

WINDJAMMER HOMEOWNERS ASSOCIATION
ALTERNATIVE DISPUTE RESOLUTION POLICY AND PROCEDURES
25 October 2021

Authority: CRS 38-33.3-209.5, Responsible Governance Policies, Paragraph (1) (b) (VIII);
CRS 38-33.3-124, Legislative Declaration,
Article IV, Section 404, Variances, Paragraphs (d) &(e),
Windjammer Homeowners Association Covenants, Sections (102, 106, 110, 112, 113, 202-205,
209, 210, 308, 309, 311, 313, 314)
Enforcement Policy and Procedure

Policy:

This Policy outlines the Windjammer Homeowners Association ("**Association**") procedures on resolving General, Covenant Enforcement, or Approving Authority Disputes. For the purpose of this Policy, **Owners** refers to both resident and non-resident owners of any property subject to the Association's Covenants and Policies. General disputes are encouraged to be resolved informally, with mediation being required before any lawsuit is filed. Covenant Enforcement disputes are resolved at fine hearings as outlined in the Association's Enforcement Policy. Approving Authority approval disputes may be resolved via a hearing with the Association's Board of Directors ("**Board**"). Variance disputes are resolved through a special Meeting of Owners ("**Meeting**").

Procedure:

The following outlines dispute resolution procedures for each type of dispute.

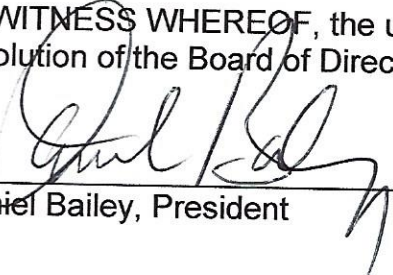
General Disputes. In the event of any dispute involving the Association and an Owner, the Owner is invited and encouraged to meet with the Board to resolve the dispute informally and without the need for enforcement. If the Owner requests to meet with the Board, the Board shall make a reasonable effort to comply with the Owner's meeting request. Should this meeting fail to resolve the issue, mediation through the El Paso County Office of Dispute Resolution or another outside entity is a prerequisite before filing any lawsuit.

Covenant Enforcement Disputes. When a covenant is violated, notice will be given to the Owner as outlined in the Association's Enforcement Policy and Procedures. A fine hearing is required before any fine is assessed or covenant violation lien is recorded against an Owner or Lot. Owners shall be notified in advance of a fining hearing. Owners shall be provided the opportunity to either meet with the Board at the hearing to speak on Owner's behalf or submit written statements to the Board. When the Board is not meeting regularly, the Executive Committee may act on behalf of the Board to comply with notification requirements. For more information on fine hearings see the Association's Enforcement Policy and Procedures.

Approving Authority Denial of Approval Disputes. If an Owner submits a change request to the Approving Authority and is denied, the Owner may dispute the denial and request redress. All three members of the Approving Authority committee shall convene and reconsider the change request. The decision to grant or deny an Approval shall always rest with the Approving Authority Committee. If the Owner disputes the committee's reconsidered decision, the Owner can request an approval hearing with the Board. The Board may then initiate General Dispute resolution (see above).

Approving Authority Variance Disputes. In the event the Approving Authority denies a request for a variance, the Owner applicant may request a meeting of all Owners be held to reconsider the denial. Upon receipt of such request the Approving Authority shall call a Meeting to be held at a location within five (5) miles of the Windjammer Subdivision. Meeting notice shall be given to the Owners at least ten (10) days in advance. At the Meeting, all Owners shall have an opportunity to appear and express their views pertaining to the variance in question. Within a week of the Meeting, the Approving Authority shall grant approval or confirm its denial of the variance. The decision to grant or deny the variance shall always rest with the Approving Authority, subject to applicable Covenants (Section 501). If the variance is subsequently denied, another application for the same variance for the same Owner or Lot may not be made for a period of one (1) year after submittal of the original request.

IN WITNESS WHEREOF, the undersigned certifies that this Policy and Procedures was revised by resolution of the Board of Directors of the Association on this 25 October 2021.



Daniel Bailey, President