



RIVER VALLEY RANCH

RIVER VALLEY RANCH MASTER ASSOCIATION (RVRMA) POLICY AND PROCEDURE FOR ALTERNATIVE DISPUTE RESOLUTION AT RIVER VALLEY RANCH

The River Valley Ranch Master Association (RVRMA) has a declaration of protective covenants, bylaws and rules and regulations. Article 9.9 of the Declaration (***Power to Adopt Master Rules and Regulations***) empowers the Board of Directors to adopt, amend, repeal and enforce such Master Rules and Regulations as the Executive Board may consider necessary, desirable, or appropriate with respect to the operation of the master Association. The Executive Board deems it necessary to adopt a policy for alternative dispute resolution. Therefore the following policy and procedure will govern the process for Alternative Dispute Resolution at River Valley Ranch.

1. General. It is the general policy of the Association to encourage the use of Alternative Dispute Resolution to resolve disputes involving the Association and an Owner and disputes between Owners. Alternative Dispute Resolution (“ADR”) is defined as a procedure for settling a dispute by means other than litigation, such as mediation.

2. Prior to the initiation of any formal ADR, the Parties to the dispute may petition the Board of Directors (if the Association is not subject to the dispute), for a meeting. The Board shall schedule a meeting with the parties and may attempt to resolve the dispute between the parties. In the event the parties are unable to resolve the dispute using the Board of Directors as informal facilitators the Parties may proceed to resolve the dispute in the manner set forth below.

3. Policy. ADR, in the form of Mediation may be pursued by the Association or Owners before any lawsuit is filed, except in the case of the collection of assessments or the enforcement of the covenants, bylaws, or rules and regulations of the Association (unless required by the governing documents), subject to the following:
 - (a) ADR shall not be required if time constraints prevent accomplishing ADR.

 - (b) ADR will not be pursued by the Association if an Owner refuses to participate in the process.

 - (c) Any ADR pursued, after the informal meeting with the Board of Directors, must be done so using a trained mediator, having some familiarity with the governance of community associations.



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(d) Any ADR must be conducted in compliance with the Uniform Arbitration Act and/or the Dispute Resolution Act, as applicable.

(e) If ADR is to be pursued, the owner shall execute an agreement with the Association prior to the commencement of the ADR process which tolls any applicable statute of limitations while the parties are attempting to resolve the dispute through ADR.

4. Selection of Mediator. If the parties to the ADR cannot agree, within 30 days of the request for ADR, on the facilitator, mediator, or other qualified person to conduct ADR, then within 10 days:

(a) Each party shall choose a qualified person as defined in this Policy, and those so selected shall then appoint a third qualified person to be determined in their sole discretion.

(b) In the event a party fails to select a qualified person as specified in subsection (a) above, the person selected by the other party shall be deemed acceptable to both parties and shall act as the facilitator, arbitrator, or mediator.

5. Costs. The costs of ADR shall be split equally among the parties involved in the ADR. In the event an Owner fails to pay the Owner's share of the cost of the ADR, such amount shall be considered an Assessment against such Owner's Unit, and may be collected by the Association as an Assessment pursuant to the Declaration and Colorado Law.
6. Definitions. Unless otherwise defined in the Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.
7. Supplement to Law. The provision of this Resolution shall be in addition to and in supplement of the terms and provision of the Declaration and the law of the State of Colorado governing the Community.
8. Deviations. The Board may deviate from the procedure in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.
9. Amendment. This policy may be amended from time to time by the Board of Directors.



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PRESIDENT'S CERTIFICATION:

The undersigned, being the President of the RVRMA certifies that the foregoing resolution was adopted by the Board of Directors of the RVRMA at a duly called and noticed meeting of the Board of Directors held on this date _____ day of _____, in the year _____ and in witness thereof, the undersigned has subscribed his/her name.

RVRMA President Jim Noyes

Date adopted