

OWNERS ASSOCIATION OF ELK MEADOWS ESTATES, INC

POLICY REGARDING DISPUTES BETWEEN THE ASSOCIATION AND OWNERS

The purpose of this policy is to provide an efficient means of resolving disputes between the Association and 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 the Association and 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 the Association and an owner, the owner is invited and encouraged to meet with the Board of Directors at a regularly scheduled board meeting to resolve the dispute informally by good faith negotiation and without need for litigation. Before meeting with the board, the owner shall submit in writing to the board a letter setting out the dispute containing the specific details and/or description of the dispute. The letter shall also contain the name, address, and telephone number of the owner(s). Commencing after the board has received the owner's written letter setting out the details of the dispute, the parties will attempt to resolve the dispute for thirty (30) days, or for such longer period as the parties may agree. 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 are not successful in resolving the dispute through negotiation, the owner will submit the dispute to mediation within thirty (30) days from the end of the negotiation period. Mediation will be completed using a trained independent mediator familiar with the governance of common interest communities acceptable to both parties. If the owner does not submit his/her dispute to mediation within the time provided, or does not appear for the mediation, the owner will be deemed to have waived the dispute and the board will be released and discharged from any and all liability arising out of the dispute. 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 for discussion and voting. A resolution approved by the owners at the annual meeting will override any prior inconsistent board decision. If the nature of the dispute 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. 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.

5. Nothing in this policy shall be considered as a prerequisite or condition precedent to litigation.
6. The board shall review this policy annually. The board may amend this policy when such a modification is deemed to be in the best interests of the Association.

The undersigned, being President of the Owners Association of Elk Meadows Estates, Inc., certifies that the foregoing Dispute Resolution Policy was adopted by the Board of Directors of the Association at a duly called meeting of the Board on January 14, 2014, and in witness thereof the undersigned has subscribed his/her name.

Owners Association of Elk Meadows Estates, Inc.

By: James D. Wing, President (Signature on file) _____

As per #6 above, this policy has been reviewed on March 31, 2024, by the Board of Directors.
Board signatures on file

No amendments were necessary, but formatting and minor grammatical errors were corrected and performed by Pam East.

In an effort to simplify version control, from this date forward, all policy reviews will be tracked via a tracking document and kept on file rather than changing the review date on each policy every year, with the exception being any policy that requires amending.

Amendment tracking information:

Date	Amendment Details
12/16/2014	?