

The following procedure is in accordance with Article III, Section 3.8 of the General Declaration for Oak Meadows Ranch and the Articles of Incorporation of Oak Meadows Homeowner's Association, which grant the Association the power to adopt and enforce rules and regulations within Oak Meadows Ranch; and pursuant to C.R.S. 38-33.3-101 et. seq. known as the Colorado Common Interest Ownership Act, and other applicable law.

Oak Meadows Homeowners' Association

Rule & Regulation No. 2006 - 005 Alternative Dispute Resolution

Whereas, the Colorado General Assembly finds and declares, in C.R.S. 38-33.3-124, that the cost, complexity and delay inherent in court proceedings make litigation a particularly inefficient means of resolving neighborhood disputes and encourages common interest communities to adopt protocols that make use of mediation or arbitration as alternatives to the filing of a complaint in situations that do not involve an imminent threat to the peace, health, or safety of the community; and

Whereas, the Board of Directors of Oak Meadows Homeowners' Association ("OMHA") believes that conflicts which arise between an OMHA member and OMHA are best resolved by way of negotiation and mediation rather than litigation; and

Whereas, Alternative Dispute Resolution ("ADR") is faster, friendlier, less expensive and more effective than applying to the courts to resolve disputes;

Let it be resolved that OMHA adopts the following rule & regulation regarding Alternative Dispute Resolution:

1. ADR Method

The ADR method used shall be "mediation." Mediation is an informal, cooperative, problem-solving approach to conflict resolution. It provides for a neutral mediator to assist the parties in negotiating a settlement of their dispute, which is agreeable to the parties involved.

2. Applicability

A. Any controversy between OMHA and an OMHA member may be submitted to mediation upon the agreement of both parties to the controversy prior to the commencement of any legal proceeding.

B. The mediation agreement, if one is reached, may be presented to the appropriate court as a stipulation. Either party to the mediation may terminate the mediation process without prejudice.

C. If either party subsequently violates the stipulation, the other party may apply immediately to the court for relief.

3. Mediator

The mediator used for this process shall be one professionally trained to perform this service. The parties shall jointly select mediator and the cost of mediation shall be shared equally by the parties.

4. Protocol for Dispute between OMHA Member and OMHA

In the event that a dispute arises between an OMHA member and the Board, the Board may send a notice to inform the OMHA member of the option to resolve the dispute by ADR, if the Board chooses to proceed by ADR. If the member accepts the offer of ADR, it must be done in writing to the Board within seven (7) business days.

Date of Adoption: SEPTEMBER 20, 2006

Date Signed: SEPTEMBER 20, 2006

Signature: 
(President, Oak Meadows Homeowners' Association)

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