

## **Mammoth Estates Condominiums, Inc.**

### **Annual Policy Statement**

#### **Official Communications**

The designated contact for correspondence for the Association is:

Gary & Julie Thompson, Mammoth Estates, P.O. Box 1117, Mammoth Lakes, CA 93546  
Email: [info@mammothestates.com](mailto:info@mammothestates.com) Phone: 760-934-2884

#### **Location for Posting of General Notices**

General notices such as board meeting notifications are published on the monthly invoices sent to the owners and are also posted in the office at Mammoth Estates Condominiums.

#### **Policy Regarding Distribution of Minutes**

The Board's policy is to send owners a copy of minutes of each board meeting and the annual owners meeting. There is no charge for this service.

An owner may obtain additional copies of meeting minutes by contacting the office at Mammoth Estates or by calling or emailing Butner HOA Services at (760) 934-8589  
[info@butnerhoaservices.com](mailto:info@butnerhoaservices.com)

When ordering minutes, please specify the date of the meeting for which you want the minutes.

#### **Policy Regarding Request to Receive General Notices by Individual Delivery and Policy Regarding Request for Secondary Owner Address**

An owner may request to receive general notices such as board meeting notices, minutes, etc. The request must be submitted in writing to Butner Homeowner Association Services at the above address.

An owner has the right to submit to the Association a secondary address for purposes of sending various documents and collection notices in accordance with Civil Code Section 4040 (a) (1) and (2). The owner's request must be submitted in writing and shall be mailed to the association in a manner that shall indicate the association has received the request.

## **Mammoth Estates Condominiums, Inc.**

### **Collection Policies**

Prompt payment of Assessments by all owners is critical to the financial health of the Association and to the enhancement of the property values of our homes. Your Board of Directors takes very seriously its obligation under the Declaration of Covenants, Conditions and Restrictions (CC&Rs) and the California Civil Code to enforce the members' obligation to pay assessments. The policies and practices outlined shall remain in effect until such time as they may be changed, modified, or amended by a duly adopted resolution of the Board of Directors. Therefore, pursuant to the CC&Rs and Civil Code Section 5310 (a)(7), the following are the Association's assessment practices and policies:

1. Assessments, late charges, interest and collection costs, including any attorneys' fees, are the personal obligation of the owner of the property at the time the assessment or other sums are levied (Civil Code Section 5650(a)).
2. Regular monthly assessments are due and payable on the first day of each month. Special assessments are due and payable on the date specified by the Board on the Notice of Assessment, which date will not be less than thirty (30) days after the date of notice of the special assessment.
3. Any payments made shall be first applied to assessments owed, and only after the assessments owed are paid in full, shall such payments be applied to late charges, interest, and collection expenses, including attorneys' fees, unless the owner and the Association enter into an agreement providing for payments to be applied in a different manner.
4. Assessments not received within fifteen (15) days of the stated due date are delinquent and shall be subject to a late charge of ten percent (10%) of the amount of the assessment, for each delinquent assessment per unit. Owners must remit the late charge with the next monthly payment.
5. An interest charge at the rate of 12% per annum will be assessed against any outstanding balance, including delinquent assessments, late charges and cost of collection, which may include attorneys' fees. Such interest charges shall accrue thirty (30) days after the assessment becomes due and shall continue to be assessed each month until the account is brought current.
6. If the special assessment is payable in installments and an installment payment of that special assessment is delinquent for more than thirty (30) days, all installments will be accelerated and the entire unpaid balance of the special assessment shall become immediately due and payable. The remaining balance shall be subject to a late charge and interest as provided above.
7. A first notice of past due assessment ("late letter") will be prepared and mailed once an assessment becomes delinquent for 30 days (that is, has not been paid within 60 days of the original due date). A forty dollar (\$40) charge for the late letter will be made against the delinquent member's account.

