; asking workmen for identification; installing a security system; locking your car; etc.

The Glen of Pacific Grove Homeowners Association

Delinquent Assessment Collection Policy

A prompt payment of assessments by all owners is critical to the financial health of the association and to protect, maintain, and enhance the property values of our homes. Your Board of Directors takes very seriously its obligations under the CC&R's and the California Civil Code to enforce the owners' obligations to pay assessments, and as such, asks that you please read the following practices and policies:

Due Date

- Regular assessments are due in advance on the first (1st) day of each assessment period and become delinquent if not received, in full, by the Association within thirty (30) days after the due date. Special assessments and individual special assessments are due on the date(s) specified upon imposition and each installment thereof shall be delinquent if not received by the Association within thirty (30) days after the specified due date.

Late Fees

- A late charge of ten percent (10%) shall be due on any such delinquent assessment. Unless the CC&R's specify a late charge in a small amount, in which case the late charge imposed shall not exceed the amount specified in the CC&R's or the Civil Code.

Interest

- Interest on all sums imposed in accordance with California Civil Code 5650, including the delinquent assessment, reasonable fees and costs of collection, and reasonable attorney's fees, at an annual interest rate not to exceed twelve percent (12%) of the amount allowed by law, shall be due commencing thirty (30) days after the assessment becomes due.

Payments

- All such amounts and all other assessments and related charges thereafter due to the Association until all such amounts are paid, must be paid in full and the Association shall not be required to accept any partial or installment payments from the date of the institution an action to enforce the payment of delinquent amounts in the time that all such amounts are paid in full.

Application of Payments

- All payments received by the Association, regardless of the amount paid, will be directed to the oldest assessment balances first, until which time all assessment balances are paid, and then to late charges, interest and costs of collection (including attorney's fees) unless otherwise specified by written agreement.

Pre-Lien

- At least thirty (30) days prior to recording a lien on the separate interest property, the Association must provide the owner, in writing, by certified mail all of the information as requested by California Civil Code Sections 5730, 5740, 5705, 5715, 5720 and 5685 (c).

Dispute Resolution

- An owner who is in receipt of a pre-lien notice may request and the Association will comply to participate in a dispute resolution program. The owner may choose Internal Dispute Resolution (IDR) in which the owner will "meet and confer" with the board or their representatives or they may choose Alternate Dispute Resolution (ADR) with a neutral party to mediate. The cost of ADR will be as provided by law.

Notice of Delinquent Assessment (Lien)

- If an owner does not request dispute resolution within thirty (30) days from the date of mailing of the Pre-Lien notice, or upon the conclusion of dispute resolution, the Board shall vote in an open meeting to determine whether a Notice of Delinquent Assessment shall be recorded. Any decision to record a Notice of Delinquent Assessment must be approved by a majority of the board and shall be recorded in the minutes of that meeting. A copy of the Notice of Delinquent Assessment will be mailed by certified mail to all record owners of the separate interest no later than ten (10) calendar days following the date of its recordation.

Payment Plan

- An owner may make a formal written request to meet with the board to discuss a payment plan for the debt described in Pre-Lien notice. The Board shall meet with the owner, in execution session, within forty-five (45) days of the postmark of the notice, if the request is mailed within fifteen (15) days of the date of the date of the postmark of the notice, unless there is no regularly scheduled Board meeting within that period.

Foreclosure

- Delinquent Assessments, which comply with the provisions of California Civil Code 5705, 5715 and 5750, can be collected by using Judicial, or Non-Judicial Foreclosure of the owner's separate interest property.

Redemption

- Property foreclosed upon by the Judicial or Non-Judicial process is subject to the right of redemption. A ninety (90) day redemption period begins from the date of the foreclosure sale. An owner of a foreclosed property may redeem their foreclosed property during this ninety (90) day period.

Remedies

- In addition, to and/or in place of any other remedy specified in this Collection Policy, the Association shall be entitled to bring an action at law against the owner personally responsible for the payment of the amount due.

Attorneys' Fees and Costs

- The Association shall be entitled to charge the owner for the reasonable costs of collection, including without limitation attorney's fees, in addition to the late charges imposed in accordance with the Collection Policy.

Returned Check Charge

- The Association shall charge a "returned check charge"; our current fee is twenty-five dollars (\$25.00) for all checks returned as "non-negotiable", "insufficient funds", or any other reason.

Mailing Address

- All above-referenced notices will be mailed to the record owner(s) at the mailing addresses provided in writing to the Association by such owner(s). It is the owner's responsibility to inform the Association, in writing of their current mailing address or secondary address.

Payment Address

- The mailing address for the overnight payment of assessments is the same as that for routine assessment payments unless other wise noted.

