



# EATON PAGOSA ESTATES PROPERTY OWNER'S ASSOCIATION (EPEPOA)

2

## POLICY RESOLUTION NUMBER 2019-04

### Regarding Disputes Between the Association and the Property Owners Policy for EPEPOA

WHEREAS, the declarations of Protective Covenants for Eaton Pagosa Estates Subdivision states: EPEPOA is an Organization whose members include all of the owners of the lots of Eaton Pagosa Estates Property Owners Association, Inc., a Colorado non-profit corporation, herein referred to as "Association"; and

WHEREAS, article VII, section 1(a) gives the Board of Directors the powers and duties necessary to conduct the affairs of the Association and to make such rules and regulations as the Directors deem in the best interests of the Association and in accordance with the Colorado Common Interest Ownership Act (CCIOA) and the Colorado Revised Statutes; and

WHEREAS, the Board distributed a copy of this resolution to the membership; and

WHEREAS, it is the intent that this resolution be applicable to all owners and shall remain in effect until otherwise rescinded, modified, or amended by a majority of the board of directors; and

NOW, THEREFORE BE IT RESOLVED that the following resolution for disputes between the Association and the property owner's policy is hereby adopted by the board of directors.

**Disputes:** Any controversy between the Association, the Board of Directors, the Environmental Control Committee (ECC), the Architectural Review Committee (ARC) or an Officer and Member arising out of the provisions of the Declaration, the Articles of Incorporation or the Bylaws may be submitted to mediation by agreement of the Parties prior to the commencement of any legal proceeding.

**1. Alternative Dispute Resolution Procedures.** Alternative methods of dispute resolution to avoid litigation encouraged by the Board of Directors include negotiation and mediation. The Association encourages Owners or residents with disputes to resolve such disputes without court proceedings. The Association will take reasonable steps to facilitate negotiation or mediation between Owners and/or residents but will have no responsibility for any costs incurred by the parties to the dispute resolution process. For any step in the dispute resolution process, the parties are not waiving their right to employ legal counsel at their own expense to assist them.

**A. Required dispute resolution procedure.** Prior to filing a lawsuit against the Association, the Board, or any officer, director, or manager of the Association, an Owner must request and attend a hearing with the Board of Directors. Any such request shall be in writing and shall be personally delivered to any member of the Board of Directors or the Association's manager. The Owner, in such request and at the hearing, must make a good faith effort to explain the grievance to the Board and resolve the dispute in an amicable fashion, and shall give the Board a reasonable opportunity to address the Owner's grievance. Upon receiving a request for a hearing, the Board shall give notice of the date, time and place of the hearing to the person requesting the hearing. The Board shall schedule this hearing for a date not less than 14 or more than 30 days from the date of receipt of the request. If the dispute cannot be resolved, the parties may utilize the discretionary mediation procedure set forth below but shall not be required to do so.

R.h.

Jayne Archuleta  
1187 Lakeside Dr.  
Pagosa Spr., CO 81147