

**Resolution of the Townhomes at Red Hawk Homeowner's Association Regarding Claims  
Submission to the Association's Insurance Carrier**

**Subject:** Claims Submission to the Association's Insurance Carrier

**Purpose:** To adopt a procedure and policy to be followed by Homeowners Choosing to Submit Claims Against the Association's Insurance Carrier

**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 Owners submitting claims against the Association's insurance carrier.

**1. Scope:** To define procedures to be followed by Owners to file claims against the Association's insurance carrier.

**2. Specifics:**

If an occurrence is made known to an Owner that results in damages or injury to an Owner or an Owner's Unit which may come within the Association's coverage as required in Declaration or under Colorado law, the following procedures should be followed by the Owner:

- The Owner(s) shall first (1<sup>st</sup>) promptly notify his or her personal insurance carrier of the damage.
- In the event the Owner determines it is in the Owner's best interests to submit a claim under the Owner's insurance policies, the Owner shall follow the procedures set out in those insurance policies describing the insured's duties in the event of an occurrence, claim, or suit.
- The Association may require the Owner to provide copies of the claim the Owner may make to his / her own carrier, as well as copies of the adjustment or determination of that carrier as a condition before the Owner makes any claim on any of the Association's policies.
- In the event the subject matter of the claim may fall within the Association's insurance responsibilities under the Declaration or Colorado law, the Owner shall promptly notify the Association of the damage by providing written notice to the Management Company setting forth the following:
  - a. Owner's home address and phone number, and unit address, if different;
  - b. The time, place, and circumstances of the event;
  - c. Identification of damaged property including pictorial documentation; and
  - d. The names and addresses of the injured and witnesses, if applicable.
- The Board shall then make a determination as to whether the occurrence or claim consists of damages for which the Owner or the Association is responsible for insuring under the Declaration. The Association shall within 15 days mail to the Owner written acknowledgement of the Owner's claims. Determination of whether the Association is responsible for damages will promptly occur after sufficient investigation and review of the claims.
- If the Board determines, in its sole discretion, that the subject matter of the claim is within the Association's insurance obligations, the Board shall submit a claim to the Association's insurance carrier on behalf of the Owner in accordance with the requirements of the insurance policy. In that event, the Owner may not submit to the Association's insurance carrier.
- If the Board determines that it is not in the best interest of the Association to submit a claim under its insurance policy(s), and the claim would be covered, then:
  - a. For property / casualty claims, the Association may address the repair of the damaged property
  - b. For general liability claims, the Board will approach each occurrence on a case-by-case basis

The Owner is responsible for damages caused by his or her own negligence, or the negligence of the Owner's family, guests, invitees, lessees, etc.. Furthermore, the Owner must mitigate further damages and / or losses. Failure to mitigate further damages and / or losses may reduce or eliminate Association Responsibility.

**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