

POLICY FOR ALTERNATIVE DISPUTE RESOLUTION

This Policy supersedes and replaces all prior dispute resolution policies.

Purpose: Adoption of a policy and procedure for alternative dispute resolution for Trail Ridge Association, Inc. ("Association").

Authority: The Declaration for Trail Ridge Association, Inc. recorded on April 19, 1985 at Reception 2523061 ("Declaration"), the Bylaws of the Association, the Colorado Common Interest Ownership Act ("CCIOA"), §38-33.3-124 and §38-33.3-209.5, C.R.S., and other applicable Colorado and Federal laws.

Effective Date: January 1, 2022.

Resolution: The Association hereby adopts the following policy:

Mediation Between Declarants, Lot Owners, Property Managers and the Association

1. The Association recognizes the value in resolving disputes between the Association, the Declarant, property managers, and Lot owners without resort to costly, time-consuming litigation. Therefore, mediation is encouraged but not required.
2. If the parties agree to mediate any dispute, the parties must agree on the identity of the mediator and location for the mediation.
3. The parties may, but need not, be represented by counsel at mediation.
4. Unless agreed by both (or all) parties, the costs of the mediation charged by the mediator shall be borne equally by the parties.
5. All parties shall bear the costs of their own attorney fees and costs in the mediation if the matter is resolved unless the settlement agreement provides otherwise. If the matter is not resolved at mediation, the parties may include the costs and attorney fees incurred in the mediation in any subsequent litigation as a request for fees and costs pursuant to the Declaration, §38-33.3-123, C.R.S. and/or C.R.C.P. 121, §1-22, C.R.S.
6. If mediation takes place and an agreement is reached, the parties may reduce their agreement to a Stipulation which may be submitted to the Court with a request to enter it as an Order of the Court. If either party violates the Stipulation, the other party may thereafter apply to the Court for relief.

Exclusions from Policy

1. This Policy does NOT apply to the Association's actions for collection of common expense or special assessments pursuant to the Declaration, § 38-33.3-316, C.R.S., and the Association's Collection Policies and Procedures.
2. This Policy does NOT apply to the Association's enforcement of the Declaration's covenants, pursuant to the Declaration, the Association's Enforcement Policy, or § 38-33.3-316, C.R.S.
3. This Policy does NOT apply to disputes between Lot owners, who are encouraged to resolve disputes between themselves, using mediation, if desired.

CERTIFICATION:

The undersigned, being the President of Trail Ridge Association, Inc., a Colorado non-profit corporation, certifies that the foregoing Resolution was approved and adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors of the Association on January 1, 2022 and in witness thereof, the undersigned has subscribed his/her name.

TRAIL RIDGE ASSOCIATION, INC.

A Colorado non-profit corporation,

By: Don Winkler

Its: President