

# STATUTORY NOTICE OF DELINQUENCY

DATE OF NOTICE:

TO: HERE NAME UNIT OWNER(S) AS SHOWN ON ASSOCIATION RECORDS

ADDRESS: USE ADDRESS ON ASSOCIATION RECORDS

TO YOU AND EACH OF YOU NOTICE IS HEREBY GIVEN UNDER THE TERMS OF **CRS 38-33.3-209.5 (6) That you are delinquent and in default of amounts due to Park River West Condominium Association, Inc. ("Association") for Assessments, Fines, Fees, and other sums attributable to UNIT 6xx as specified in this Notice.**

## UNPAID ASSESSMENTS MAY LEAD TO FORECLOSURE

1. The total balance due is \$\_\_\_\_\_. The total Common Expense Assessment balance due is \$\_\_\_\_\_. The balance is broken down to show you how the total was determined.

For Assessment Year 2023 - Assessment for year 2023\_\_\_\_\_, Late Fees\_\_\_\_\_, Collection Fees\_\_\_\_\_, and accrued Interest \_\_\_\_\_.

For 2023 unpaid Fines\_\_\_\_\_, Fees\_\_\_\_\_, Charges\_\_\_\_\_, associated interest\_\_\_\_\_, and Collection Costs\_\_\_\_\_.

2. The Association offers you a payment plan. This opportunity to enter into a payment plan exists pursuant to section C.R.S. 38-33.3-316.3. A copy of the model plan adopted by the Association is attached for completion by the Unit Owner, and instructions for contacting the Association to enter into such a payment plan. You have 30 days to complete and submit the plan from the date this notice is sent by certified mail.

3. The name and contact information for the Treasurer or other Association officer or agent the Unit Owner may contact to request a copy of the Unit Owner's account ledger in order to verify the amount of the debt is: \_\_\_\_\_

4. Action is required to cure the Assessment delinquency. You must pay the delinquent amount in full or submit a qualified payment plan to cure the delinquency. Failure to do so within thirty days may result in this delinquent account being turned over to a collection agency, a lawsuit being filed against the owner, the filing and foreclosure of a lien against the Unit Owner's property, or other remedies available under Colorado law;

5. Any payment you make shall be applied in the following order:

A. Assessment for the most current year by most recent quarter, then to Check Return Charge, Late Fee, Collection Fee, and Default Interest for the most recent quarterly Common Interest Assessment, in that order; then

B. Assessment for any past year by most recent quarter, then to Check Return Charge, Late Fee, Collection Fee, and Default Interest for the year and quarter, in that order. Where more than one past year or quarter is unpaid, the most recent quarter and year shall receive priority in payment; then

C Remediation expense incurred to remedy a violation. The order of application shall be most recent first; then,

D. Fines imposed. The order of application shall be most recent first; then,

E. Fees incurred not otherwise associated with an assessment. The order of application shall be most recent first; then,

F. Other Charges Owed. The order of application shall be most recent first.

6. The Association has the following legal remedies available to it: the Association may (i) record a notice of lien amount against the Unit and (ii) pursue any other remedy available under the Declaration or Colorado law, including suit against the Unit Owner and foreclosure of the assessment lien and sale of the Unit. The Unit Owner is liable for all court costs, attorneys' fees or other costs of collection which together with all unpaid Assessments, Late Fees, Collection Fees and interest are secured by the Assessment Lien against the Unit Owner and the Owner's Unit. Fines are not subject to foreclosure. All Unit Owners should be aware that, where enforcement and collection is required, the Unit Owner will be liable for substantial costs and attorney's fees of enforcement.

7. The Association must take the following steps before commencing legal action:

A. a determination that this Notice has been prepared and mailed,

B. a determination that the offer of payment plan has been rejected, or not timely accepted, or countered with terms inconsistent with the statutory provisions, or after acceptance the Unit Owner has defaulted,

C. hold an executive session of the Board and vote to refer the delinquency for collection. At its option, the Association may

(I) refer the collection to an agency; or,

(II) engage an attorney to obtain a money judgment or pursue foreclosure of the statutory lien for delinquent assessments

(III) engage an attorney to obtain a money judgment for any amount not subject to foreclosure.

8. The Association has adopted a policy Governing the Enforcement of Declarations, Covenants and Rules including a cure process for violations of the Declaration, Rules, and Policies. It is adopted in a separate policy and can be found published on the Association web site. A full copy is attached to this Notice and incorporated by reference.

9. The Colorado General Assembly expanded the jurisdiction of the Small Claims Court effective August 10, 2022. A copy of CRS Section 13-6-403 describing Small Claims Court and the expanded Jurisdiction of the Court in regards to access by both the Association and a Unit Owner is attached and incorporated in this Notice by reference. Please take note that all disputes between the Association and Unit Owners are subject to mandatory arbitration (Declaration Section 26) by existing Colorado statute, CRS section 38-33.3-124(3); and, those provisions were not repealed or superseded by the expansion of the Small Claims Court. The Association does not consent to or acquiesce in any way to suit in Small Claims Court except by express act of the Association.

PARK RIVER WEST CONDOMINIUM ASSOCIATION, INC. (A COLORADO NON-PROFIT CORPORATION)

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

Certificate of Service

The undersigned hereby certifies that on \_\_\_\_\_, 2023 the above and foregoing Statutory Notice of Delinquency together with all attachments was sent by Certified Mail – Return Receipt Requested to (here insert name of owners(s): **[here insert names and address]**

and by physically posting a copy of the notice at the Unit\_\_ 6XX\_\_.

I further certify on the same date I also informed the Owner(s) on behalf of the Association by (check as applicable-must do at least one):

\_\_\_\_\_(i) sending a copy with all attachments by ordinary First-Class US Mail the address of the Unit Owner that has been registered with the Association, or

\_\_\_\_\_(ii) sending a text message to a cell phone on file with the association provided by the Unit Owner, or

\_\_\_\_\_(iii) sending an email with attachments to an email address on file with the association provided by the Unit Owner.

I Further certify that I searched the records of the Association in advance of Notice and did not discover a demand for notice in any language other than English or any other designated contact, person or agent to whom duplicate notice is required.

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\_\_\_\_\_

Print Name