

## ASSESSMENT COLLECTION TIMETABLE

1. **Make sure pre-collection disclosures are sent**

- Send Collection Policy 30-90 days preceding start of fiscal year – Civil Code §5310(a)(6)
- Send Notice Assessments and Foreclosure 30-90 days preceding fiscal year - §5730
- Disclose IDR and ADR policies annually – Civil Code §§5920 and 5965
- Provide payment plan standards, if any – Civil Code § 5665

**FORWARD THE FILE TO WITKIN & NEAL, INC. WHO WILL:**

2. **Send pre-lien letter (accompanied by collection policy)**

- Include all the items (a through f) set forth in Civil Code §5660
- Offer IDR and ADR in the letter

3. **Obtain board decision to lien**

- Board must meet in **open session**
- Board must record vote in minutes
- Obtain written confirmation of decision for file or copy of minutes

4. **Prepare, record and mail lien**

- Record lien at least 30 days after the pre-lien letter
- Lien must contain items set forth in Civil Code §5675
- Forward lien via certified mail to homeowner(s) within 10 days of recording

5. **Obtain board decision to foreclose**

- Board must meet in **executive session**
- Board must record decision in minutes using assessor's parcel number (APN)
- Obtain written confirmation of decision to foreclose or copy of minutes

6. **Start foreclosure by recording the Notice of Default**

- Assessments must be at least \$1800 or 12 months delinquent
- Arrange for service of Board Decision to Foreclose
- Recorded Notice of Default will be served as per Civil Code §5710(b)

7. **Prepare and record Notice of Sale**

- Sale can be set no earlier than three months after Notice of Default was recorded
- Publication and posting of the Notice of Sale must take place three weeks prior to sale

8. **Foreclosure sale conducted**

- Owner has 90 day right of redemption following the sale, per Civil Code §5715(b)

9. **Redemption right expires**

- Issue Trustee's Deed Upon Sale to successful bidder

-please see reverse-

Toll Free: 888.845.8808 Website: [www.witkinandneal.com](http://www.witkinandneal.com)

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**Internal Dispute Resolution (IDR) and Alternative Dispute Resolution (ADR)  
(Notify membership of these rights annually)**

**A. Internal Dispute Resolution, aka “meet and confer” (see Civil Code §5900 et seq.)**

- Notify owner of right to request IDR in pre-lien letter and offer to participate
- Establish “fair, reasonable and expeditious” IDR procedure
- If written request by owner, association must participate
- If written request by association, owner may decline to participate
- Resolution by written agreement can be judicially enforceable
- Owner cannot be charged a fee for participating in the process

**B. Alternative Dispute Resolution (see Civil Code §5925 et seq.)**

- Notify owner of right to ADR in pre-lien letter
- Offer to participate in ADR prior to starting foreclosure
- Can be by mediation, arbitration or other out of court procedures
- Request for ADR to be made by written “Request for Resolution”
- Non-requesting party has 30 days to respond to Request for Resolution
- ADR to be completed within 90 days. Costs to be shared equally