

SFTR Property Owners Association Policy 2025 - 03

Title: Dispute Resolution between Association and Owners	Date of Issue: June 7 th , 2025
Approved By: <i>Carol Smith, POA Secretary</i>	Review/Revise Date:
This policy shall remain in effect until it is no longer needed or incorporated into other SFTR governing documents.	

Policy Statement/Purpose

The purpose of this Dispute Resolution between Association and Owners Policy is to establish a fair, efficient, and transparent process for resolving disputes between Owners and the Santa Fe Trail Ranch Property Owners Association (the "Association"), its Board of Directors, officers, or committees. This policy is adopted in compliance with the Colorado Common Interest Ownership Act (CCIOA) to promote harmony within the community and avoid litigation.

Applicability

This policy is applicable to the SFTR POA, its Board of Directors and each committee chair.

Process/Procedures

1. Scope of Policy

This policy applies to disputes between:

- Owners and the Association.
- Owners and the Board of Directors, officers, or committees of the Association.

2. Informal Resolution

- Owners and the Association are encouraged to resolve disputes informally through direct communication.

3. Formal Dispute Resolution

- If informal efforts do not resolve the dispute, a Owner may submit a written request for formal dispute resolution to the Board of Directors.

- The request must include:
 - The nature and details of the dispute.
 - The steps taken to resolve the dispute informally.
 - The desired outcome or resolution.

- Upon receipt of the request, the full Board will meet to review the request and discuss possible options for a resolution including a meeting with the Member in hopes of resolving the dispute.

- If possible, the Board will meet with the Member to discuss the dispute in hopes of resolving the dispute without further action required.

4. Mediation

- If unable to resolve the dispute with the above steps, the Board of Directors shall offer mediation as a first step.
- Mediation shall be conducted by a neutral third-party mediator agreed upon by both parties.
- The costs of mediation shall be shared equally by the parties unless otherwise agreed.

5. Mediation Procedure

- The mediator will schedule a mediation session within 30 days of the request.
- Both parties will attend the mediation session and make a good faith effort to resolve the dispute.
- Any agreement reached through mediation shall be documented in writing and signed by both parties. This agreement is binding and enforceable.

6. Arbitration

- If mediation does not resolve the dispute, the parties may agree to submit the dispute to binding arbitration.
- Arbitration shall be conducted by a neutral arbitrator agreed upon by both parties.
- The arbitration process shall follow the rules and procedures of the chosen arbitration service provider.
- The costs of arbitration shall be shared equally by the parties unless otherwise agreed.

7. Arbitration Procedure

- The arbitrator will schedule an arbitration hearing within 60 days of the agreement to arbitrate.
- Both parties will have the opportunity to present evidence and arguments at the hearing.
- The arbitrator's decision shall be final and binding on both parties, and enforceable in a court of competent jurisdiction.

8. Exclusions

- This policy does not apply to disputes related to the collection of assessments, which are subject to the Association's Collection Policy.
- This policy does not preclude the Association or its Owners from seeking injunctive relief or other equitable remedies in a court of law.

9. Confidentiality

- All communications and documents shared during the informal resolution, mediation, or arbitration processes are confidential and shall not be disclosed to third parties without the consent of both parties, except as necessary to enforce any agreements or decisions reached.

10. Record Keeping

- The Association shall maintain records of all disputes submitted for formal resolution, including the outcomes of mediation and arbitration for a period of three years.

11. Review and Amendments

- This Dispute Resolution Policy shall be reviewed periodically by the Board of Directors and may be amended by a majority vote of the Board.
- Owners shall be notified of any changes to this policy in a timely manner.