

[INSERT DATE]

SENT VIA CERTIFIED U.S. MAIL, RETURN RECEIPT REQUESTED,
E-MAIL AND TEXT MESSAGE

[Name of Owner]

[Address of Owner]

**Re: NOTICE OF ACCOUNT DELINQUENCY
OVERLOOK AT MT. CRESTED BUTTE OWNERS' ASSOCIATION, INC.
PHYSICAL ADDRESS OF PROPERTY:**
[REDACTED], Mt. Crested Butte, CO 81235

Dear [name of Owner]:

This letter serves as formal notice pursuant to §§ 38-33.3-209.5 & 38-33.3-316.3, Colorado Revised Statutes, and the Overlook at Mt. Crested Butte Owners' Association, Inc.'s ("Association") Collection Policy, that your Association account is delinquent. The attached statement shows the total amount due to the Association with specific line items that may include delinquent assessments, unpaid fines, late fees, interest, and other permissible charges.

To satisfy this delinquency, and since you have not previously entered into a payment plan with the Association, you qualify for an 18-month payment plan, if you so desire. The total amount owed as of the date of this letter to satisfy the delinquency is \$ [REDACTED]. The total amount owed if you pay-off the delinquency pursuant to an 18-month payment plan is \$ [REDACTED], which includes interest at the rate of 8% per annum. If you agree to enter into a payment plan with the Association, you will have to submit monthly payments to the Association of at least \$25 per month for 18 months or until the delinquency is otherwise satisfied. You must also pay for all other Association assessments as the same come due during this 18-month payment plan time period. If you are interested in entering into a payment plan with the Association, or if you need an additional dues statement to confirm the status and amount of your delinquency, please contact Juliana Spinella of Mountain Home Management, the Association's Managing Agent, via telephone at (970) 349-8966 or via email at info@mountainhm.com.

Your action is required to cure this delinquency. Failure to cure the entire delinquency or submit the first payment of a payment plan within thirty (30) days from the date of this letter may result in: (1) your delinquent account being turned over to the Association's attorney or a collection agency; (2) a lawsuit being filed against you; (3) the filing and/or foreclosure of a lien against your Overlook at Mt. Crested Butte property; and/or (4) any other remedies available to the Association under Colorado law.¹ If your delinquency only includes unpaid fines and associated legal and/or collection costs, the Association may not foreclose on your property, but still may take legal action against you.

¹ The Association and/or an owner may litigate claims in a small claims court with jurisdiction of the matter, provided such claims do not involve the foreclosure of an Association lien and the amount at issue does not exceed \$7,500, and said claims, including the potential for injunctive relief, are as otherwise permissible by the applicable statute. See C.R.S. § 13-6-403. Any litigation associated with the foreclosure of an Association lien must be filed in the Gunnison County District Court.

Payments for assessments received by the Association, whether pursuant to a payment plan or otherwise, shall be applied in the following order, as may be applicable:

1. Assessments that are overdue with application of the payment to the most long-standing delinquent assessment first;
2. Fines, late fees, and interest;
3. Attorney's fees and legal costs and expenses; and lastly
4. Returned check charges and other costs owing or incurred with respect to your delinquency.

Notwithstanding the foregoing, the Association must take the following steps before it may take legal action against you and/or foreclose a lien against your Overlook at Mt. Crested Butte property since you have not previously entered into a payment plan with the Association:

1. Provide this delinquency notice letter via certified mail, return receipt requested, and via any two of the following means: email, phone call or text message;
2. Maintain a record of the contacts with you (the owner) that the Association took to notify you of the delinquency, including the date, time, and type of communication;
3. Conduct a recorded vote of the Association's Board of Directors in executive session to refer the matter to the Association's attorney for legal action;
4. Offer to mediate the matter with you prior to filing legal action²; and
5. Notify any lienholders with an interest in your Overlook property of the amount of the delinquency and that there is a pending foreclosure action related to the delinquency.

Your attention to and resolution of this matter is greatly appreciated.

Sincerely,

[Managing Agent Name]

Mountain Home Management

Overlook at Mt. Crested Butte Owners' Association, Inc.'s Managing Agent

² The Association, by and through its attorney or otherwise, must provide a written notice and offer to mediate the matter with you at least 30 days before filing legal action.