

WHEN RECORDED, MAIL TO:

HARTFORD PARK HOMEOWNERS ASSOCIATION
c/o CCI Law
557 South 150 East
Smithfield, Utah 84335

Ent 1357568 Bk 2433 Pg 446
Date: 15-May-2024 01:56 PM Fee \$88.00
Cache County, UT
Tennille Johnson, Rec. - Filed By DM
For CCI LAW

**RESOLUTION OF
HARTFORD PARK HOMEOWNERS ASSOCIATION
Collection Resolution**

Lots 1-32 together with the common area as shown on the plat entitled "HARTFORD PARK DEVELOPMENT" that was recorded in the Cache County recorder's office on June 7, 1979, as entry no. 423665, such Lots also known as parcel nos. 07-150-0001 – 0032, and such common area also known as parcel nos. 07-150-0099 – 0100.

<u>Lot No.</u>	<u>Parcel No.</u>	<u>Lot No.</u>	<u>Parcel No.</u>
1	07-150-0001	21	07-150-0021
2	07-109-0002	22	07-150-0022
3	07-109-0003	23	07-150-0023
4	07-109-0004	24	07-150-0024
5	07-109-0005	25	07-150-0025
6	07-109-0006	26	07-150-0026
7	07-109-0007	27	07-150-0027
8	07-109-0008	28	07-150-0028
9	07-109-0009	29	07-150-0029
10	07-109-0010	30	07-150-0030
11	07-109-0011	31	07-150-0031
12	07-109-0012	32	07-150-0032
13	07-109-0013	CA*	07-150-0099
14	07-109-0014	CA*	07-150-0100
15	07-150-0015		
16	07-150-0016		
17	07-150-0017		
18	07-150-0018		
19	07-150-0019		
20	07-150-0020		

* CA = Common Area.

**RESOLUTION OF
HARTFORD PARK HOMEOWNERS ASSOCIATION
Collection Resolution**

BE IT KNOWN TO ALL PERSONS THAT:

WHEREAS, Hartford Park Homeowners Association (the "Association") is subject to the Utah Community Association Act¹ (the "Act"); and

WHEREAS, the Association is organized as a Utah nonprofit corporation under, and is thus also subject to, the Utah Revised Nonprofit Corporation Act² (the "Nonprofit Act"); and

WHEREAS, not inconsistent with the Association's declaration (the "Declaration"),³ the Association's governing body desires, via this Resolution, to establish assessments and policies related to the collection of delinquent "assessments, together with interest, costs, and reasonable attorney's fees"⁴ and for bringing "an action at law against the Owner personally obligated to pay the same";⁵ and

WHEREAS, not inconsistent with the Declaration, the Act and the Nonprofit Act authorize and empower the Association to impose assessments and the like upon its members in accordance with written instruments that are properly recorded in the recorder's office of Cache County, Utah; and

WHEREAS, pursuant to the Act, this Resolution of the nonprofit Association constitutes a governing document because it is "a written instrument by which the association may: (i) exercise powers; or (ii) manage, maintain, or otherwise affect the property under the jurisdiction of the association;"⁶ and

WHEREAS, the combination of the Utah Collection Agencies statute⁷ (the "Collection Statute") and the Act authorize and empower the Association to, via third-party debt collectors, collect delinquent assessments as well as the costs associated with such collection, including but not limited to interest, late fees, court costs, and attorney fees, and to charge a collection fee in addition to any delinquent amounts owed if there is a written agreement with a debtor that provides for the imposition of the collection fee;⁸ and

WHEREAS, the Utah Supreme Court held that restrictive covenants such as the recorded Declaration constitute a written agreement between the Association and its members,⁹ and the Act requires that each lot owner in the Association comply with its governing documents which include the recorded Declaration and recorded written instruments such as this Resolution,¹⁰ and

¹ UCA 57-8a-101 *et. seq.* The Association is subject to the Act pursuant to UCA 57-8a-102(2) and for its Declaration's failure to comply with the Utah Condominium Ownership Act (the "Condo Act"), 57-8-10(2)(d)(vi). Note that even if it were to be determined that the Association is actually subject to the Condo Act, this Resolution is still applicable because the Condo Act includes provisions essentially equivalent to those of the Act cited herein.

² UCA 16-6a-101 *et. seq.*

³ Declaration of Covenants, Conditions and Restrictions recorded as entry no. 425019 on July 23, 1979, in the recorder's office of Cache County, Utah; UCA 16-6a-302(2)(r); UCA 57-8a-102(1)(a); and UCA 57-8a-102(11)(a).

⁴ Decl., Art. IV(1).

