

Resolution of the Townhomes at Red Hawk Homeowner's Association Regarding Dispute Resolution

Subject: Dispute Resolution Between Owner and Association Policy and Procedure

Purpose: To adopt a procedure and policy to be followed for resolving disputes between Owners and the Association

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

Effective Date: December 01, 2006

Resolution: The Association hereby adopts the following procedures to be followed for the resolution of disputes between Owner and Association.

1. Scope: To define procedures to be followed while resolving disputes between Owners and Association.

2. Specifics:

At any time, an owner may request a hearing and present facts why a fine should not be imposed or a ruling against the Owner amended. The Board of Directors will set a date and time for the hearing at their earliest convenience at which time, the unit owner is given a reasonable chance to be heard. If the owner does not like the finding of a hearing, the Owner may elect mediation.

Mediation is a process in which the parties meet with an impartial person who helps to resolve the dispute informally and confidentially. Mediators cannot impose binding decisions. The parties to the dispute must agree before any settlement is binding. The parties will jointly appoint an acceptable mediator and the Owner will be responsible for and bear the cost of such mediation. The mediation, unless otherwise agreed, shall terminate in the event the entire dispute is not resolved within (30) calendar days of the date written notice requesting mediation is sent by one (1) party to the other at the party's last known address.

In the event of any arbitration or litigation relating to the Owner's dispute, the arbitrator or court shall award to the prevailing party all reasonable costs and expenses, including attorney and legal fees.

3. Definitions: Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.


4. Supplement to Law: The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Project.

5. Deviations: The Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.

6. Amendment: This procedure may be amended from time to time by the Board of Directors.

President's Certification: The undersigned, being the President of the Association certifies that the foregoing resolution was adopted by the Board of Directors of the Association and in witness thereof, the undersigned has subscribed his/her name.

Townhomes at Red Hawk Homeowners Association

By: 
Its: President