

FOXTAIL PINES OWNERS ASSOCIATION
POLICY FOR ALTERNATIVE DISPUTE RESOLUTION

Adopted _____, 2024

The following Policy has been adopted by Foxtail Pines Owners Association (“Association”) pursuant to the provisions of C.R.S. 38-33.3-209.5, at a regular meeting of the Board of Directors (“Board”).

Purpose: To adopt a policy setting forth the procedures for addressing disputes arising between the Association and its Members.

NOW, THEREFORE, IT IS RESOLVED that the Association does hereby adopt the following policy for alternative dispute resolution:

1. Written Dispute. Any dispute arising between the Association and any of its Member(s) should be submitted to the Board in writing by the Board or the Member(s) in the dispute for consideration at a Board meeting that said Member(s) shall be entitled to attend. Said meeting shall be scheduled as best as possible to accommodate all Member(s)’s schedule. This mediation process shall occur only after the Notice, Hearing and Enforcement procedures have been completed.
2. Exempt Claims. Any action for the collection of any installment, assessment or other charge due shall be exempt from the provisions of this Policy; provided, however, a dispute about the validity or proper adoption of any assessment, special assessment or other charge shall be subject to this Policy.
3. Mediation. If resolution of the dispute is not achieved through a dialogue between the Board and the Member(s) involved, then the dispute shall be submitted to a mediation service. The Board and said Member(s) shall mutually agree to the mediator. The cost of the mediation service shall be equally divided between the Association and said Member(s). Mediation shall be non-binding but shall be engaged in in good faith.
4. Legal Recourse. If mediation is refused by ~~said~~ any Member(s), or if mediation is unsuccessful in resolving the dispute, then any available legal recourse may be pursued by the Association and/or said Member(s) in order to seek resolution of the matter. The Association may file a lawsuit to preserve any claim which might be lost due to the applicable statute of limitation; provided, however, the Association shall then stay the lawsuit until mediation has been completed as provided herein.

Foxtail Pines Owners Association

By: _____
Jerry Eno, President

Attest:

Jim Dietvorst, Secretary

The Board adopted this Policy for Alternative Dispute Resolution at a regular meeting held on the _____ day of _____, 2024, for that purpose; and effective the _____ day of _____, 2024, and is attested to by the Secretary of Foxtail Pines Owners Association.

Jim Dietvorst, Secretary