

POLICY REGARDING DISPUTES BETWEEN OWNERS

The purpose of this Policy is to provide an efficient means of resolving disputes between Owners, preferably through the use of Alternative Dispute Resolution means.

This Policy is in compliance with Colorado Revised Statute §38-33.3-209.5, and the Articles of Incorporation and Bylaws of the Association.

1. Underlying many disputes is the need for both of the Owners to truly be heard, treated fairly and with respect, and be recognized as having valuable input. Agreement by both parties that these 'needs', as well as the Association's Responsible Governance Policies, is the basis for meaningful discussions that end with a win-win solution for both parties.

2. In the event of any dispute involving two or more Owners, the Owners are encouraged to meet with each other to resolve the dispute informally by good faith negotiation and without need for litigation. Through good-faith negotiation, the parties will communicate directly with each other in an effort to reach an agreement that serves the interests of both parties. If the parties reach an agreement then it is considered resolved. If the parties are not successful in resolving the dispute through negotiation, the Owners may submit the dispute to the Board for mediation.

a. The dispute must be submitted in writing stating the owners' names, lot numbers and the details of the dispute as well as any evidence of resolving it between themselves.

b. The Board will then attempt to mediate in good faith acting as a facilitator for compromise and communication. If a mutually acceptable resolution is reached as a result of negotiation or mediation, it will be documented in writing and signed by both parties.

3. If a mutually acceptable resolution is not reached, the Owner has the right to bring the dispute to the Owners at the next Annual Meeting to be resolved by a vote of the Owners. If a dispute is to be put before the Owners at the Annual Meeting, the Board will include it as an agenda item for the meeting and allot a reasonable amount of time at the meeting for discussion and voting. A resolution approved by the Owners at the Annual Meeting will override any prior inconsistent Board decision provided that the resolution is consistent with state law and the governing documents. If the nature of the dispute reasonably requires a determination prior to the scheduled date for the Annual Meeting, the Board shall schedule a special meeting of the Owners to consider the dispute. Prior to said meeting(s), an agenda shall be prepared by the Board, setting out the procedure to be utilized by both the Board and Owner in their respective presentations.

4. In the event the annoyance or dispute involves a county or state ordinance, regulation or law, and has been brought to the attention of the Board, the Board may inform the Owners of the complaint of violation of the, ordinance, regulation or law, and possible resolutions. The Board may enforce by contacting the appropriate authority without notice. The complaining Owner may also contact the appropriate authority at any juncture to enforce the ordinance, regulation or law.

5. The Owner will bear any attendant expenses including, but not limited to, costs of copying and mailing, provided, however, if the parties utilize mediation, they shall split equally the costs of mediation, with each party bearing the cost of their own attorney's fees. In the event that an Owner fails to pay his/her share of the cost, the unpaid amount will be considered an assessment against that Owner's lot or unit and may be collected as provided in the Association policies, procedures, rules and regulations, and applicable Colorado law. Nothing in this policy shall be considered a prerequisite or condition precedent to litigation.

6. The Board shall review this Policy annually. The Board may amend this Policy when such modification is deemed to be in the best interests of the Association.

7. Nothing in this policy shall be considered as a prerequisite or condition precedent to litigation.

The undersigned, being President of the Owners' Association of Elk Meadows Estates, Inc., certifies that the foregoing Disputes between Owners Policy was adopted by the Board of Directors of the Association at a duly called meeting of the Board on March 2, 2019, and in witness thereof the undersigned has subscribed his/her name.

Owners Association of Elk Meadows
Estates, Inc.

By: _____ (Signature on file) _____
Belinda KM Chisholm, President

This policy has been reviewed by the Board of Directors (no amendments necessary),
per #6 above, February 15, 2022.

Board signatures on file

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