**IMPORTANT NOTICE: IF YOUR SEPARATE INTEREST IS PLACED IN FORECLOSURE BECAUSE YOU ARE BEHIND IN YOUR ASSESSMENTS, IT MAY BE SOLD WITHOUT COURT ACTION.**

8. If an assessment is not received within forty-five (45) days after the assessment becomes delinquent, the Association or its designee, in the event the account is turned over to a collection agent, will send a pre-lien letter to the owner as required by Civil Code Section 5660, by certified and first class mail, to the owner's mailing address of record advising of the delinquent status of the account and impending collection action. The owner will be charged a fee for the pre-lien letter.
9. If an owner fails to pay the amounts set forth in the pre-lien letter within thirty (30) days of the date of the letter, the Association will authorize a collection agent to record a lien for the amount of any delinquent assessments, late charges, interest and/or costs of collection, including attorney's fees, against the owner's property (Civil Code Section 5675). The owner will be charged for the fees and costs of preparing and recording the lien. Thirty (30) days following recordation of the lien, the lien may be enforced in any manner permitted by law, including, without limitation, judicial or non-judicial foreclosure (Civil Code Section 5700 and; Civil Code Sections 5705-5710).
10. Collection action may also take the form of a lawsuit against a delinquent owner personally either in small claims or municipal court. More than one method of collection may be initiated against a delinquent owner, but only one will be concluded.
11. An owner is entitled to inspect the Association's accounting books and records to verify the amounts owed pursuant to Civil Code Section 5205 and Corporations Code Section 8333.
12. In the event it is determined that the owner has paid the assessments on time, the owner will not be liable to pay the charges, interests, and costs of collection associated with collection of those assessments.
13. Any owner who is unable to pay assessments will be entitled to make a written request for a payment plan to be considered by the Board of Directors. An owner may also request to meet with the Board in executive session to discuss a payment plan. The Board will consider payment plan requests on a case-by-case basis and is under no obligation to grant payment plan requests.
14. An owner may, but is not obligated to, pay under protest any disputed charge or sum levied by the association, including, but not limited to, an assessment, fine, penalty, late fee, collection cost, or monetary penalty imposed as a disciplinary measure, and by so doing, specifically reserve the right to contest the disputed charge or sum in court or otherwise (Civil Code Section 5658(a)).
15. An owner may dispute the assessment debt by submitting a written request for dispute resolution to the association pursuant to the association's meet and confer IDR procedure, as set forth in Civil Code Section 5900 et seq.
16. An owner may also request alternative dispute resolution with a neutral third party before the association initiates foreclosure against the owner's separate interest, except that binding arbitration shall not be available if the association intends to initiate a judicial foreclosure.
17. Nothing herein limits or otherwise affects the Association's right to proceed in any lawful manner to collect any delinquent sums owed to the Association.
18. Prior to the release of any lien, or dismissal of any legal action, all assessments, late charges, interest, and costs of collection, including attorneys' fees, must be paid in full to the Association.
19. If an owner's check is returned by the bank, the check will not be re-deposited. The owner will be sent a notice stating that the association requires a replacement check which will include reimbursement for the fee charged by the bank and any handling fees associated with the returned check.
20. Owners may notify the association of a secondary address for purposes of collection notices. Upon receipt of a written request by an owner identifying a secondary notice, the association shall send any required notices to the secondary address provided.
21. All charges listed herein are subject to change upon thirty (30) days' prior written notice.
22. **The mailing address for overnight payment of assessment is:** Butner Homeowner Assoc. Services, P.O. Box 1999, 2 Oak Tree Place, Mammoth Lakes, CA 93546-1999.

**SUMMARY OF CALIFORNIA CIVIL CODE SECTIONS 5925-5965  
RELATING TO ENFORCEMENT OF GOVERNING DOCUMENTS  
THROUGH ALTERNATIVE DISPUTE RESOLUTION**

California Civil Code Sections 5925-5965 address your right to sue the association or another member of the association regarding the enforcement of the governing documents. The following is a summary of the provisions of Civil Code Sections 5925-5965.

Civil Code Sections 5925-5965 encourages parties to a dispute involving enforcement of an association's governing documents to submit the dispute to a form of alternative dispute resolution (ADR) such as mediation or arbitration prior to filing a lawsuit. The intent of the statute is to promote speedy and cost-effective resolution of such disputes, to better preserve community cohesiveness and to channel CC&R disputes away from our state's court system.

