

**RESOLUTION OF THE  
BEL-AIRE ESTATES OWNERS ASSOCIATION  
REGARDING  
THE POLICY AND PROCEDURES FOR ALTERNATIVE DISPUTE RESOLUTION**

**SUBJECT:** Adoption of a policy and procedures regarding Alternative Dispute Resolution (“ADR”).

**PURPOSE:** To adopt a policy and standard procedures to be used for Alternative Dispute Resolution.

**AUTHORITY:** The Declaration, Articles of Incorporation and Bylaws of the Association and Colorado law.

**EFFECTIVE DATE:** July 16, 2013

**RESOLUTION:** The Association hereby adopts the following policy and procedures:

1. Definition. Alternative Dispute Resolution (“ADR”) is defined as a procedure for settling a dispute by means other than litigation, such as mediation, non-binding arbitration or binding arbitration.

2. Policy. It is the policy of the Association that in the event of any dispute involving the Association and an Owner, the Owner is encouraged to meet with the Board of Directors to resolve the dispute informally and without the need for ADR or litigation. Nothing in this policy shall be construed to require the parties to meet or require any specific form of ADR. Neither the Association nor Owners waives any right to pursue any available legal or other remedial actions.

3. Use of ADR. ADR may be pursued by the Association and an Owner before any lawsuit is filed, except in the case of the collection of dues assessments or the enforcement of the covenants, bylaws, or rules of the Association, subject to the following:

- (a) ADR shall not be required if time constraints prevent accomplishing ADR.
- (b) ADR shall be in the form of non-binding arbitration.
- (c) Any ADR pursued must be done so using a Qualified Person defined as a trained arbitrator having some familiarity with the governance of community associations.

(d) Any ADR must be conducted in compliance with the Uniform Arbitration Act and/or the Dispute Resolution Act, as applicable.

(e) 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 any applicable statute of limitations while the parties are attempting to resolve the dispute through ADR.

4. Selection of the Mediator / Arbitrator. If the parties to the ADR cannot agree, within 30 days of the request for ADR, on the arbitrator, or other Qualified Person to conduct the ADR, then, within 10 days,

(a) Each party shall choose a Qualified Person as defined in this Policy, and those so selected shall then appoint a third Qualified Person to be determined in their sole discretion.

(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 arbitrator.

5. Costs. The costs of ADR shall be the sole responsibility of the party requesting ADR. In the event an Owner requests ADR and fails to pay the cost of the ADR, such amount shall be considered an Assessment against such Owner's Unit, and may be collected by the Association as an Assessment pursuant to the Declaration and Colorado Law.

6. Definitions. Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.

7. 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 community.

8. 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.


9. Amendment. This policy may be amended at any time by the Board of Directors.

**PRESIDENT'S CERTIFICATION:**

The undersigned, being the President of the Association, a Colorado nonprofit corporation, 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 July 16, 2013 and in witness thereof, the undersigned has subscribed his/her name.

**BEL-AIRE ESTATES OWNERS ASSOCIATION,**

a Colorado nonprofit corporation,

By:   
Ghassan Timani  
President of the Board of Directors