Policy Revision

- The policies and practices outlined shall remain in effect until such time as they may be changed or modified or amended by a daily adopted resolution of the Board of Directors. Owners will receive a revised policy at least thirty (30) days prior to its implementation.

Notice Assessments and Foreclosure

This notice outline some of the rights and responsibilities of owners of property in common interest developments and the associations that manage them. Please refer to the sections of the Civil Code indicated for further information. A portion of the information in this notice applies only to liens recorded on or after January 1, 2003. You may wish to consult a lawyer if you dispute an assessment.

Assessments and Foreclosure

Assessments become delinquent 15 days after they are due, unless the governing documents provide for a longer time. The failure to pay association assessment may result in the loss of an owner's property through foreclosure. Foreclosure may occur either as a result of a court action, known as judicial foreclosure or without court action, often referred to non-judicial foreclosure. For liens recorded on and after January 1, 2006, an association may not use judicial or non-judicial foreclosure to enforce that lien if the amount of the delinquent assessments or dues, exclusive of any accelerated assessments, late charges, fees, attorney's fees, interest, and other collection, is less than one thousand eight hundred dollars (\$1,800.00). For delinquent assessments or dues in excess of one thousand eight hundred dollars (\$1,800.00) or more than 12 months delinquent, an association may use judicial or non-judicial foreclosure subject to the conditions set forth in Article 3 (commencing with Section 5700) of Chapter 8 of Part 5 of Division 4 of the Civil Code. When using judicial or non-judicial foreclosure, the association records a lien on the owner's property. The owner's property may be sold to satisfy the lien if the amounts secured by the lien are not paid. (Sections 5700 through 5720 of the Civil Code, inclusive)

In a judicial or non-judicial foreclosure, the association may recover assessments, reasonable costs of collections, reasonable attorney's fees, late charges and interest. The association may not use non-judicial foreclosure to collect fines or penalties, except for costs to repair common areas damaged by a member or a member's guests, if the governing documents provide for this. (Section 5725 of the Civil Code)

The association must comply with the requirements of Article 2 (commencing with Section 5650) of Chapter 8 of part 5 of Division 4 of the Civil Code when collecting delinquent assessments. If the association fails to follow these requirements, it may not record a lien on the owner's property until it has satisfied those requirements. Any additional costs that result from satisfying the requirements are the responsibility of the association. (Section 5675 of the Civil Code)

At least 30 days prior to recording a lien on an owner's separate interest, the association must provide the owner of record with certain documents by certified mail, including a description of its collection and lien enforcement procedures and the method of calculating the amount. It must also provide an itemized statement of the changes owned by the owner. An owner has a right to review the association's records to verify the debt. (Section 5660 of the Civil Code)

If a lien is recorded against an owner's property in error, the person who recorded the lien is required to record a lien release within 21 days, and to provide an owner certain documents in this regard. (Section 5685 of the Civil Code)

The collection practices of the association may be governed by state and federal laws regarding fair debt collection. Penalties can be imposed for debt collection practices that violate these laws.

Payments

When an owner makes a payment, he or she may request a receipt, and the association is required to provide it. On the receipt, the association must indicate the date of payment and the person who received it. The association must inform owners of a mailing address for overnight payments. (Section 5655 of the Civil Code)

An owner may, but is not obligated to, pay under protest any disputed charge or sum levied by the association, including, but not limited to, an assessment, fine, penalty, late fee, collection cost, or monetary penalty imposed as a disciplinary measure, and by so doing, specifically reserve the right to contest the disputed charge or sum in court or otherwise.

An owner may dispute an assessment debt by submitting a written request for dispute resolution to the association as set forth in Article 2 (commencing with Section 5900) of Chapter 10 of Part 5 of Division 4 of the Civil Code. In addition, an

association may not initiate a foreclosure without participating in alternative dispute resolution with a neutral third party as set forth in Article 3 (commencing with Section 5925) of Chapter 10 of Part 5 of Division 4 of the Civil Code, if so requested by the owner. Binding arbitration shall not be available if the association intends to initiate a judicial foreclosure.

An owner is not liable for charges, interest and cost of collection, if it is established that the assessment was paid properly on time. (Section 5685 of the Civil Code)

Meetings and Payment Plans

An owner of a separate interest that is not a timeshare may request the association to consider a payment plan to satisfy a delinquent assessment. The association must inform owners of the standards for payment plans, if any exist. (Section 5665 of the Civil Code)

The board of directors must meet with an owner who makes a proper written request for a meeting to discuss a payment plan when the owner has received a notice of a delinquent assessment. These payment plans must conform to the payment plan standards of the association, if they exist. (Section 5665 of the Civil Code)