

## DISPUTE RESOLUTION POLICY

The following policy was adopted by the Board of Directors of Vista Pointe Townhome Association Inc. ("the Association") pursuant to Colorado law at a regular meeting of the Board.

### RECITALS:

- A. Pursuant to Colorado Revised Statute 38-33.3-124(1)(b), the Association is required to adopt a policy concerning how to handle conflicts between the Lot Owners and the Association.
- B. The Executive Board has reviewed the provisions of the Colorado Common Interest Ownership Act and believes that Subsection 124 establishes a good basis for resolving disputes between Unit/Lot Owners and the Association.
- C. It is acknowledged that both Members and the Association have a responsibility to comply with: 1) the provisions of the Colorado Common Interest Ownership Act; 2) the provisions contained in the Articles of Incorporation, the Bylaws, and the Declaration; and 3) reasonable Rules and Regulations, Policies and Procedures and Design Guidelines.
- D. The Association has a responsibility to apply the provisions of the above-cited documents uniformly and use business judgment and reasonable diligence to resolve conflicts between the Association and its Members.

### THEREFORE, IT IS RESOLVED:

In the event that a conflict should arise between Unit/Lot Owner, or Owners, and the Association, the following procedure shall apply:

### HEARING:

1. In the event that a conflict arises between a Member and the Association, either a Unit/Lot Owner or the Association may request a hearing. Any such request must be in writing, and mailed: to the Unit/Lot Owner(s) addressed to the Unit/Lot within the community, unless written notice of an alternate address has previously been provided to the Association; or to the Association addressed to the current Community Manager or to the Registered Agent for the Association as reflected in the records of the Colorado Secretary of State.
2. The hearing shall be set for a mutually convenient date, or at the next Association meeting, not longer than 90 days after request for a hearing is made.

#### MEDIATION:

3. Any controversy between an Association and a Unit/Lot Owner arising out of the provisions of the Association's governing documents (Articles of Incorporation, Bylaws, Declaration, Rules and Regulations, Policies and Procedures, Design Guidelines, etc.) or the Colorado Common Interest Ownership Act may be submitted to mediation by either party to the controversy. The submission to mediation must be prior to the commencement of any legal proceeding, once there has been a good faith effort to hold such a hearing as described above.

4. The parties should decide upon a mutually agreeable mediator. The mediator need not be licensed as a mediator. The parties may be, but do not need to be, represented by counsel at the mediation.

5. The parties shall, unless otherwise agreed to, split the cost of mediation, excluding attorney fees, for which each party shall pay their/its own.

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

~~7. If either party subsequently violates the stipulation, the other party may apply immediately to the court for relief, and seek reimbursement of all costs including attorney fees.~~

#### LITIGATION:

8. If a conflict has not been resolved by the hearing or mediation, nothing in this provision precludes any party from pursuing his rights in a Court of Law or equity.

9. If a dispute impacts the health, safety, or welfare of the community, the real estate, or the Members, the Association may proceed to a Court of Law or equity without scheduling a hearing or mediation.

#### MISCELLANEOUS:

10. No provision herein shall apply to the collection of Homeowner Association assessments as that term is defined in 38-33.3-316(1) C.R.S.

11. This policy is not intended to pertain to disputes between Unit/Lot Owners. In the event of a dispute between Lot Owners, the Association recommends the Unit/Lot Owners attempt to resolve the dispute between themselves, employing mediation if necessary.

12. In the event the Unit/Lot Owners are unable to resolve their dispute and the dispute is based on a violation of the Association's governing documents, the

complaining Unit/Lot Owner may institute a written complaint with the Association consistent with the Association's Enforcement Policy.

Policy adopted this 6 day of December 2012 by Resolution of the Board of Directors of Vista Pointe Townhome Association Inc.

By Maria Ludwig  
Its President

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- 1.14(d) Date of recording of the Declaration and recording information
- 1.15 Within 90 days after the end of each fiscal year, the Association will make the following information available to owners by first class mail, personal delivery, a binder at the principal place of business, or posting on the Association's website:
- 1.15(a) Date the Association's fiscal year begins
  - 1.15(b) Operating budget for the current year
  - 1.15(c) List of current regular and special assessments, by unit type
  - 1.15(d) Annual financial statements, including reserves
  - 1.15(e) Results of most recent audit or review
  - 1.15(f) List of all Association insurance policies (property, general liability, director and officer liability, fidelity), including companies, policy limits and deductibles, additional insureds, and expiration dates
  - 1.15(g) Association's bylaws, articles, and rules and regulations
  - 1.15(h) Minutes of board and member meetings for prior fiscal year
  - 1.15(i) Association's "Responsible Governance Policies (contained in bylaws and rules)
- 1.16 The Association encourages education on good governance for the members of the Board. Upon submission prior to the seminar or course, the Board may approve payment of expenses for education for individual members of the Board if the education is directly related to good Association operations within the common interest community.

**Upon proper publication and motion, passed by a majority of a quorum of the Board of Directors of Vista Pointe Townhome Association Inc. at its meeting on December 6, 2012.**

Effective December 6, 2012  
 By: Maie Andrus  
 Its President

**REQUEST TO INSPECT RECORDS**

This written request is pursuant to the rule or policy on Records Inspection of the Vista Pointe Townhome Association Inc.

To: Vista Pointe Townhome Association Inc.,  
c/o \_\_\_\_\_ (Management)

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Date of this Request: \_\_\_\_\_, 20\_\_

Date you or your agent intends to inspect the records (Must be at least 10 days after date of request): \_\_\_\_\_, 20\_\_

Person(s) requesting Inspection of the Association's records: \_\_\_\_\_  
\_\_\_\_\_

Person(s) who will be present for the review of the Association's records: \_\_\_\_\_  
\_\_\_\_\_

**Please note that all actual costs of inspection and any authorized copies must be paid in advance by the person requesting them.**

**Specify with particularity the records requested for inspection. Please include type and date(s) of record, indication of those records for which you request a copy, and any specifics that will identify the information you seek to review. If necessary, use additional sheets.**

<u>Record</u>	<u>Date</u>
_____	_____
_____	_____
_____	_____
_____	_____

Name: \_\_\_\_\_  
Date: \_\_\_\_\_  
Address: \_\_\_\_\_  
Authorized by: \_\_\_\_\_