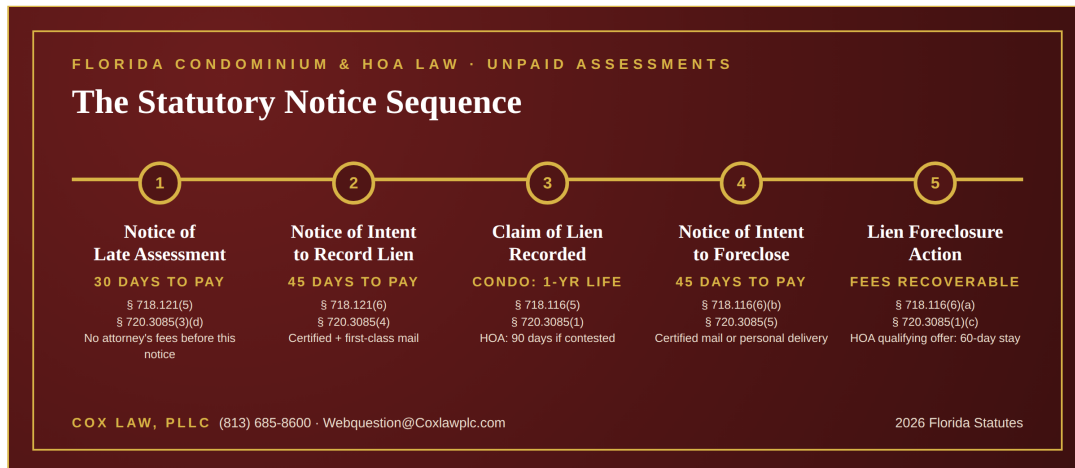


Assessment Collection Checklist: The Statutory Notice Sequence

Five steps from a late assessment to a lien foreclosure — with the notices, mail methods, and deadlines the statutes require

Florida law requires an association to send specific notices, in a specific order, by specific mail methods, before it may charge attorney's fees, record a claim of lien, or foreclose. Use one copy of this checklist per delinquent account and calendar every deadline from the *mailing* date. Condominium citations are to Chapter 718; homeowners' association citations are to Chapter 720. Cooperatives follow a parallel scheme in § 719.108.



ASSOCIATION	OWNER / UNIT OR PARCEL	TYPE ☐ Condo (718) ☐ HOA (720) ☐ Co-op (719)
OWNER'S ADDRESS OF RECORD	UNIT / PARCEL ADDRESS (IF DIFFERENT)	TENANT-OCCUPIED? ☐ Yes ☐ No FILE OPENED _____



Before You Start: File Setup

Governing documents · § 718.116(3) / § 720.3085(3)

- ☐ Confirm the declaration's interest rate and late-fee provision (statutory default: 18% simple interest; late fee up to the greater of \$25 or 5% of the installment)
- ☐ Ledger is current and itemized: assessments, interest, late fees, prior costs. Partial payments applied in statutory order: interest → late fee → costs/attorney's fees → assessment
- ☐ Verified the owner's last address in the association's records *and* the unit/parcel address
- ☐ Reviewed any notices already sent by a prior manager or law firm — if any step below was defective, restart the sequence rather than build on it
- ☐ Board has adopted or reviewed the collection policy authorizing these steps



1 Notice of Late Assessment — 30 Days

§ 718.121(5) · § 720.3085(3)(d)

- ☐ Statutory form used substantially as written; itemizes maintenance due, late fees, interest, and total outstanding
 - ☐ Sent by first-class U.S. mail to the owner's last address of record
 - ☐ Also sent by first-class mail to the unit/parcel address, if different
 - ☐ Sworn mailing affidavit signed by a board member, officer, manager, or agent and placed in the file
 - ☐ No attorney's fees charged to the owner before this notice was delivered and 30 days ran
- Date mailed: _____ → Deadline (30 or 45 days from mailing): _____

2 Notice of Intent to Record a Claim of Lien — 45 Days

§ 718.121(6) · § 720.3085(4)

