



Abaris Realty, Inc.

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Web Site: www.abarisrealty.com

Serving the DMV Metro Area Since 1975

November 16, 2021

Stacy S. Pickett, Esquire
Pickett Law, LLC
spickett@pickettllaw.net

Re: Legal Collection Services Approval
Tanyard Springs HOA

Dear Stacy:

I am pleased to inform you that the Board of Directors at the above referenced Association has voted to accept your proposal for collection services. We are notifying the current collections attorney for the community, Raymond Via at Whitford, Taylor, & Preston to turn over all active collection files to your office no later than December 10, 2021. Enclosed is the signed proposal for your records.

Please contact our Accounts Receivable Specialist, Margarita Cruz, to arrange a meeting to discuss the collection status of all existing collection accounts and help facilitate the transfer of the collection files. Once you review the cases, please provide a status summary of collection efforts to date and your recommendations for future collection efforts of every delinquent account. Please provide your opinion on the next steps that should be taken for each account based upon the circumstances. Of course, all new cases will be sent to you directly from our Accounts Receivable department.

On behalf of the Board, I look forward to working with you at this community!

Sincerely,

A handwritten signature in black ink that reads "Shireen Ambush". The signature is fluid and cursive.

Shireen Ambush, PCAM
Property Manager

Cc: Board of Directors



PICKETT LAW

264 MERRIMAC COURT
P.O. BOX 590
PRINCE FREDERICK, MD 20678
TEL: (240) 242-5801
FAX: (443) 295-7339
WWW.PICKETTLAW.NET

ATTORNEY-CLIENT AGREEMENT

The undersigned ("the Client") hereby employs the law firm of PICKETT LAW, LLC ("the Firm"), as their attorneys for the purpose of handling the following matter(s): Representation of Tanyard Springs Homeowners Association, Inc., on all matters as directed by the Board of Directors and/or its designated management agent.

It is agreed the fees will be those hourly rates for such matters as established by the firm periodically. The Firm currently charges an hourly fee ranging from \$250.00-\$350.00 per hour for general representation (non-collection work), **with all collection work to be billed on a flat-fee schedule basis as per the attached "COLLECTION FLAT FEE SCHEDULE"**. Our office does not charge a retainer fee. However, the Client may elect to deposit a lump sum in the Firm's escrow account to be used to pay legal invoices. A monthly status report detailing our collection actions shall be provided at no charge to the Client/Association. Unlimited e-mail and telephone communication between the management company and/or members of the board of directors regarding collection related matters shall be provided at no charge to the Client/Association.

The following are the Firm's policies with regard to legal fees and services, which are explicitly incorporated in and made a part of this Agreement.

1. Time. The Firm charges for all time involved in any matter. This includes time expended in conducting needed investigation and research, reviewing and drafting correspondence and documents, supervising other employees, and all other time required to handle the case. Time is kept in increments of one-tenth of an hour (**however, this applies to hourly tasks not referenced in the Collection Flat Fee Schedule attached hereto**).
2. Responsible Attorney. One attorney will be primarily responsible for Client's case, but the firm reserves the right to assign the case, or portions thereof to the attorney best suited to handle it. Where appropriate, a law clerk or paralegal may work under the attorney's supervision. Because all work must be done under professional supervision, Clients should not assign duties directly to Firm's law clerks or paralegal staff.
3. Costs. All costs are in addition to legal fees. Bills include costs incurred by Firm on your behalf. Costs incurred ordinarily include duplicating and printing expenses, telephone charges, automobile mileage, messenger service, court filing fees, witness fees, staff overtime, and all similar out-of-pocket expenses, as well as the Firm's administrative expenses associated with certain charges made by third parties. Major expenses such as deposition costs and expert witness fees may be required, but will not be incurred without Client's prior approval. Client agrees to pay costs directly to others upon request of the Firm. (these costs are referenced in the Collection Flat Fee Schedule attached hereto).

4. Bills/Interest. Bills will be rendered by Firm to Client on a monthly basis. All fees and costs are due and payable upon receipt thereof.

5. Court Approval. In some cases, it may be necessary or desirable to submit our bill to a Court for approval and Client will be billed for the time spent in preparing the documents and for any court hearing. Unless otherwise prohibited by law, Client agrees to be responsible for the entire legal fee for such services rendered to Client by the Firm, whether or not the entire fee is approved or awarded by the Court.

6. Termination. This Agreement may be terminated in writing, with or without cause, by Client upon payment in full of any outstanding balance due the firm, or by the Firm upon five (5) days' written notice.

