



APV Board Brief

Assessments, Fees and Debt Collections in APV

Several Association of Poinciana Villages board members have been approached with questions about assessments, fees and debt collection practices at APV. We hope this APV Board Brief will provide answers on these issues.

Have residents' homes been foreclosed upon because they did not pay their assessments?

The fact is that no homes have been foreclosed because of unpaid dues. Some homes have had liens placed against them for unpaid assessments followed by legal action, but none have resulted in foreclosure. Foreclosing a lien is different from foreclosing a mortgage - APV does not have the authority to foreclose on a mortgage. However, APV does have a fiduciary responsibility to take action when owners fail to pay association assessments. These cases are not filed by APV. They are filed by collection agencies on behalf of APV. Of the four "foreclosure" cases recently cited, one case has been closed and little has happened on the others since they were filed giving property owners every opportunity to make payment.

What is the process to pay your APV Assessments?

Residents must let APV know if they will be paying monthly and submit their first payment of \$21 by January 15. A helpful diagram illustrating the overall assessment, fees and collection process is attached. The association sends each member an annual assessment invoice in December which is due by January 15. Any homeowner who needs help and is willing to work with the association, can request one of multiple options to pay the annual assessment of \$252. This is only \$21 per month or 70 cents a day. The association offers monthly payment plans at no additional charge and no additional fees. Residents must only request monthly payments prior to January 15.

When is an account turned over to a collection agency?

If after multiple attempts to gain a homeowner's cooperation in paying his or her assessment is unsuccessful by June 30, the account is turned over to a third-party debt-collections agency. The delinquent homeowner is responsible for any additional fees associated with the debt collections process.

Why did the APV Board of Directors choose to turn collections over to a third party agency?

Under previous management, prior to 2013, the collections process was ineffective, resulting in an increasing number of residents not paying their dues. This became an epidemic that soared to more than \$7 million in uncollected assessments. Hundreds of thousands of dollars were written off due to mortgage foreclosures.

APV collection efforts were not effective because APV cannot pursue collections without incurring hundreds of dollars in fees in order to proceed with action against delinquent accounts. This penalized all residents across the association, even those who were current on their assessments, putting an undue burden on rule-abiding residents. Turning the process over to a collection agency avoids all the initial expenses (they are paid by the collection agency) and penalizes only the non-paying resident.



Who can I contact if I have questions?

For general accounting questions contact the APV Accounting Department at 863-427-0900, extension #2. For questions about a past due account or monthly payment option, contact the APV Accounting Department at 863-427-0900, extension #7. If your account has been turned over to collections, contact Association Capital Recovery (ACR) at 888-925-0688 or recovery@associationcapital.com or contact 1st 100 at McCabe Law Group, 321-250-1011 or mlg@fcalaw.com.

It is important to note that annual assessments have not been raised for the past six years and we have seen great advancements in the amenities and growth in the Association of Poinciana Villages. This includes the APV Community Activity Center paid for with the assessments.

The APV board members have an obligation to pursue collections on behalf of the association. It is never easy to make a decision to send an account to collections, but the APV Board of Directors wants to assure all members of the Association of Poinciana Villages that there are processes and procedures in place to assist all homeowners in avoiding that altogether. They simply have to reach out to the association.