Under Civil Code Sections 5925-5965, the form of alternative dispute resolution may be binding or non-binding and the costs will be shared unless some other agreement is reached between the parties involved.

Any party to a dispute regarding enforcement of the governing documents may initiate the process of ADR by serving a Request for Resolution of another party to the dispute. A Request for Resolution must contain (1) a brief description of the nature of the dispute, (2) a request for ADR, and (3) a notice that the party receiving the Request for Resolution is required to respond within 30 days of receipt or the Request will be deemed rejected.

If the Request is accepted, the ADR must be completed within 90 days of receipt of the acceptance, unless otherwise agreed by the parties. Any Request for Resolution sent to the owner of a separate interest must include a copy of Civil Code 5925 in its entirety.

**FAILURE OF A MEMBER OF THE ASSOCIATION TO COMPLY WITH THE ALTERNATIVE DISPUTE RESOLUTION REQUIREMENTS OF SECTIONS 5925-5965 OF THE CIVIL CODE MAY RESULT IN THE LOSS OF YOUR RIGHT TO SUE THE ASSOCIATION OR ANOTHER MEMBER OF THE ASSOCIATION REGARDING ENFORCEMENT OF THE GOVERNING DOCUMENTS OR THE APPLICABLE LAW.**

Should the association or an individual member wish to file a lawsuit for enforcement of the association's governing documents, the law requires the association or the individual to file a certificate with the court stating that ADR has been completed prior to the filing of the suit. Failure to file this certificate can be grounds for dismissing the lawsuit. There are limited exceptions to the filing of this required certification of the attempts made to seek resolution. If one of the other parties to the dispute refused ADR prior to the filing of the complaint, the certificate should so state. If immediate action is needed by seeking a preliminary or temporary injunctive relief or the statute of limitation period for filing the suit will expire within 120 days of the lawsuit being filed, the certificate should so state the necessity of immediacy. This certification would act to avoid having the court dismiss the action.

Furthermore, in any lawsuit to enforce the governing documents, the prevailing party may be awarded attorney's fees and costs under Civil Code Sections 5925-5965, and the statute also says that the court may consider any party's refusal to participate in ADR prior to the lawsuit being filed when it determines the amount of the award.

THE COMPLETE TEXT OF SECTIONS 5925-5965 IS REPRODUCED ON THE BACK OF THIS PAGE

## CIVIL CODE SECTIONS 5925-5965

5925. As used in this article: (a) "Alternative dispute resolution" means mediation, arbitration, conciliation, or other nonjudicial procedure that involves a neutral party in the decision making process. The form of alternative dispute resolution chosen pursuant to this article may be binding or nonbinding, with the voluntary consent of the parties. (b) "Enforcement action" means a civil action or proceeding, other than a cross-complaint, for any of the following purposes: (1) Enforcement of this act. (2) Enforcement of the Nonprofit Mutual Benefit Corporation Law (Part 3 (commencing with Section 7110) of Division 2 of Title 1 of the Corporations Code). (3) Enforcement of the governing documents.

5930. (a) An association or a member may not file an enforcement action in the superior court unless the parties have endeavored to submit their dispute to alternative dispute resolution pursuant to this article. (b) This section applies only to an enforcement action that is solely for declaratory, injunctive, or writ relief, or for that relief in conjunction with a claim for monetary damages not in excess of the jurisdictional limits stated in Sections 116.220 and 116.221 of the Code of Civil Procedure. (c) This section does not apply to a small claims action. (d) Except as otherwise provided by law, this section does not apply to an assessment dispute.

5935. (a) Any party to a dispute may initiate the process required by Section 5930 by serving on all other parties to the dispute a Request for Resolution. The Request for Resolution shall include all of the following: (1) A brief description of the dispute between the parties. (2) A request for alternative dispute resolution. (3) A notice that the party receiving the Request for Resolution is required to respond within 30 days of receipt or the request will be deemed rejected. (4) If the party on whom the request is served is the member, a copy of this article. (b) Service of the Request for Resolution shall be by personal delivery, first-class mail, express mail, facsimile transmission, or other means reasonably calculated to provide the party on whom the request is served actual notice of the request. (c) A party on whom a Request for Resolution is served has 30 days following service to accept or reject the request. If a party does not accept the request within that period, the request is deemed rejected by the party.