PICKETT LAW, LLC

TANYARD SPRINGS HOMEOWNERS
ASSOCIATION, INC.

STACY S. PICKETT, ESQUIRE

Date _____



~~Board President~~/Agent

Shireen Ambush

Printed Name

7811 Montrose Rd #110
Address Potomac, MD 20854

301-468-8919

Phone Number

Sambush@abarisrealty.com
Email Address



PICKETT LAW

264 Merrimac Court, P.O. Box 590
Prince Frederick, Maryland 20678
Tel: (240) 242-5801 | Fax: (443) 295-7339

2021 COLLECTION FLAT FEE SCHEDULE

Description of Services:

I. New Case/Administration	Rate
A. Demand Letter [includes verification of ownership and lender foreclosure check, SDAT real property search, and bankruptcy search]	\$ 50.00
<i>Telephone Conferences and E-mails with Owners by Paralegals</i>	<i>NO CHARGE</i>
II. Lien Filing Process	Rate
A. Notice of Intention to Create a Lien – Attorney Fee	\$ 140.00
B. Notice of Intention to Create a Lien Cost [certified mail & process server to post]	\$ 55.00
C. Lien Preparation – Attorney Fee	\$ 15.00
D. Lien Court Cost [filing fee]	\$ 65.00
E. Lien Recordation Tax - TBD by Land Records [varies by County]	TBD
<i>Telephone Conferences and E-mails with Owners by Paralegals</i>	<i>NO CHARGE</i>
III. Preparation/Filing of Lawsuit/ Litigation	Rate
A. Civil Suit – Attorney Fee	\$ 275.00
B. Cost – Under \$5,000 [includes filing fee for Court & Process Server fee] *Additional \$50.00 for each defendant, i.e. cost is \$90.00 for one defendant and \$140.00 for two defendants	\$ 90.00
C. Cost – Over \$5,000 [includes filing fee for Court & Process Server Fee] *Additional \$50.00 for each defendant, i.e. cost is \$100.00 for one defendant and \$150.00 for two defendants	\$ 100.00
D. Renewal of Summons [\$15.00 Attorney Fee, \$10.00 Cost – per defendant]	\$ 25.00
E. PI Asset Search	\$ 50.00
F. Credit Bureau Search [\$30.00 Attorney Fee, \$10.00 Cost]	\$ 40.00
G. Amended Complaint [\$90.00 Attorney Fee, \$5.00 Cost]	\$ 95.00
H. Motions [For Alternate Service, Enter Judgment, etc.] [\$75.00 Attorney Fee, \$5.00 Cost]	\$ 80.00
I. Reminder Letter and/or Notice of Default	\$ 30.00
<i>Telephone Conferences and E-mails with Owners by Paralegals</i>	<i>NO CHARGE</i>
IV. Post Judgment Execution	Rate
A. Oral Examination – Attorney Fee [Includes Court Appearance]	\$ 100.00
B. Oral Examination – Cost**	\$ 80.00
C. Garnishment of Wages – [\$30.00 Attorney Fee, \$55.00 Cost**]	\$ 85.00
D. Garnishment of Bank/Credit Union Accounts – [\$30.00 Attorney Fee, \$55.00 Cost**]	\$ 85.00
E. Garnishment of Tenant Rent – [\$30.00 Attorney Fee, \$55.00 Cost**]	\$ 85.00
F. Vehicle Search Fee	\$ 75.00
G. Record Judgment Lien – [\$20.00 Attorney Fee, \$15.00 Cost]	\$ 35.00
H. Writ – [\$30.00 Attorney Fee, \$55.00 Cost**]	\$ 85.00
I. Claim Against Estate [\$30.00 Attorney Fee, \$5.00 Cost]	\$ 35.00
J. Enroll Judgments in D.C. – Attorney Fee	\$ 150.00
K. Enroll Judgments in D.C. – Cost	\$ 30.00
<i>Telephone Conferences and E-mails with Owners by Paralegals</i>	<i>NO CHARGE</i>

