

**RESOLUTION
OF THE
ROCKY MOUNTAIN VILLAGE ESTATES CONDOMINIUM ASSOCIATION
REGARDING ALTERNATIVE DISPUTE RESOLUTION (ADR)**

WHEREAS: By the authority given in The Declaration, Articles of Incorporation, and Bylaws of the Association and Colorado law, RMVE Board of Directors may adopt a procedure regarding alternative dispute resolution.

WHEREAS: A standard procedure should be followed for alternative dispute resolution of a dispute involving the Association and an Owner(s).

THEREFORE, BE IT RESOLVED THAT The Association hereby adopts the following Policy and Procedures:

1. GENERAL. It is the general policy of the Association that disputes between an Owner and the Association be resolved amicably if possible. If the dispute cannot be resolved using normal communication, then the use of Alternative Dispute Resolution (ADR) to resolve disputes involving the Association and an Owner is encouraged. Alternative Dispute Resolution (ADR) is defined as a procedure for settling a dispute by means other than litigation, such as mediation.

2. POLICY. ADR, in the form of mediation, may be pursued by the Association or any Owner before any lawsuit is filed, subject to the following:

- a. ADR shall not be required if time constraints prevent accomplishing ADR.
- b. Any ADR pursued must be done so using a trained mediator having some familiarity with the governance of community associations.
- c. If ADR is to be pursued, the Owner shall execute an agreement with the Association prior to the commencement of the ADR process which tolls (suspends) any applicable statute of limitations while the parties are attempting to resolve the dispute through ADR.

3. SELECTION OF MEDIATOR/ARBITRATOR. The parties shall agree upon the mediator to conduct the ADR. However, if the parties to the ADR cannot agree, within 30 days of the request for ADR, on the mediator to conduct the ADR, then, within 10 days,

- a. Each party shall choose a qualified person pursuant to Paragraph 2b above, and those so selected shall then appoint a third qualified person to be determined in their sole discretion and such third person shall act as the sole mediator.
- b. In the event a party fails to select a qualified person as specified in subsection "a" above, the person selected by the other party shall be deemed acceptable to both parties and shall act as the mediator.

4. COSTS. The costs of ADR shall be split equally among the parties involved in the ADR. In the event an Owner fails to pay the Owner's share of the cost of the ADR, such amount shall be considered as Assessment against such owner's Unit; and may be collected by the Association as an Assessment pursuant to the Declaration and Colorado Law.

5. DEFINITIONS. Unless otherwise defined in this policy, initially capitalized or terms defined in the Declaration shall have the same meaning herein.

6. SUPPLEMENT TO LAW. The provisions of this policy shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado.

7. 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.

8. 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, at a duly called and held meeting of the Board of Directors on 11/15/2018 and in witness thereof, the undersigned has subscribed his/her name.

**ROCKY MOUNTAIN VILLAGE ESTATES
CONDOMINIUM ASSOCIATION**

By Ronald J. Pieffer
Ronald J. Pieffer, President