5940. (a) If the party on whom a Request for Resolution is served accepts the request, the parties shall complete the alternative dispute resolution within 90 days after the party initiating the request receives the acceptance, unless this period is extended by written stipulation signed by both parties. (b) Chapter 2 (commencing with Section 1115) of Division 9 of the Evidence Code applies to any form of alternative dispute resolution initiated by a Request for Resolution under this article, other than arbitration. (c) The costs of the alternative dispute resolution shall be borne by the parties.

5945. If a Request for Resolution is served before the end of the applicable time limitation for commencing an enforcement action, the time limitation is tolled during the following periods: (a) The period provided in Section 5935 for response to a Request for Resolution. (b) If the Request for Resolution is accepted, the period provided by Section 5940 for completion of alternative dispute resolution, including any extension of time stipulated to by the parties pursuant to Section 5940.

5950. (a) At the time of commencement of an enforcement action, the party commencing the action shall file with the initial pleading a certificate stating that one or more of the following conditions are satisfied: (1) Alternative dispute resolution has been completed in compliance with this article. (2) One of the other parties to the dispute did not accept the terms offered for alternative dispute resolution. (3) Preliminary or temporary injunctive relief is necessary. (b) Failure to file a certificate pursuant to subdivision (a) is grounds for a demurrer or a motion to strike unless the court finds that dismissal of the action for failure to comply with this article would result in substantial prejudice to one of the parties.

5955. (a) After an enforcement action is commenced, on written stipulation of the parties, the matter may be referred to alternative dispute resolution. The referred action is stayed. During the stay, the action is not subject to the rules implementing subdivision (c) of Section 68603 of the Government Code. (b) The costs of the alternative dispute resolution shall be borne by the parties.

5960. In an enforcement action in which attorney's fees and costs may be awarded, the court, in determining the amount of the award, may consider whether a party's refusal to participate in alternative dispute resolution before commencement of the action was reasonable.

5965. (a) An association shall annually provide its members a summary of the provisions of this article that specifically references this article. The summary shall include the following language:

**"Failure of a member of the association to comply with the alternative dispute resolution requirements of Section 5930 of the Civil Code may result in the loss of the members right to sue the association or another member of the association regarding enforcement of the governing documents or the applicable law."**

(b) The summary shall be included in the annual policy statement prepared pursuant to Section 5310.

## NOTICE

### ASSESSMENTS AND FORECLOSURE

This notice outlines some of the rights and responsibilities of owners of property in common interest developments and the associations that manage them. Please refer to the sections of the Civil Code indicated for further information. A portion of the information in this notice applies only to liens recorded on or after January 1, 2003. You may wish to consult a lawyer if you dispute an assessment.

### ASSESSMENTS AND FORECLOSURE

Assessments become delinquent 15 days after they are due, unless the governing documents provide for a longer time. The failure to pay association assessments may result in the loss of an owner's property through foreclosure. Foreclosure may occur either as a result of a court action, known as judicial foreclosure or without court action, often referred to as nonjudicial foreclosure. For liens recorded on and after January 1, 2006, an association may not use judicial or nonjudicial foreclosure to enforce that lien if the amount of the delinquent assessments or dues, exclusive of any accelerated assessments, late charges, fees, attorney's fees, interest, and costs of collection, is less than one thousand eight hundred dollars (\$1,800). For delinquent assessments or dues in excess of one thousand eight hundred dollars (\$1,800) or more than 12 months delinquent, an association may use judicial or nonjudicial foreclosure subject to the conditions set forth in Article 3 (commencing with Section 5700) of Chapter 8 of Part 5 of Division 4 of the Civil Code. When using judicial or nonjudicial foreclosure, the association records a lien on the owner's property. The owner's property may be sold to satisfy the lien if the amounts secured by the lien are not paid. (Sections 5700 through 5720 of the Civil Code, inclusive)

