



EATON PAGOSA ESTATES PROPERTY OWNER'S ASSOCIATION (EPEPOA)

2

POLICY RESOLUTION NUMBER 2019-04

Regarding Disputes Between the Association and the Property Owners Policy for EPEPOA

WHEREAS, the declarations of Protective Covenants for Eaton Pagosa Estates Subdivision states: EPEPOA is an Organization whose members include all of the owners of the lots of Eaton Pagosa Estates Property Owners Association, Inc., a Colorado non-profit corporation, herein referred to as "Association"; and

WHEREAS, article VII, section 1(a) gives the Board of Directors the powers and duties necessary to conduct the affairs of the Association and to make such rules and regulations as the Directors deem in the best interests of the Association and in accordance with the Colorado Common Interest Ownership Act (CCIOA) and the Colorado Revised Statutes; and

WHEREAS, the Board distributed a copy of this resolution to the membership; and

WHEREAS, it is the intent that this resolution be applicable to all owners and shall remain in effect until otherwise rescinded, modified, or amended by a majority of the board of directors; and

NOW, THEREFORE BE IT RESOLVED that the following resolution for disputes between the Association and the property owner's policy is hereby adopted by the board of directors.

Disputes: Any controversy between the Association, the Board of Directors, the Environmental Control Committee (ECC), the Architectural Review Committee (ARC) or an Officer and Member arising out of the provisions of the Declaration, the Articles of Incorporation or the Bylaws may be submitted to mediation by agreement of the Parties prior to the commencement of any legal proceeding.

1. Alternative Dispute Resolution Procedures. Alternative methods of dispute resolution to avoid litigation encouraged by the Board of Directors include negotiation and mediation. The Association encourages Owners or residents with disputes to resolve such disputes without court proceedings. The Association will take reasonable steps to facilitate negotiation or mediation between Owners and/or residents but will have no responsibility for any costs incurred by the parties to the dispute resolution process. For any step in the dispute resolution process, the parties are not waiving their right to employ legal counsel at their own expense to assist them.

A. Required dispute resolution procedure. Prior to filing a lawsuit against the Association, the Board, or any officer, director, or manager of the Association, an Owner must request and attend a hearing with the Board of Directors. Any such request shall be in writing and shall be personally delivered to any member of the Board of Directors or the Association's manager. The Owner, in such request and at the hearing, must make a good faith effort to explain the grievance to the Board and resolve the dispute in an amicable fashion, and shall give the Board a reasonable opportunity to address the Owner's grievance. Upon receiving a request for a hearing, the Board shall give notice of the date, time and place of the hearing to the person requesting the hearing. The Board shall schedule this hearing for a date not less than 14 or more than 30 days from the date of receipt of the request. If the dispute cannot be resolved, the parties may utilize the discretionary mediation procedure set forth below but shall not be required to do so.

R.h.

Jayne Archuleta
7187 Lakeside Dr.
Pagosa Spgs., CO 81147

B. Discretionary dispute resolution procedures. The procedures set forth below may be used in disputes between Owners and residents. At its discretion, the Board of Directors may utilize the procedures set forth below to resolve disputes with Owners prior to filing litigation.

(i) Negotiation. A request for dispute resolution by negotiation may be initiated by an Owner or the Association. Any such request shall be in writing stating the nature and details of the dispute and shall be personally delivered to the other party. So long as the other party agrees to negotiate, a meeting shall be held between the parties to begin a good faith attempt to negotiate a resolution not less than 14 or more than 30 days of receipt of such request, unless otherwise extended by written agreement. Through negotiation, the parties will communicate directly with each other in an effort to reach an agreement that serves the interests of both parties. Should the dispute pertain to property issues, each party will be granted the right to inspect the alleged defects or problems at a time convenient to everyone involved.

(ii) Mediation. If the dispute is not resolved by negotiation, any party may request in writing that the issue be submitted to mediation. If the parties agree to mediate the dispute prior to seeking other remedies, they shall participate in good faith in the mediation. The role of the mediator is to facilitate further negotiation between the parties. The mediator will not have power to decide how to resolve the dispute but will use recognized, accepted mediation techniques to assist the parties in making that decision. The mediator shall be selected by a consensus of the parties involved within 14 days of the receipt of the request. Any cost of mediation will be shared equally among the parties unless they and the mediator agree otherwise. 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. If either Party subsequently violates the stipulation, the other Party may apply immediately to the court for relief.

By: Joyce Scanhill
Joyce Scanhill, President

By: Janna Lilly
Janna Lilly, Secretary

Date: 5-10-19

SUBSCRIBED AND AFFIRMED
BEFORE ME IN THE COUNTY
OF ARCHULETA, STATE OF COLORADO
THIS 10th DAY OF May, 2019
BY: Tiffany Martin
NOTARY PUBLIC
MY COMMISSION EXPIRES 10/19/19

TIFFANY MARTIN
NOTARY PUBLIC - STATE OF COLORADO
My Identification # 20054013436
Expires October 19, 2019

RES 2019-04
Adopted 5/2019



21903632
2 of 2

7/1/2019 11:25 AM
R\$18.00 DS\$0.00

Kristy Archuleta
Archuleta County