****All costs include the filing fee, postage, and private process server fee****



PICKETT LAW

V. Bankruptcy	Rate
Chapter 7 Bankruptcy	
A. Review Bankruptcy	NO CHARGE
B. Enter Appearance/Request Notices	\$ 50.00
C. Monitor Bankruptcy Dismissal, Discharge, Conversion	NO CHARGE
Chapter 13 Bankruptcy	
A. Review Bankruptcy	NO CHARGE
B. Enter Appearance/Request Notices	\$ 50.00
C. Preparation and Filing of Proof of Claim/Exhibits	\$ 110.00
D. Objection to Confirmation of Plan	HOURLY
E. Motion for Relief from Bankruptcy Stay – Attorney Fee	\$ 350.00
F. Motion for Relief from Bankruptcy Stay – Filing Fee & Cost	\$ 190.00
G. Proposed Order Granting Relief from Stay	\$ 100.00
H. Consent Order	\$ 100.00
I. Notice of Default of Consent Order	\$ 75.00
J. Declaration of Default of Consent Order	\$ 75.00
K. Post-Petition Demand Letter to Attorney	\$ 100.00
L. Monitor Bankruptcy Dismissal, Discharge, Conversion	NO CHARGE
Telephone Conferences and E-mails with Owners by Paralegals	NO CHARGE

VI. Foreclosure & Sheriff Sale	Rate
A. Foreclosure Demand Letter – Attorney Fee	\$ 50.00
B. Foreclosure Demand Letter – Cost [If Posted to Property]	\$ 45.00
C. Foreclosure Demand Letter – Cost [Mailed Only]	\$ 5.00
D. Petition for Surplus Proceeds – [\$350.00 Attorney Fee, \$10.00 Cost]	\$ 360.00
E. Retainer for Foreclosure, Costs, etc.	\$ 4,500.00
F. Foreclosure Action – Attorney Fee	HOURLY
G. Sheriff Sale Notice	\$ 35.00
H. Retainer for Sheriff Sale, Costs, etc.	\$ 2,500.00
I. Sheriff Sale Action – Attorney Fee	HOURLY

VII. General	Rate
A. Payoff Memorandum	\$ 85.00
B. Lien Release – [\$75.00 Attorney Fee, \$50.00 Recording Cost]	\$ 125.00
C. Write-Off Recommendation [includes review of all delinquent accounts & written recommendation with explanation] – cost varies based upon size of Association	HOURLY
D. Other Legal Services [i.e. written legal opinions, violation letters, contract review, amendment of governing documents, rules, regulations, and procedures]	HOURLY
E. Expedited Fee – For Legal Services – 1 week turnaround* *subject to attorney availability	\$ 200.00
F. Appeals from District Court to Circuit Court; Appellate Appeals	HOURLY
G. Bulk Mailings & Notices – Postage as used and paper at 10 cents/page	COST
H. Collection History Report provided Monthly	NO CHARGE

2020 HOURLY FEE SCHEDULE	
SENIOR PARTNER	\$350.00/hour
SENIOR ASSOCIATE ATTORNEY	\$300.00/hour
ASSOCIATE ATTORNEY	\$250.00/hour
PARALEGAL/LEGAL ASSISTANT	\$100.00/hour

****All costs include the filing fee, postage, and private process server fee****



STANLEY S. PICKETT (1936-2006)

STACY S. PICKETT TRIMBLE

AMBER L. BRYANT

ALYSON L. WYMAN*

*ALSO ADMITTED IN D.C. PA & NJ

September 22, 2021

Board of Directors,
Tanyard Springs Homeowners Association, Inc.
Att: Nicholas Viktor
7811 Montrose Road
Suite 110
Potomac, Maryland 20854

Re: Debt Collection Procedures

Dear Board Members,

Thank you for contacting this office regarding the collection of annual assessments and representation in other legal matters for Tanyard Springs Homeowners Association, Inc. I would like an opportunity to review our collection procedures and those costs associated with collection matters. Our first step, once an owner is turned over to our office, is to send the homeowner a demand letter. The demand letter informs the homeowner they have thirty (30) days to pay and, if they do not pay, legal action will begin. The cost of a demand letter is \$50.00, which is paid by the Association but charged to the homeowners account. This letter is not legally required and some of my clients have eliminated this step to reduce legal costs and expedite collections.

If a delinquent homeowner does not respond to the demand letter after thirty (30) days, the next step is to send the homeowner a Notice of Intent to Create a Lien. The Notice informs the delinquent owner of our intent to place a lien on their real property. This lien encumbers the property like a mortgage and, under the Maryland Contract Lien Act, may be foreclosed like a mortgage. Further, the owner cannot sell, transfer or refinance the property until the lien is satisfied. The Notice is sent certified mail and posted to the door of the property. Per the Fair Debt Collection Act, the homeowner is given thirty (30) days to pay. If payment is not received in thirty (30) days, a lien is sent to Land Records and recorded against the property.