In a judicial or nonjudicial foreclosure, the association may recover assessments, reasonable costs of collection, reasonable attorney's fees, late charges, and interest. The association may not use nonjudicial foreclosure to collect fines or penalties, except for costs to repair common areas damaged by a member or a member's guests, if the governing documents provide for this. (Section 5725 of the Civil Code)

The association must comply with the requirements of Article 2 (commencing with Section 5650) of Chapter 8 of Part 5 of Division 4 of the Civil Code when collecting delinquent assessments. If the association fails to follow these requirements, it may not record a lien on the owner's property until it has satisfied those requirements. Any additional costs that result from satisfying the requirement are the responsibility of the association. (Section 5675 of the Civil Code)

At least 30 days prior to recording a lien on an owner's separate interest, the association must provide the owner of record with certain documents by certified mail, including a description of its collection and lien enforcement procedures and the method of calculating the amount. It must also provide an itemized statement of the charges owned by the owner. An owner has a right to review the association's records to verify the debt. (Section 5660 of the Civil Code)

If a lien is recorded against an owner's property in error, the person who recorded the lien is required to record a lien release within 21 days, and to provide an owner certain documents in this regard. (Section 5685 of the Civil Code)

The collection practices of the association may be governed by state and federal laws regarding fair debt collection. Penalties can be imposed for debt collection practices that violate these laws.

## PAYMENTS

When an owner makes a payment, the owner may request a receipt, and the association is required to provide it. On the receipt, the association must indicate the date of payment and the person who received it. The association must inform owners of a mailing address for overnight payments. (Section 5655 of the Civil Code)

An owner may, but is not obligated to, pay under protest any disputed charge or sum levied by the association, including, but not limited to, an assessment, fine, penalty, late fee, collection cost, or monetary penalty imposed as a disciplinary measure, and by so doing, specifically reserve the right to contest the disputed charge or sum in court or otherwise.

An owner may dispute an assessment debt by submitting a written request for dispute resolution to the association as set forth in Article 2 (commencing with Section 5900) of Chapter 10 of Part 5 of Division 4 of the Civil Code. In addition, an association may not initiate a foreclosure without participating in alternative dispute resolution with a neutral third party as set forth in Article 3 (commencing with Section 5925) of Chapter 10 of Part 5 of Division 4 of the Civil Code, if so requested by the owner. Binding arbitration shall not be available if the association intends to initiate a judicial foreclosure.

An Owner is not liable for charges, interest, and costs of collection, if it is established that the assessment was paid properly on time. (Section 5685 of the Civil Code)

## MEETINGS AND PAYMENT PLANS

An owner of a separate interest that is not a time-share interest may request the association to consider a payment plan to satisfy a delinquent assessment. The association must inform owners of the standard for payment plans, if any exist. (Section 5665 of the Civil Code)

The board must meet with an owner who makes a proper written request of a meeting to discuss a payment plan when the owner has received a notice of a delinquent assessment. These payment plans must conform with the payment plan standards of the association, if they exist. (Section 5665 of the Civil Code)

# DOCUMENT FEES FOR ESCROWS AND REFINANCING REQUESTS

## CHARGES FOR REQUIRED HOMEOWNER ASSOCIATION DOCUMENTS (AS REQUIRED BY SECTION 4525)\*

The Seller may, in accordance with Section 4530 of the Civil Code, provide to the prospective purchaser, at no cost, current copies of any documents specified by Section 4525 that are in the possession of the seller. A seller may request to purchase some or all of these documents, but shall not be required to purchase ALL of the documents listed on this form.

Property Address: \_\_\_\_\_ Owner of Property: \_\_\_\_\_  
Owners Mailing Address: \_\_\_\_\_

Provider of the Civil Code Section 4525 items:  
Print Name: \_\_\_\_\_ Print Title \_\_\_\_\_ Assoc.: \_\_\_\_\_ Agent: \_\_\_\_\_ Date: \_\_\_\_\_

Check or complete applicable column or columns below :

