

ALTERNATIVE DISPUTE RESOLUTION POLICY

Except as specifically provided elsewhere in the Genesee Foundation's Governance Policies including assessment collection and covenant violation policies, or the written rules and regulations of the Association, if any dispute arises between the Association and any Member, the Association Board or the committee with which the owner is having a dispute (such as the Architectural Review Committee) shall review, at the next regularly scheduled public meeting of the Board of Directors or committee, any written or oral comments of the Member regarding the dispute and any comments from other Members, interested parties, the Board or staff. The Member shall be given notice of such review so they may submit information and plan on attending the meeting. The Board or committee shall make a decision as to how to proceed by majority vote of those present. The vote on the decision shall be made in the public meeting; however, depending on the nature of the dispute and the issues involved, discussions concerning the matter may occur in executive session.

If the Member disagrees with the decision made, the Member may provide additional information and ask for the decision to be reconsidered at the next meeting of the body which made the decision. After reconsideration, and if the Board or committee and the Member are not in agreement, the Member must comply with the decision of the Board or committee or bring a judicial action to overturn the decision of the Board or committee. If the Member does not comply within a reasonable time period, the Board may take action, judicial or as otherwise authorized by law or the Declaration, to enforce the decisions of the Board or any committee thereof.

Prior to any judicial action by either the Member or the Board, pursuant to the above paragraph, the dispute or controversy may be submitted to mediation, if both the Member and the Board agree to same. If either the Member or the Board desires mediation, the party requesting mediation shall provide written notice to the other party of the desire for mediation. If the other party does not agree to mediation in writing within fifteen (15) days of the notice seeking mediation, it shall be presumed that there is no agreement to mediate. If both parties agree to mediate, the mediator shall be agreed upon within ten (10) days of such agreement and, if the parties cannot agree on a mediator within that time, a mediator at the Judicial Arbitrator Group ("JAG") shall be designated by the presiding officer at JAG. The cost of the mediation shall be shared equally by the parties. Either party may terminate the mediation process at any time, without prejudice. If an agreement is reached at mediation, it shall be binding, may be filed with the Jefferson County District or County Court as a stipulation, and shall be enforceable by the Court.

This dispute resolution policy shall not be seen as creating any right to appeal any decision of the committee of the Board to the Board which right is not otherwise provided for by the Declaration, Bylaws or other existing governing document of the Association.

APPROVED BY:	Board of Directors
SUPERCEDES:	None
APPLICABILITY:	All Members
EFFECTIVE DATE:	September 13, 2006
APPROVAL DATE:	September 13, 2006

REAPPROVAL DATE: July 13, 2011
May 13, 2015
June 27, 2018
REVIEW DATE 2023 (5 YEARS)