⁵ Decl., Art. IV(8).

⁶ UCA 57-8a-102(11)(a).

⁷ UCA 12-1-11 and UCA 57-8a-301

⁸ UCA 12-1-11(2)(B)

⁹ *Fort Pierce v. Shakespeare*, 2016 UT 28, ¶ 11.

¹⁰ UCA 57-8a-212.5 and 57-8a-102(11)(a)

WHEREAS, the Act authorizes and empowers the Association's governing body to act in all instances on behalf of the nonprofit Association, including the adoption of this Resolution;¹¹

THEREFORE, BE IT RESOLVED that the following assessments and policies are hereby adopted by the Association via this Resolution.

COLLECTION POLICY AND FEE ASSESSMENT

1. Pursuant to the Act, the Nonprofit Act, and the Collection Statute, and not inconsistent with the Declaration, the Association hereby adopts the following collection fee policy and assessment:

The Association may contract with various third-party debt collection agencies to collect delinquent assessments, fees, fines, costs, and any other delinquent amounts due and payable to the Association by any debtor.

Each debtor shall be deemed to covenant and agree to pay all assessments and other amounts due as described in this Resolution and the Association's other governing documents, as they may be amended from time to time, together with any related costs, fees, and interest, as well as all collection costs and fees, including a fee in the amount of the maximum percentage allowed by law of the debtor's total delinquent amount due (the "Collection Fee"), in addition to all legal fees related to such collection, with or without suit, including attorney fees, court costs, filing fees, and all other costs and fees related to each such delinquent amount due and its collection. The obligation to pay the Collection Fee, in addition to all other related fees and costs, is imposed hereby at the time of assignment of the debt to a third-party debt collection agency or licensed attorney.

The term "debtor" as used herein means the owner(s) and any tenant(s) of a residential unit within the Association, jointly and severally, and also means any other party(s) obligated to pay an assessment or other amount due to the Association whether or not such is related to a residential unit. As an exception to the foregoing, no tenant of a residential unit shall be liable for a delinquent amount due and its related collection costs imposed on the owner(s) of the residential unit but not on the tenant(s).

LATE FEE ASSESSMENT

2. Pursuant to the Act¹² and the Nonprofit Act,¹³ and not inconsistent with the Declaration, the Association hereby adopts a late fee assessment in the amount of twenty-five dollars (\$25 U.S.) (the "Late Fee") that shall be immediately due and payable in addition to each assessment and other amount due that is not paid by its due date.

INTEREST ASSESSMENT

3. As already established in Declaration, any assessment not paid within thirty (30) days after the due date shall bear interest from the due date at a rate of six percent (6%) per annum.¹⁴ The term "any assessment" as used herein shall mean any amount whatsoever that is due and payable to the Association, including without limitation assessments, fines, late fees, attorney fees, collections costs, and the like.

¹¹ UCA 57-8a-501(5).

¹² UCA 57-8a-102(1)(a).

¹³ UCA 16-6a-302(2)(r).

¹⁴ Decl., Art IV(8).

GENERAL

4. The Collection Fee Assessment, Late Fee Assessment, and Interest Assessment established by this Resolution shall be considered "assessments" as that term is defined by the Act at least because they are charges imposed by the Association on or against a lot, unit, or owner thereof pursuant to a governing document recorded in the recorder's office of Cache County, Utah.¹⁵


5. This Resolution is a "governing document" of the Association as that term is defined by the Act at least because it is a written instrument by which the Association may exercise powers or manage, maintain, or otherwise affect the property under the jurisdiction of the Association,¹⁶ but this Resolution not be considered a "rule" as that term is defined by the Act at least because it does not govern the conduct of persons or the use, quality, type, design, or appearance of real property or personal property.¹⁷

6. This Resolution is adopted pursuant to the Act, the Nonprofit Act, and the Collection Statute and, in combination with the recorded Declaration, constitutes a written agreement between the Association and all debtors to the Association.

7. The Association's governing body hereby authorizes and approves the recording of this Resolution in the recorder's office of Cache County, Utah.

8. The policies and assessments set out in this Resolution shall become effective on the date that this Resolution is recorded in the recorder's office of Cache County, Utah.

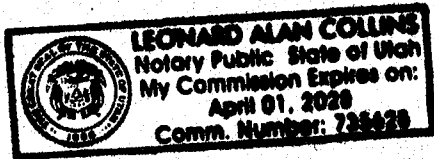
IN WITNESS WHEREOF, the undersigned hereby certify and attest that this Resolution has been duly adopted by the governing body of the Hartford Park Homeowners Association.

