

THE BROOKSIDE COMMUNITY, INC. ("BCI")
900 Marrows Road
Newark, Delaware 19713
(302) 738-4114

1. A Unit Owner or other interested person may present a Common Interest Community (CIC) Complaint to BCI.¹ BCI may present a CIC Complaint to a Unit Owner or other interested person. Whoever presents a CIC Complaint is the "Complainant." Whoever the CIC Complaint seeks a response from is the "Respondent."

1.2. A Unit Owner shall not be charged a fee to participate in the process unless BCI determines the process is being abused.

2. The CIC Complaint must be on the attached CIC Complaint Form, or be substantially similar to the CIC Complaint Form. BCI will provide a copy of the Form to the Unit Owner upon request, or otherwise make the form generally available.²

3. The Complainant must deliver the completed CIC Complaint, including all required supporting information to the Respondent in person or by mail or delivery service. A BCI representative shall mark on the CIC Form the date the CIC Complaint is received, and shall mark the date of receipt on copies of the CIC Form if requested by the Unit Owner.³

3.1 For the purposes of these procedures a party makes "delivery"⁴ in one of the following ways:

- hand delivery by or to a Unit Owner to the Respondent's current address or by services such as FedEx, UPS or other delivery service that creates a record of delivery; or
- registered or certified mail, return receipt requested; or USPS "delivery confirmation," at the address provided by BCI or the Unit Owner.

3.2 If a Unit Owner delivers a CIC Complaint to BCI, BCI must participate in this internal dispute resolution procedure.

4. BCI must deliver written acknowledgment of receipt of a Unit Owner's CIC Complaint to the Unit Owner within 14 days of receipt by any of the means described in paragraph 3.1.⁵

5. Any specific documentation required in support of the CIC Complaint must be delivered with the CIC Complaint, and must be described in the CIC Complaint.⁶ This documentation may include:

- the Certificate of Incorporation;
- the Declaration;
- the Bylaws;

¹ 29 Del. C. §2544 (8)

² 29 Del. C. §2544 (8) (a), (b)

³ 29 Del. C. §2544 (8) (c)

⁴ 29 Del. C. §2544 (8) (c), (d)

⁵ 29 Del. C. §2544 (8) (d)

⁶ 29 Del. C. §2544 (8) (e)

- any Rules of BCI;
- any other governing document of BCI;

and, if needed for the issue in dispute:

- notice letters, correspondence;
- bills;
- checks;
- photographs; and
- any other document or evidence that supports the CIC Complaint, or is relevant to the matter complained about.

5.1 BCI will make and provide a copy of the governing documents to the Unit Owner upon request, including the Certificate of Incorporation, Declarations, Bylaws, Rules, covenants or any other documents creating or governing BCI and other pertinent books and records of BCI.⁷

5.2 If the Complainant or Respondent relies upon any law or regulation applicable to the CIC Complaint, they should provide that information, and describe the desired action or resolution in the CIC Complaint.⁸

6. The Respondent, if it is BCI, shall review the CIC Complaint at the next meeting of the Executive Board and within 10 days after such review, make a reasonable, efficient, and timely request for any additional information that is necessary for the Unit Owner to provide in order to continue processing the CIC Complaint.⁹ A Unit Owner who is a Respondent, may request additional information within 20 days of receipt of the Complaint.

6.1 The Complainant will provide the requested information, if any, within 10 days of the request, unless there is good cause. If there is good cause, the Complainant must notify the Respondent of the earliest date when the information can be provided.

6.2 The Respondent must respond to and act upon the CIC Complaint within 20 days after the Complainant provides the information requested or the time expires, unless there is good cause for a reasonable delay.¹⁰

7. BCI must provide the Unit Owner with reasonable notice of the date, time, and location that BCI will consider the CIC Complaint.¹¹

7.1 For purposes of paragraph 7, "reasonable notice" is not less than 7 days prior to the date for consideration of the CIC Complaint.¹²

7.2 BCI will deliver notice of the date, time, and location for consideration of the CIC Complaint to the Unit Owner by the means described in section 3.¹³

⁷ 25 Del. C. §81-318 (a)(4), (b)

⁸ 29 Del. C. §2544 (8) (e)

⁹ 29 Del. C. §2544 (8) (f)

¹⁰ 29 Del. C. §2544 (8) (f)

¹¹ 29 Del. C. §2544 (8) (g)

¹² 29 Del. C. §2544 (8) (g)

8. BCI will permit the Unit Owner a reasonable opportunity to explain the Unit Owner's position and evidence and to question witnesses. BCI may similarly ask the Unit Owner questions and question others.

8.1 Each party must treat the other with dignity, respect, and civility. Neither party need tolerate rudeness, name calling, or disrespect. Either party may call a 10 minute recess in the meeting for the purpose of restoring proper decorum.