Document	Civil Code Section	Fee for Document	Not Available (N/A), or Not Applicable N/APP) or Directly Provided (DP) by Seller and confirmed in writing by Seller as a current document
Articles of Incorporation or statement that HOA not incorporated	4525(a)(1)	\$ 10.00	
CC&R's	4525(a)(1)	\$ 25.00	
ByLaws	4525(a)(1)	\$ 10.00	
Operating Rules	4525(a)(1)	\$ 10.00	
Age restrictions, if any	4525(a)(2)	0.00	
Rental restrictions, if any	4525(a)(9)	\$ 15.00	
Annual Budget Report, or summary including reserve study	5300, 4525(a)(3)	\$ 15.00	
Assessment and Reserve Funding Disclosure Summary	5300, 4525(a)(4)	\$ 15.00	
Financial Statement Review	5305, 4525(a)(3)	\$ 15.00	
Assessment Enforcement Policy	5310, 4525(a)(4)	\$ 10.00	
Insurance Summary	5300, 4525(a)(3)	\$ 10.00	
Regular Assessment	4525(a)(4)	\$ 15.00	
Special Assessment	4525(a)(4)	\$ 15.00	
Emergency Assessment	4525(a)(4)	\$ 15.00	
Other unpaid obligation of Seller	5675, 4525(a)(4)	\$ 15.00	
Approved changes to assessments	5300, 4525(a)(4),(8)	\$ 10.00	
Settlement Notice Regarding Common Area Defects	4525(a)(6), (7), 6100	\$ 10.00	
Preliminary list of defects	4525(a)(6), 6000, 6100	\$ 10.00	
Notice(s) of Violations	5855, 4525(a)(5)	\$ 5.00	
Required statement of fees	4525	0.00	
Minutes of regular board meetings conducted over the previous 12 months, if requested	4525(a)(10)	\$ 45.00	
Total Fees for These Documents		\$275.00	

\*The information provided by this form may not include all fees that may be imposed before the close of escrow. Additional fees that are not related to the requirements of Section 4525 may be charged separately.



## **SUMMARY OF INTERNAL DISPUTE RESOLUTION PROCESS**

In accordance with Civil Code Section 5920, et seq., the following internal dispute resolution process is to be followed by the Association and owners in connection with disputes between the Association and an owner involving their rights, duties or liabilities under the Nonprofit Mutual Benefit Corporation Law (Part 3 (commencing with Section 7110) of Division 2 of Title 1 of the Corporations Code) or under the Association's governing documents.

Either party to a dispute may invoke the following procedure:

1. The party may request the other party to meet and confer in an effort to resolve the dispute. The request shall be in writing.
2. An owner may refuse a request to meet and confer. The Association may not refuse a request to meet and confer.
3. The Association's Board of Directors shall designate a member of the Board to meet and confer.
4. The parties shall meet promptly at a mutually convenient time and place, explain their positions to each other, and confer in good faith in an effort to resolve the dispute.
5. A resolution of the dispute agreed to by the parties shall be memorialized in writing and signed by the parties, including the Board designee on behalf of the Association.
6. The agreement reached binds the parties and is judicially enforceable if both of the following conditions are satisfied:
  - A) The agreement is not in conflict with the law or the governing documents of the common interest development or association; and
  - B) The agreement is either consistent with the authority granted by the Board of Directors to its designee or the agreement is ratified by the Board of Directors.
7. A member of the association may not be charged a fee to participate in the process.

**Mammoth Estates Condominiums, Inc.**  
**Post Office Box 5038**  
**Mammoth Lakes, CA 93546**

May 2024

Certification by the Federal Housing Administration may provide benefits to members of an association, including an improvement in an owner's ability to refinance a mortgage or obtain secondary financing and an increase in the pool of potential buyers of the separate interest.

This common interest development is a planned development. The association of this common interest development is not certified by the Federal Housing Administration.

Certification by the federal Department of Veterans Affairs may provide benefits to members of an association, including an improvement in an owner's ability to refinance a mortgage or obtain secondary financing and an increase in the pool of potential buyers of the separate interest.

This common interest development is a planned development. The association of this common interest development is not certified by the federal Department of Veterans Affairs.

Note: Due to the lack of full time, owner occupied units in Mammoth, there are currently no FHA or VA approved condominium projects in Mammoth.