

LAGOON TOWNHOME CONDOMINIUMS ASSOCIATION

Policy & Procedures – Dispute Resolution

Adopted June 5, 2010

The following procedures have been adopted by Lagoon Townhome Condominiums Association (“Association”) pursuant to the provisions of C.R.S. 38-33.3-209.5 at a regular meeting of the Board of Directors.

WHEREAS, the Colorado Common Interest Ownership Act, in C.R.S. 38-33.3-209.5, mandates common interest communities adopt protocols regarding disputes between the Association and one or more unit owners, and

WHEREAS, the Association seeks an efficient means of resolving disputes or claims between the Association and unit owners (“Owners”) in order to reduce the costs and fees associated with the resolution of disputes.

NOW, THEREFORE, IT IS RESOLVED that the Association does hereby adopt the following policy governing the resolution of disputes:

1. Except as provided herein, the following procedures will be followed in all disputes or claims involving the Association and Owners.
 - A. Prior to proceeding with any claim, the Owner is invited and encouraged to meet with the Board of Directors at a regularly scheduled or specially scheduled meeting of the Board of Directors to resolve the dispute informally and without need for litigation.
 - B. If the Owner requests to meet with the Board at other than a regularly scheduled Board of Directors monthly meeting, the Board shall make a reasonable effort to comply with the Owner’s request.
 - C. At any such meeting of the Board of Directors, the Owner shall be prepared to state plainly and concisely:
 - i. the nature of the claim, including all persons involved and Respondent’s role in the claim;
 - ii. the legal or contractual basis of the claim (i.e. the specific authority out of which the Claim arises); and
 - iii. the specific relief and/or proposed remedy sought.
 - D. Either party may be represented by attorneys and independent consultants to assist in the discussions at a meeting of the Board of Directors.
2. Other Remedies. 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.
3. Legal Actions. Neither the Association nor the Owner waives any right to pursue whatever legal or other remedial actions available to either party.

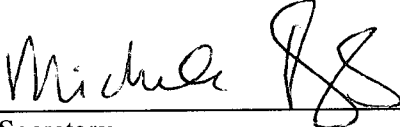
4. Legal Costs and Attorneys' Fees. In any legal action, the court shall award the substantially prevailing party its reasonable costs and attorneys' fees. If any matter is settled before court action, each party shall be responsible for its own costs and attorneys' fees.
5. Exclusions. Unless all parties thereto otherwise agree, the following disputes or claims shall not be subject to the provisions of this policy:
- A. An action by the Association to obtain a temporary restraining order or preliminary or permanent injunction (or equivalent emergency equitable relief) and such other ancillary relief as the court may deem necessary in order to enjoin any immediate threat to persons or property; and
 - B. Any action between or among unit owners, which does not include the Association as a party, if such action asserts a claim which would constitute a claim for relief independent of the Association's governing documents; and
 - C. Any action in which any indispensable party is not the Association, its officers, directors, or committee members, or a person subject to the Association's governing documents, or their officers, directors, partners, members, employees and agents; and
6. Interaction With Enforcement Policy. It is not the intent of this policy to supersede any of the provisions of the Association's Enforcement Policy. Nor is the intent of this policy to require the Association to follow the procedures set forth herein before having the ability to bring enforcement action or impose fines or other sanctions under the Enforcement Policy.
7. Conflicting Documents. In the case of any conflict between the Articles of Incorporation, the Bylaws, or the Amended Declaration of Covenants, Rules, Regulations, and listed "Policies & Procedures", such provisions of the Articles, Bylaws, and the Declarations shall take precedence and supersede any provisions of these "Policies & Procedures".

Lagoon Townhome Condominiums
Association

By: 

President

This Policy Regarding Dispute Resolution was adopted by the Board of Directors on the 5th day of June, 2010, effective the 1st day of July, 2010, and is attested to by the Secretary of Lagoon Townhome Condominiums Association.



Secretary