

POLICY #0007: DISPUTE RESOLUTION BETWEEN OWNERS AND ASSOCIATION

Adopted 9-16-2020

The following procedures have been adopted by the North Crest Subdivision HOA, ("Association") pursuant to the provisions of C.R.S. §38-33.3-209.5, the Association Documents and The Act, at a regular meeting of the Board of Directors.

Purpose: The purpose of this Policy is to adopt a standard procedure to be followed for alternative dispute resolution (ADR) when disputes arise between a Member and the Association.

NOW, THEREFORE, IT IS RESOLVED that the Association does hereby adopt the following Policy governing disputes between Members and the Association:

1. Disputes Between Member and Association. In the event of any dispute involving the Association and a Member, the Member is invited and encouraged to meet with the Board to resolve the dispute informally and without the need for litigation. If the Member requests to meet with the Board, the Board shall make a reasonable effort to comply with the Member's request.
2. General Policy. If the dispute cannot be resolved informally, it is the general policy of the Association to use an Alternative Dispute Resolution to resolve disputes which involve the Association and a Member. Alternative Dispute Resolution ("ADR") is defined as a procedure for settling a dispute by means other than litigation, such as mediation or binding or non-binding arbitration.
3. Procedure. Except for the Exempted Claims defined in this Policy, the Association and the Member shall attempt to resolve the dispute using ADR methodologies prior to filing suit in any court of competent jurisdiction.
4. Exemptions. The following claims shall be exempt from the provisions of this Policy:
 - (a) Collection of Assessments. Any action by the Association against a Member to collect Assessments or other sums due to the Association, including foreclosure proceedings; and
 - (b) Enforcement Actions. Any action by the Association to enforce any provisions of the Association's Declaration, Bylaws, Rules and Regulations, or Policies; and

No Waiver. Failure by the Association to enforce any provision of this Policy shall in no event be deemed to be a waiver of the right to do so thereafter.

Additional Remedies. These enforcement provisions may be in addition to other specific provisions outlined in the Association Documents, and the Association is not required to follow these enforcement provisions before seeking such other remedies. The Association may choose a legal remedy or seek assistance from other enforcement authorities, such as police, fire, or animal control, as it deems appropriate.

Statute of Limitations. Any claim of the Association which, if not pursued by the filing of a lawsuit, would be deemed barred due to the applicable statute of limitations.

5. ADR Not Required. Nothing in this Policy shall be construed to require any specific form of alternative dispute resolution, such as mediation or arbitration, or require the parties to meet.

Neither the Association nor the Member waives any right to pursue whatever legal or other remedial actions available to either party.

PRESIDENT'S CERTIFICATION:

The undersigned, being the President of the North Crest Subdivision HOA, a Colorado nonprofit corporation, certifies that the foregoing Resolution # 0007 was introduced for first reading at a duly called and held meeting of the Board on September 16, 2020, and is hereby approved and adopted by the Board, at a duly called and held meeting of the Board on September 16, 2020, and in witness thereof, the undersigned has subscribed his/her name.

North Crest Subdivision HOA

By:  _____
President

By:  _____
Vice President

By:  _____
Secretary