

**RESOLUTION OF THE
RIVERWALK AT EDWARDS PROPERTY OWNERS ASSOCIATION INC.
REGARDING ALTERNATIVE DISPUTE RESOLUTION (ADR)**

SUBJECT: Adoption of a policy and procedure regarding alternative dispute resolution.

PURPOSE: To adopt a standard policy and procedure to be followed for alternative dispute resolution.

AUTHORITY: The Declaration, Articles and Bylaws of the Association and Colorado law.

EFFECTIVE DATE: _____

RESOLUTION: The Association hereby adopts the following policy and procedure:

1. General Policy. It is the general policy of the Association to encourage the use of Alternative Dispute Resolution (“ADR”), such as Mediation, to resolve disputes involving the Association and an Owner.
2. Policy. ADR, in the form of Mediation shall be pursued by the Association 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, subject to the following :
 - (a) Mediation shall not be required by the Association if time constraints prevent accomplishing proper mediation.
 - (b) Mediation shall not be pursued by the Association if an Owner refuses.
 - (c) If Mediation is to be pursued, it must be pursued using a trained mediator that is familiar with governance of community associations.
 - (d) Mediation allowed for or required under this Policy must be in compliance with the Dispute Resolution Act.
3. Selection of Mediator. If the parties to the Mediation cannot agree within 30 days of the request for Mediation on the mediator, then, within 10 days:

- (a) Each party shall choose a qualified person and those so chosen shall then select another qualified person.
 - (b) In the event a party fails to select a qualified person as specified in subsection (a) immediately above, the person selected by the other party shall be deemed acceptable to both parties and shall act as the mediator.
4. Costs. All costs associated with mediation, including, but not limited to, filing costs, attorneys' fees, and the Mediator's fees, shall be borne by the Owner(s) to the action.
 5. Definitions. Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.
 6. Supplement to Law. The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Community.
 7. Deviations. The Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.
 8. Amendment. This policy may be amended from time to time by the Board.

**PRESIDENT'S
CERTIFICATION:**

The undersigned, being the President of the Riverwalk at Edwards Property Owners Association Inc. a Colorado nonprofit corporation, certifies that the foregoing Resolution was adopted by the Executive Board of the Association, at a duly called and held meeting of the Executive Board on _____ and in witness thereof, the undersigned has subscribed his/her name.

**RIVERWALK AT EDWARDS PROPERTY
OWNERS ASSOCIATION INC.,**
a Colorado nonprofit corporation

By: _____,
_____, President

