

**RESOLUTION OF THE BOARD OF DIRECTORS
OF WINFIELD MUTUAL HOUSING CORPORATION**

**Adoption of Uniform Collection Protocol for Unpaid Monthly Payments and
Related Charges**

Adopted MAY 11, 2021

WHEREAS, pursuant to Article 7, Section 4 of the By-Laws, Page 6, in the paragraphs titled “MEMBER’S MONTHLY PAYMENTS” and “MONEY DUE TO THE CORPORATION,” of the Rules and Regulations, and Paragraph 2 of the Mutual Ownership Contract for the Winfield Mutual Housing Corporation (the “Corporation”), Members make monthly payments to the Corporation; and

WHEREAS, Pages 4-5, in the paragraph titled “LATE CHARGE ASSESSMENT” and Page 7, in the paragraph titled “TERMINATION POLICY”, of the Corporation’s Rules and Regulations, establish the manner in which the Corporation shall respond to the failure of a Member to pay monthly payments on a timely basis; and

WHEREAS, the Board of Directors seeks to clarify the procedures by which delinquent monthly payment accounts will be handled by the Corporation, and seeks to grant Management and the Corporation’s attorneys the authority to act in accordance with these procedures.

NOW, THEREFORE, on this 11TH day of May 2021, be it

RESOLVED that the following Uniform Collection Protocol is hereby adopted:

Winfield Mutual Housing Corporation Uniform Collection Protocol

The Corporation's general collection procedures shall be as follows, subject to the Board's discretion to modify or suspend these procedures if, in the Board's judgment, there is a reasonable business justification for doing so regarding any particular Member:

1. All monthly payments pursuant to the Mutual Ownership Contract shall be due and payable in advance between the first day and fifth day of the applicable month. Non-receipt of a bill from the Corporation shall not relieve a Member from the obligation to make a payment. If a Member fails to pay to the Corporation any payments or other charges of any kind (including but not limited to, e.g., late fees, fines, interest, attorneys' fees) (collectively referred to as "Arrears") on or before the fifteenth (15th) day of the month, the account shall be deemed delinquent, and a late charge of twenty-five (\$25.00) dollars shall automatically be added to the respective account balance. If the Member remains in Arrears on or before the last business day of the month, an additional fifty (\$50.00) dollars late charge shall automatically be added to the account balance.

2. If the Member fails to pay the Corporation the following month as well, and has an outstanding balance on the sixth (6th) of that month, which is greater than the current monthly payment due, the Management Office shall notify the Corporation's attorney, in writing, of:

- A. The first and last name, property address, and mailing address, if different from the property address, of the delinquent Member; and
- B. The total amount of the Arrears still owed by the Member.

3. The attorney shall then send a written notice to the Member, by certified mail, return receipt requested, and simultaneous regular mail, advising the Member:

- A. Of the total amount of Arrears owed to the Corporation; and
- B. That if all Arrears have not been paid by a date specified in the letter (which date shall be forty days after the date of the letter), the Corporation may demand that the Member vacate and quit the premises and deliver possession of the premises to the Corporation, and that the Corporation may institute a lawsuit against Member. This lawsuit may seek, among other relief, a court order requiring the Member to vacate and quit the premises, entitling the Corporation to possession of the premises, authorizing the Union County Sheriff's Department to remove the Member from the Premises, and authorizing damages to the Corporation for the amount of all monthly payments, late fees, and collection costs that the Member owes the Corporation, plus court costs and attorneys' fees.

The Corporation's attorney shall send a copy of each such letter to the Management Office.

4. In sending any written notice to Members, and in all other aspects of the Corporation's collection procedures, the Corporation's attorney shall at all times comply with the requirements of the Federal Fair Debt Collection Practices Act, to the extent, if any, that said Act may apply.

5. If the delinquent Member has not fully paid the total Arrears within forty (40) days of the date of the written notice sent to the Member by the Corporation's attorney, and the amount owed is \$1,000.00 or more, the Management Office shall notify the attorney in writing that the Member has not cured the delinquency, and shall provide the attorney with:

A. An itemized account history, detailing the separate amounts due from the Member for monthly payments due to the Corporation, late fees, attorneys' fees and other charges; and

B. Any intervening change of the Member's address of which the Management Office is aware.

6. The attorney shall then send a Notice to Quit to the Member, demanding the Member give up and deliver possession of the premises to the Corporation within fifteen (15) days after service of the Notice to Quit.

7. If a Member, at any time from the date the first payment is missed to the date on which the fifteen (15)-day period following the mailing of the Notice to Quit expires, proposes to pay off Arrears pursuant to a payment plan, Management is authorized to approve a payment plan, pursuant to which full payment of all Arrears is made within three (3) months from the date such payment plan is agreed upon. If the proposed payment plan provides that payment in full of the Arrears will not be made until a date that later than three (3) months from the date such payment plan is agreed upon, Management and/or counsel shall present the proposal to the Board for its review and decision.

8. Upon the expiration of the fifteen-day period following the mailing of the Notice to Quit, and upon confirmation from Management that the Member has failed to vacate the premises, the attorney shall confirm with Management that the account remains delinquent, and if so, will then take the following steps:

A. Obtain from Management the signed Mutual Ownership Contract for the Member and an itemized account history, showing the separate amounts due from the Member for monthly payment due to the Corporation, late fees, attorneys' fees and other charges; and

B. Prepare and file a lawsuit against the delinquent Member seeking recovery of all amounts to which the Corporation is entitled under law and removal of the Member from the property.

<u>Director</u>	<u>Roll Call Vote</u>			
	<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Abstain</u>
Susan Alacchi	X			
Patricia Casaletto	X			
Jonathan Hassinger	X			
Matthew Miller	X			
Donna Schautz	X			
Judy Thompson	X			

I hereby certify that the foregoing was duly adopted at the regular meeting of the Board of Directors of Winfield Mutual Housing Corporation held on May 11, 2021.

Secretary , Jonathan Hassinger