The charge for the Notice of Intent is \$140.00 legal fees and \$135.00 costs. The costs include certified mail, recordation and other taxes charged by the Land Records and also includes the cost of a process server to post a copy of the Notice to the property. The cost of the Notice of Intent to Create a Lien is also paid by the Association and added to the amount owed by the debtor. If there is no payment, the lien that is filed in Land Records includes all legal fees and costs charged to the homeowners account.

If there is no response to my demand letter or Notice of Intent to Create a Lien, my next step is to file a civil suit. The civil suit includes not only assessments and late fees owed by the delinquent owner, but also all legal fees and cost of collection paid by the Association. It is always our goal to get a judgment that includes all legal fees paid by the Association, however, we cannot guarantee that a Judge will award those fees. Our fees are very reasonable compared to our colleagues, however, due to a new ruling by the Court of Appeals of Maryland, the courts are seriously scrutinizing legal fees and many attorneys in this area of practice are not able to collect all fees charged to the Association.

Once a civil suit is filed, the court sends this office a summons and our process server hand-delivers the summons. My process servers are very diligent and often serve the Defendants on their first attempt. However, despite quick service, the court is setting trial dates for at least two (2) months after the date the summons is issued by the court and, therefore, the legal process is slowed by the court's ability to hear trials. This office charges \$275.00 attorney fees for a civil suit plus court costs of \$90.00-\$100.00, which includes the private processer fee.

Once a judgment is entered, we are required to wait thirty (30) days, which is the appeal period, to perform post judgment execution. Our first step is to record the judgment. By recording the judgment with the court, a judgment lien is created. The judgment lien places a lien on all real property owned by the delinquent homeowner in the county where the judgment is entered, including rental properties and vacation homes. This means if the delinquent homeowner attempts to sell the property located in the Association, or even another property in the county, they will have to pay the lien in full, including court costs and legal fees, prior to sale. If the homeowner has a property located in a Maryland county other than the one where the judgment was entered, I will also enroll and record the judgment in that county and, therefore, will encumber all real property owned by the delinquent homeowner in the State of Maryland.

Once a judgment is entered, this office makes every attempt to garnish the wages, rent or bank account of the delinquent owner(s). If I know where the person banks or works, it is my first action after I get the judgment, as it is a reliable way to collect on a judgment. If the Board has any work or banking information about delinquent owners, please provide that to my office. I find that garnishments are the most effective method of collecting judgments.

I have many collection tools to determine the assets of delinquent homeowners. First, I employ a private investigator, which is a charge of \$50.00. My private investigator, a former bail bondswoman, has been very effective in locating assets of delinquent homeowners. Assets she has located for me include vacation homes, work information, information about renters and banking information. I also use Accurint, a product of Lexis/Nexis, TLO (The Last One), The Work Number and TransUnion, \$40.00, which allow me to search the assets of homeowners and is particularly effective at locating other properties owned by delinquent owners

In addition to recording the judgment and seeking a garnishment, we may also instruct the Sheriff to serve a Writ. A Writ allows us to sell any property owned by the delinquent homeowner in the State of Maryland. The Writ, which is tacked to the door by the Sheriff, usually gets the homeowner's attention. If they do not contact this office upon receipt of the Writ, we can then instruct the Sheriff to sell the property at public auction. A copy of our instruction to the Sheriff often elicits a prompt response from the homeowner. In the event there is no response from the homeowner, which is infrequent, we will discuss with the Board and Property Manager the possibility of attending the public auction and bidding on the property. The bid can be as low as the debt owed by the homeowner, but we purchase the property subject to the mortgage. The primary purpose of purchasing the unit at public auction is that it motivates the homeowner to pay prior to the sale and, if they do not pay, it removes a seriously delinquent homeowner from the Association. The Association may keep the property and pay the mortgage, depending on the equity in the house, or may instruct the mortgage company that it has purchased the property, has no intention of paying the debt and encourage the mortgage company foreclosure. This office would never initiate a Sheriff Sale without the consent of the Board and it is typically an action of last resort.

In addition to collection services, this office provides legal services to many community associations in the metropolitan area. These services include reviewing and updating governing documents, reviewing violation notices and participating in violation hearings, providing our clients with legislative updates and any other requested services. This firm charges a flat fee of \$250.00 per hour for those services.

I hope this description adequately answers any questions about our collection policies.

If you have any further questions, please contact me at (240) 242-5801 or sspt@pickettlaw.net.

With best wishes, I remain,

Very truly yours,

STACY S. PICKETT TRIMBLE