9. No later than 14 days after consideration of the CIC Complaint, BCI shall issue its final determination of the CIC Complaint in writing. BCI shall deliver written notice of the final determination to the Unit Owner.¹⁴

9.1 The notice of final determination shall be dated with the date of issuance and include:

- the written final determination with an explanation of the decision;
- specific quotation of BCIs' declaration, bylaws, rules or other governing documents, or
- a reference to an applicable law or, regulation or rule that led to the final determination of BCI;¹⁵ as well as,
- any supporting documents, correspondence, and other materials related to the final decision;

that led to the final determination.

10. The notice of final determination, if adverse to the Unit Owner, shall inform the Unit Owner of the right to submit BCI's final determination to the Office of the Ombudsperson¹⁶ in substantially the following form:

"You have the right to file a notice of final adverse determination with the Common Interest Community Ombudsman in accordance with 29 *Del. C.* §2544 (9), (10).

The notice to the Ombudsperson:

- must be filed within 30 days of the date of the final adverse decision;
- must be in writing on a 'Contact/Complaint' form provided by the Office of the Common Interest Community Ombudsperson (Ombudsperson) (available at the website of the Ombudsperson or by calling the number below);
- must include copies of any Required Information¹⁷ listed in the Contact/Complaint form and supporting documents, correspondence and other materials related to the decision; and
- must be accompanied by a \$25 filing fee¹⁸ (unless waived by the Ombudsperson for good cause).

¹³ 29 *Del. C.* §2544 (8) (g)

¹⁴ 29 *Del. C.* §2544 (8) (h)

¹⁵ 29 *Del. C.* §2544 (8) (i)

¹⁶ 29 *Del. C.* §2544 (9), (10)

¹⁷ 29 *Del. C.* §2545 (a)

¹⁸ 29 *Del. C.* §2544 (15)

You may contact the Office of the Ombudsperson at any of the following:

Delaware Department of Justice

Office of the Common Interest Community Ombudsperson

820 N. French Street

Wilmington, DE 19801

Telephone: (302) 577-8400

e-mail: Common.Interest.Community.Ombudsperson@state.de.us

THE BROOKSIDE COMMUNITY, INC. ("BCI")
900 Marrows Road
Newark, Delaware 19713
(302) 738-4114

COMMON INTEREST COMMUNITY (CIC) COMPLAINT FORM

Pursuant to Chapter 25 of Title 29 of the Delaware Code, the Executive Board (Board) of **The Brookside Community, Inc.** ("BCI") has established this complaint form for use by persons who wish to file written CIC Complaints with BCI regarding the action, inaction, or decision by the governing board, managing agent or association inconsistent with the Declaration, Bylaws, Rules or any governing document of BCI, or applicable law. This form may also be used by BCI to initiate CIC Complaints to Unit Owners or other interested persons.

Legibly describe your CIC Complaint in the area provided below, as well as the requested action or resolution of the issues described in the complaint. Please state the specific facts and circumstances at issue and quote the specific provisions of the governing documents, Delaware laws and regulations that you rely upon in support of your CIC Complaint. If you need more space, please attach additional pages to this CIC Complaint Form. Also, please attach any supporting documents, correspondence and other materials related to the Complaint.

Please sign, date, and print your name and address below and submit this completed form to BCI at the address listed above.

Printed Name:

Signature

Date:

Your Mailing Address:

Lot/Unit Address:

Your Contact Preference: Phone eMail

Your eMail Address:

Your Phone Number:

Other:

NOTICE:

If BCI issues a final decision adverse to your CIC Complaint, you have the right to file a notice of final adverse decision with the Common Interest Community Ombudsperson in accordance with 29 *Del. C.* §2544 (9), (10). The notice must be filed within 30 days of the date of the final adverse decision, must be in writing on the "Contact/Complaint" form provided by the Office of the Common Interest Community Ombudsperson (Ombudsperson); must include copies of any "Required Information" and supporting documents, correspondence and other materials related to the decision, and must be

accompanied by a \$25 filing fee, unless waived for good cause by the Ombudsperson. The Ombudsperson may be contacted at:

Delaware Department of Justice
Office of the Common Interest Community Ombudsperson
820 N. French Street
Wilmington, DE 19801
Tel: (302) 577-8600

eMail: Common.Interest.Community.Ombudsperson@state.de.us

I hereby certify that I caused this CIC Complaint and all attached documents to be delivered to BCI at the address provided by BCI on _____ [Date] at _____ o'clock am. / pm., by the following means of delivery:

[Check one:]

- _____ I personally delivered the papers to the current address of BCI.
- _____ FedEx, to the current address provided by BCI
- _____ UPS, to the current address provided by BCI
- _____ other delivery service that creates a record of delivery [specify] _____ to the current address provided by BCI.
- _____ registered mail, return receipt requested, to the current address provided by BCI.
- _____ certified mail, return receipt requested, to the current address provided by BCI.
- _____ USPS "delivery confirmation," to the current address provided by BCI.
- _____ _____.

I further certify that I have made and kept a record of delivery.

Your Name [printed or typed]:

Signature: _____

Date: