

## **ALTERNATIVE DISPUTE RESOLUTION POLICY**

Except as specifically provided elsewhere in the Riva Chase HOA's Governance Policies including assessment collection and covenant violation policies, or the written rules and regulations of the HOA, if any dispute arises between the HOA and any Member, resulting in the issuance of a Notice of Violation to a Member, said Member has fifteen days (15) to provide written request of an Appeal of any Notice of Violation received. The HOA Board or the committee with which the owner is having a dispute (such as the Architectural Control Committee) shall conduct the Appeal process, at the next regularly scheduled public meeting of the Board of Directors or committee, reviewing any written or oral comments of the Member regarding the dispute and any comments from other Members, interested parties, the Board or staff. The Member shall be given notice of such review so they may submit information and plan on attending the meeting. The Board or committee shall make a decision as to how to proceed by majority vote of those present and within 48 hours of the decision and shall make this decision public and inform the resident with the violation of the decisions. The vote on the decision shall be made in the public meeting; however, depending on the nature of the dispute and the issues involved, discussions concerning the matter may occur in executive session.

After the Appeals process, and if the Board or committee and the Member are not in agreement, the Member must comply with the decision of the Board or committee or bring a judicial action to overturn the decision of the Board or committee. If the Member does not comply, the Board may take action, judicial or as otherwise authorized by law or the Declaration, to enforce the decisions of the Board or any committee thereof. Please refer to schedule of fines governing policy for detailed fines on violations.

Prior to any judicial action by either the Member or the Board, pursuant to the above paragraph, the dispute or controversy may be submitted to mediation, if both the Member and the Board agree to same. If either the Member or the Board desires mediation, the party requesting mediation shall provide written notice to the other party of the desire for mediation. If the other party does not agree to mediation in writing within fifteen (15) days of the notice seeking mediation, it shall be presumed that there is no agreement to mediate. If both parties agree to mediate, the mediator shall be agreed upon within ten (10) days of such agreement and, if the parties cannot agree on a mediator within that time, a mediator at the Judicial Arbitrator Group ("JAG") shall be designated by the presiding officer at JAG. The cost of the mediation shall be shared equally by the parties. Either party may terminate the mediation process at any time, without prejudice. If an agreement is reached at mediation, it shall be binding, may be filed with the Jefferson County District or County Court as a stipulation, and shall be enforceable by the Court.

This dispute resolution policy shall not be seen as creating any right to appeal any decision of the committee of the Board to the Board which right is not otherwise provided for by the Declaration, Bylaws or other existing governing document of the HOA.

Approved By: HOA Board

Approval Date: June 1, 2020

Review every three years