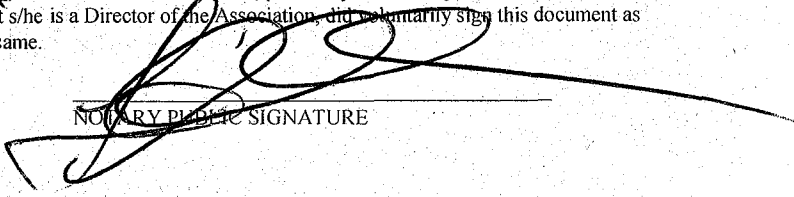

Amy Anderson, Director

State of Utah)
) ss.
County of)

On the 14 day of May, in the year 2024, the above-named individual, proven by satisfactory evidence, personally appeared before me and, while under oath or affirmation, did state that s/he is a Director of the Association, did voluntarily sign this document as such, and did acknowledge that the Association thereby executed the same.

(Seal)




NOTARY PUBLIC SIGNATURE

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

¹⁵ UCA 57-8a-102(1).

¹⁶ UCA 57-8-3(20) and 57-8a-102(11); E.g., this Resolution is a written instrument by which the Association may exercise powers or manage, maintain, or otherwise affect the property under the jurisdiction of the Association.

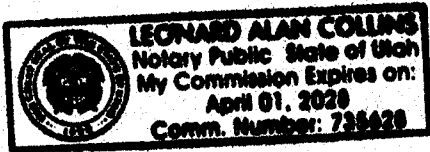
¹⁷ UCA 57-8a-102(25).

Norma Jean Gile
Norma Jean Gile, Director

State of Utah)
) ss.
County of)

On the 14 day of May, in the year 2024, the above-named individual, proven by satisfactory evidence, personally appeared before me and, while under oath or affirmation, did state that s/he is a Director of the Association, did voluntarily sign this document as such, and did acknowledge that the Association thereby executed the same.

(Seal)



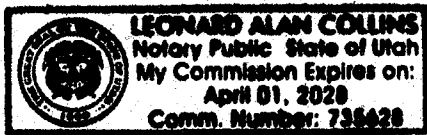
[Signature]
NOTARY PUBLIC SIGNATURE

Melanie Oldroyd
Melanie Oldroyd, Director

State of Utah)
) ss.
County of)

On the 14 day of May, in the year 2024, the above-named individual, proven by satisfactory evidence, personally appeared before me and, while under oath or affirmation, did state that s/he is a Director of the Association, did voluntarily sign this document as such, and did acknowledge that the Association thereby executed the same.

(Seal)



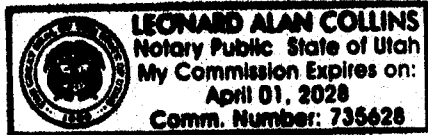
[Signature]
NOTARY PUBLIC SIGNATURE

Cole Tarbet
Cole Tarbet, Director

State of Utah)
) ss.
County of)

On the 14 day of May, in the year 2024, the above-named individual, proven by satisfactory evidence, personally appeared before me and, while under oath or affirmation, did state that s/he is a Director of the Association, did voluntarily sign this document as such, and did acknowledge that the Association thereby executed the same.

(Seal)



[Signature]
NOTARY PUBLIC SIGNATURE

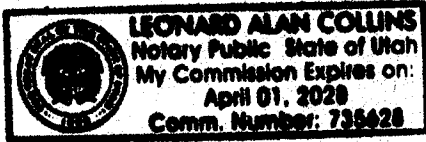
[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

Murray Trepel
Murray Trepel, Director

State of Utah)
) ss.
County of)

On the 14 day of May, in the year 2014, the above-named individual, proven by satisfactory evidence, personally appeared before me and, while under oath or affirmation, did state that s/he is a Director of the Association, did voluntarily sign this document as such, and did acknowledge that the Association thereby executed the same.

(Seal)



[Signature]
NOTARY PUBLIC SIGNATURE

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P30053-01

Cache County Recorder

Hartford Park

Collections Resolution

Cache County Recorder
Processing Fee

\$88.00
\$2.20

TOTAL

\$90.20

05/15/2024 13:05 pm

V*3674
AuthCode: 08110G-08142G
Ref: 66451427-SIP-27815
Transaction ID: Event-1359
Account: LEONARD COLLINS-V*3674
Name: LEONARD COLLINS

Customer Copy

Cache County Recorder
179 North Main
Logan, UT 84321
435-753-1460

Thank-you.

Your statement will describe your payment as 'CBT*CACHE COUNTY UT' and the service fee transaction as 'CBT*SVC FEE CACHE CNT'.