

**BLUFFS WEST ESTATES PROPERTY OWNERS ASSOCIATION  
DISPUTE RESOLUTION BETWEEN OWNERS AND ASSOCIATION**

The following procedures have been adopted by the Bluffs West Estates Homeowners Association pursuant to the provisions of C.R.S §38-33.3-209.5, the Association Documents and The Act, at a regular meeting of the Board of Directors.

**Purpose:** The purpose of this Policy is to adopt a standard procedure to be followed for Alternative Dispute Resolution (ADR) when disputes arise between a Member and the Association.

**NOW, THEREFORE, IT IS RESOLVED** that the Association does hereby adopt the following Policy governing disputes between Members and the Association:

1. **Disputes Between Member and Association.** In the event of any dispute involving the Association and a Member, the Member is invited and encouraged to meet with the Board to resolve the dispute informally and without the need for litigation. If the Member requests to meet with the Board, the Board shall make a reasonable effort to comply with Member's request.

2. **General Policy.** If the dispute cannot be resolved informally, it is the general policy of the Association to use an ADR to resolve disputes which involve the Association and a Member. "ADR" is defined as a procedure for settling a dispute by means other than litigation, meaning mediation followed, if necessary, by binding or non-binding arbitration.

3. **Procedure.** Except for the Exempted Claims defined in this Policy, the Association and the Member shall attempt to resolve the dispute using ADR methodologies prior to filing suit in any court of competent jurisdiction.

4. **Exemptions.** The following claims shall be exempt from the provisions of this Policy:

(a) **Collection of Assessments.** Any action by the Association against a Member to collect Assessments or other sums due to the Association, including foreclosure proceedings: and

(b) **Enforcement Actions.** Any action by the Association to enforce any provisions of the Association's Declaration, Bylaws, Rules and Regulations, or Policies; and

(c) **Statute of Limitations.** Any claim of the Association which, if not pursued by the filing of a lawsuit, would be deemed barred due to the applicable statute of limitations.

A Member who initiates the ADR process must pay any initial costs associated if allowed.

5. **ADR Not Required.** Nothing in this Policy shall be construed to require any specific form of alternative dispute resolution, such as mediation or arbitration, or require the parties to meet. Neither the Association nor the Member waives any right to pursue whatever legal or other remedial actions available to either party.

Bluffs West Estates Property Owners Association

By:

  
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President

12-4-18  
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Date