

THE RESERVE ON THE EAGLE RIVER CONDOMINIUMS
POLICY AND PROCEDURE
ADDRESSING DISPUTES ARISING BETWEEN THE ASSOCIATION AND OWNERS

Adopted October 15, 2018

The following policy and procedure has been adopted by The Reserve on the Eagle River Condominiums ("Association"), pursuant to Colorado statutes, regarding the Association's procedure as to addressing disputes arising between the Association and Owners.

PURPOSE

The purpose of this policy is to address disputes that arise between the Association and Owners.

POLICY AND PROCEDURE

A. Policy and Procedures for Addressing Disputes Arising Between the Association and Owners.

The Association, for the purpose of (i) encouraging the Association and Owners to work together in an attempt to resolve disputes without litigation in order to facilitate the prompt resolution of such disputes in a manner that respects and builds upon the relationship between the parties and the members of the common interest community and (ii) complying with C.R.S §38209.S(l)(b) and -124(l)(b), hereby adopts the following policy setting forth the Association's procedures for addressing disputes arising between the Association and the Owners ("ADR Policy"). Unless otherwise defined in these governance Policies, terms defined in the Declaration, Articles, Rules and Regulations, and the Dispute Resolution Act, C.R.S. §13-22-301 et seq. ("Dispute Resolution Act"), shall have the same meaning herein.

1. **General Policy.** It is the general policy of the Association to encourage the use of Alternative Dispute Resolution ("ADR"), such as mediation, to resolve disputes involving the Association and an Owner.

2. **Negotiation.** The parties to any dispute involving the Association and an Owner shall first make a reasonable effort to meet in person and confer for the purpose of resolving the dispute by good faith negotiation.

3. Policy. ADR, in the form of mediation, shall be pursued by the Association if good faith negotiations fail to resolve the dispute and before any lawsuit is filed, except in the case of the collection of assessments or the enforcement of the Declaration, Bylaws or Rules and Regulations of the Association, subject to the following:

(a) Mediation shall not be required by the Association if time constraints in resolving the dispute, such as the expiration of a statute of limitations, prevent accomplishing proper mediation.

(b) If mediation is to be pursued, it must be pursued using a trained mediator that is familiar with governance of Colorado common interest community associations.

(c) Mediation pursuant to this ADR Policy shall be in compliance with the Dispute Resolution Act.

4. Selection of Mediator. If the parties to the mediation cannot agree on a mediator within thirty (30) days of the request for mediation, then, within ten (10) days thereafter:

(a) Each party shall choose a mediator and those mediators shall jointly select a mediator for the purpose of resolving the dispute.

(b) In the event a party fails to select a mediator as specified in subsection (a) above, the mediator selected by the other party shall be deemed acceptable to both parties and shall act as the mediator for the purpose of resolving the dispute.

5. Costs. All costs associated with mediation, including, but not limited to, filing costs, attorneys' fees and the mediator's fees, shall be shared equally by the parties to the action.

6. Deviations. The Board may deviate from the procedures set forth in this ADR Policy if in its sole discretion such deviation is reasonable under the circumstances.

The Reserve on the Eagle River Condominiums,
A Colorado non-profit corporation

By: Deborah K. Forstner
President