

POLICY
OF TODD CREEK RIVERSIDE HOMEOWNERS ASSOCIATION, INC.
REGARDING ALTERNATIVE DISPUTE RESOLUTION (ADR)

SUBJECT: Adoption of a procedure regarding alternative dispute resolution.

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

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

EFFECTIVE DATE: 3/5/2024

RESOLUTION: The Association hereby adopts the following Policy and Procedures:

1. Informal Resolution. In the event of any dispute involving the Association and an Owner, the Owner is invited and encouraged to meet with the Board of Directors to resolve the dispute informally and without the need for litigation. If the Owner requests to meet with the Board, the Board shall make a reasonable effort to comply with the Owner's request.
2. General Policy. All Claims (as defined below) are required to be submitted to final, binding arbitration, and not to a court of law.
3. Definitions. Unless otherwise defined in this Policy, initially capitalized or terms defined in the Declaration shall have the same meaning herein. For the purposes of this Policy, the following terms have the following meanings:
 - (a) "Claim" means, except as excluded or exempted by Article 12 of the Declaration, any claim, grievance or dispute between any Persons under any of the Governing Documents, and one or more Persons, regardless of how the same may have arising or on what it might be based, including those arising out of or related to the interpretation, application or enforcement of any of the Governing Documents, or the rights, obligations or duties under any of the Governing Documents.
 - (b) "Person" means a natural person, a corporation, a partnership, an association, a trust, a limited liability company, a joint venture, or any other entity recognized under the State of Colorado or any combination thereof.

4. Exclusions from Claim. Notwithstanding Paragraph 2 above, unless all parties thereto otherwise agree in writing, "Claim" does not include any of the following, and the same shall not be required to be resolved by final, binding arbitration:
 - (a) Any action by the Association to enforce any provision of Article 4 of the Declaration (collection of Assessments); or
 - (b) Any action by the Association to obtain a temporary restraining order or injunction (or equivalent emergency equitable relief), and such other ancillary relief as the Association or court may determine, in order to enforce any of the provisions of Article 5 or Article 10 of the Declaration (enforce Restrictions or Design Review requirements); or
 - (c) Any action that asserts a Claim which would constitute a cause of action independent of the Governing Documents.
5. Supplement to Law. The provisions of this Policy 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.
6. Amendment. This Policy may be amended from time to time by the Board of Directors.

PRESIDENT'S

CERTIFICATION: The undersigned, being the President of Todd Creek Riverside Homeowners Association, Inc. , a Colorado nonprofit corporation, certifies that the foregoing Policy was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board on 3/14/2024 and in witness thereof, the undersigned has subscribed their name.

**Todd Creek Riverside Homeowners Association,
Inc., a Colorado nonprofit corporation**

By: 
Its: President