

Alternative Dispute Settlement Resolution (Mediation Process)

Effective January 1, the Board adopted the following resolution for a standardized procedure for alternative dispute resolution (mediation process) between a Unit Owner and the ENPHA.

“In the event of any dispute between a Unit Owner and the ENPHA, either party is invited and encouraged to submit the matter to the Board of Directors prior to the commencement of any legal proceedings. The Unit Owner may meet with the Board of Directors to resolve the dispute informally. Upon request for such meeting, the parties shall make a reasonable effort to accommodate such request.

If the parties themselves are not able to resolve any such dispute, the matter shall be submitted to mediation. The mediator shall be selected by mutual agreement between the Owner and the Board of Directors of Eagles Nest Property Homeowners Association, Inc; and if such mutual agreement cannot be obtained, then the parties shall each select one mediator, and those two mediators shall select between them a mutually agreeable mediator. Only the one mediator selected by the parties or by the other two mediators shall hear the matter. All cost of mediation shall be shared equally by the parties.

Mediation is required to be completed (whether or not there is satisfactory result from such mediation), prior to the Unit Owner or the Eagle Nest Property Homeowners Association, Inc. pursuing any legal or other remedial action available to them, unless an emergency dictates otherwise. “