

**POLICY
OF WINDSOR PARK HOMEOWNERS' ASSOCIATION, INC.
REGARDING ALTERNATIVE DISPUTE RESOLUTION (ADR)**

SUBJECT: Adoption of a procedure regarding alternative dispute resolution.

PURPOSE: To adopt a standard procedure to be followed for alternative dispute resolution.

AUTHORITY: The Declaration, Articles and Bylaws of the Association and Colorado law.

EFFECTIVE DATE: July 17, 2019

RESOLUTION: The Association hereby adopts the following Policy and Procedures:

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 to resolve the dispute informally and without the need for litigation. If the Owner requests to meet with the Board, the Board shall make a reasonable effort to comply with the Owner's request.

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 Owner waives any right to pursue whatever legal or other remedial actions available to either party.

PRESIDENT'S CERTIFICATION: The undersigned, being the President of Windsor Park Homeowners' Association, Inc. certifies that the foregoing Policy was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board on July 17, 2019 and in witness thereof, the undersigned has subscribed his/her name.

**Windsor Park Homeowners' Association,
Inc.,**
a Colorado nonprofit corporation

By: *Phillip D. Bowers*
Its: President

Windsor Park HOA Dispute Resolution Process

Section 8.07. Dispute Resolution. *As defined in 38-33.3-124 C.R.S. The purpose of Windsor Parks' Dispute Resolution Policy is to address disputes between the Association and Owners.*

- (a) Any dispute shall be reported to the Board of the Association. The Owner with the dispute will be invited to address the next scheduled board meeting to present the Owners viewpoint of the dispute. If the dispute is not resolved at the board meeting by both parties; Association and Owner, the Board of the Association will send a Certified/Return Receipt letter by First Class mail to the Owner addressing the dispute. If the dispute is an offense/non-conformance of the Declarations, the Board of the Association will give the Owner seven (7) days from receipt of letter to rectify the offense.*

- (a) If there is no resolution between the Association and Owner of the dispute after seven (7) days of letter notification to the Owner of the dispute, the Owner at Owner's expense may contact an attorney or representative to address the dispute with the Association's attorney or representative.*

- (b) The Association's attorney or representative and Owner's attorney or representative will work together towards a resolution of the dispute, if no decision can be arrived from both attorney's efforts, an arbitrator will be used to resolve the dispute, before proceeding to the legal court system at which time the courts will decide the final outcome of the dispute.*

- (c) If the dispute is a direct violation of a City of Fruita Municipal Code or Land Use Code the infraction will be reported to the City Attorney or his designee to bring and maintain any action, pursuant to the provision of the Fruita Municipal Code.*