- ☐ Step 1 deadline has expired without payment in full
 - ☐ Statutory form used; itemizes maintenance, late fees, interest, certified-mail charges, and other costs (attorney's fees and costs of the demand may now be included)
 - ☐ Sent by registered or certified mail, return receipt requested — *and* by first-class mail
 - ☐ Both mailings went to the owner's last address of record and to the unit/parcel address if different
 - ☐ Certified receipts, tracking, and return cards retained
- Date mailed: _____ → Deadline (30 or 45 days from mailing): _____

3 Claim of Lien Recorded

§ 718.116(5) · § 720.3085(1)

- ☐ Step 2 deadline (45 days from deposit in the mail) has expired without payment in full
- ☐ Lien states: unit/parcel description, record owner, association name and address, amount due, and due date
- ☐ Recorded in the official records of the county where the property sits Date: _____ Instrument / OR Book-Page: _____
- ☐ **Condominium:** lien is void one year after recording unless suit is filed (§ 718.116(5)(b)) 1-year deadline: _____
- ☐ **HOA:** if the owner records and serves a notice of contest of lien, suit must be filed within 90 days or the lien is void (§ 720.3085(1)(b))
Contest served: _____ → 90-day deadline: _____
- ☐ Copy of the recorded lien mailed to the owner (recommended)

4 Notice of Intent to Foreclose — 45 Days

§ 718.116(6)(b) · § 720.3085(5)

- ☐ Claim of lien is already of record — this notice was *not* combined with the Step 2 notice
 - ☐ **Condominium:** sent by certified or registered mail, return receipt requested, or by personal delivery, to the owner's last known address
 - ☐ **HOA:** written notice of intent to foreclose provided to the parcel owner
 - ☐ No foreclosure filed (HOA) or judgment entered (condo) until 45 days have run
- Date mailed: _____ → Deadline (30 or 45 days from mailing): _____

5 Foreclosure and/or Money Judgment

§ 718.116(6)(a) · § 720.3085(1)(c), (6)

- ☐ Step 4 deadline has expired without payment in full
- ☐ Title search completed: first-mortgage priority confirmed, equity above the mortgage evaluated, other liens identified
- ☐ Board authorization to file documented in the minutes
- ☐ Strategy selected: ☐ lien foreclosure ☐ money judgment ☐ both (no waiver of the lien)
- ☐ **Condominium:** complaint filed before the one-year lien expiration
- ☐ **HOA:** prepared for a qualifying offer, which stays the foreclosure for up to 60 days (§ 720.3085(6))

Rent demand (available at any point once the owner is delinquent): if the unit or parcel is tenant-occupied, the association may send the tenant a written demand to pay rent directly to the association until the owner's account is paid in full, and must mail a copy of the demand to the owner. A tenant who ignores the demand may be evicted under Chapter 83. § 718.116(11) · § 720.3085(8) · § 719.108(10).

Common errors that forfeit fees or the lien

- ☐ Skipping Step 1 and charging attorney's fees anyway
- ☐ Certified mail only — no companion first-class mailing
- ☐ Mailing to one address when the statute requires two
- ☐ Sending the intent-to-foreclose notice before the lien is recorded
- ☐ Counting days from receipt instead of from mailing
- ☐ Letting a condo lien pass its one-year anniversary

Keep in the file

- ☐ Copy of each notice as mailed
- ☐ Mailing affidavits (Steps 1, 2, 4)
- ☐ Certified-mail receipts and return cards
- ☐ Recorded claim of lien with recording data
- ☐ Ledger as of each notice date
- ☐ Board minutes authorizing lien and suit

COX LAW, PLLC · FLORIDA CONDOMINIUM & HOA ATTORNEYS

Questions about a delinquent account, or a notice you received?

Cox Law, PLLC prepares and sends each statutory notice in the prescribed form and on the statutory clock, records and forecloses assessment liens for associations, and advises owners on responding to a demand or claim of lien.

CALL (813) 685-8600 **EMAIL** Webquestion@Coxlawplc.com **WEB** coxlawflorida.com