

THE FOREST PARK OF LAFAYETTE LOTOWNER'S ASSOCIATION, INC.
ALTERNATE DISPUTE RESOLUTION POLICY AND PROCEDURES

Adopted July 15, 2009

The following policies and procedures have been adopted by The Forest Park of Lafayette Lotowner's Association, Inc. ("Association") pursuant to C.R.S. 38-33.3-124(1)(b), and 38-33.3-209.5(1)(b)(VIII), at a regular meeting of the Board of Directors.

NOW, THEREFORE, IT IS RESOLVED that the Association does hereby adopt the following policies and procedures for addressing disputes between the Association and Association Members:

Except as otherwise set forth in the Association's policies and procedures for the enforcement of the Association's restrictive covenants, adopted _____, 2009, any/all disputes between the Association and its Members, or any of them, shall be resolved by a process of mediation/binding arbitration, whereby the parties to any such dispute shall engage in "Med-arb", as defined in CRS 13-22-302(2.3). The parties shall, if they are able, select a single, mutually acceptable individual to act as mediator/arbitrator. If the parties are unable to agree upon a mediator/arbitrator, the issue shall be submitted to the District Court of the State of Colorado, Twentieth Judicial District, for the appointment of a mediator/ arbitrator, in accordance with the provisions of CRS 13-22-211.

If the parties to any such dispute are unable to resolve all pending issues by way of mediation, the matter, or remaining matter(s) shall be submitted to the mediator/arbitrator for resolution by way of binding arbitration, in accordance with CRS 38-33.3-124(3). Arbitration shall be conducted in accordance with the procedures set forth in the Uniform Arbitration Act, CRS 13-22-201, *et seq.* If the parties are able to resolve their issues by way of a mediation agreement, the agreement may be submitted to the District Court for entry of judgment thereon, and enforced, if necessary, in accordance with the provisions of CRS 38-33.3-124.

The process of mediation/arbitration of any/all disputes involving the Association and Association Member(s) shall be initiated as follows: (1) if by the Association, by sending notice to the affected Association Member(s) by Certified Mail, return receipt requested, describing the nature of the controversy and the remedy sought; and (2) if by a Member, by sending notice to the Association's Property Manager by Certified Mail, return receipt requested, describing the nature of the controversy and the remedy sought.

The party receiving a notice sent in accordance with the provisions of the preceding paragraph shall acknowledge receipt of same, in writing, within five (5) business days of receipt, by Certified Mail, return receipt requested. The parties shall thereafter agree upon a mediator/arbitrator within ten (10) business days, unless all parties shall agree to a different time frame for the selection of a mediator/arbitrator. If a mediator/arbitrator cannot be agreed upon within ten (10) business days, or such other time as agreed to by

the parties, either/any party may apply to the District Court for the appointment of a mediator/arbitrator, as provided for herein above. Upon the appointment of a mediator/arbitrator, all other meeting/hearing dates shall be set by the mediator/arbitrator in accordance with CRS 13-22-215.

In all matters which are resolved at the mediation stage, the parties shall bear their own respective attorney fees and costs. In all matters which are resolved at the arbitration stage, the arbitrator shall be empowered to award attorney fees and costs in accordance with the provisions of CRS 38-33.3-123.

This Resolution shall not affect the Association's right to petition the District Court with regard to amendments of the Declarations of the Association, as provided for by CRS §38-33.3-217.

This Resolution shall not affect the Association's right to pursue any and all other remedies it may have, as set forth in the Association's Enforcement Policies and Procedures, or as otherwise provided by Statute.

The Forest Park of Lafayette Lotowner's Association, Inc.

By: 

President *President*

Attest 

Secretary

This Alternate Dispute Resolution Policy and Procedure was adopted by the Board of Directors on the ___ day of _____, 2009, effective the ___ day of _____, 2009, and is attested to by the Secretary of The Forest Park of Lafayette Lotowner's Association, Inc..

Secretary