

NEIGHBOR TO NEIGHBOR DISPUTE POLICY

Collingwood Pointe at the Preserve (“Association”)

Effective Date: January 1, 2019 President: Ray Starkloff

The purpose of this policy is to provide homeowners and all other residents with information regarding the Association’s procedures for the handling of neighbor to neighbor disputes which involve alleged violations of the Association’s governing documents (“Neighbor to Neighbor Disputes”).

1. “Neighbor to Neighbor Disputes” means disputes or complaint(s) by one or more Association member(s) against one or more other Association member(s) that involve alleged violations of the Association’s governing documents.
2. Complaints concerning Neighbor to Neighbor Disputes shall be submitted to the board of directors in a writing dated and signed by the complaining party. The written complaint shall provide the names and addresses of the parties to the dispute and a statement of the facts constituting the alleged violations of the Association’s governing documents.
3. When a or complaint concerning an alleged Neighbor to Neighbor Dispute is brought to the attention of the Association’s board of directors, the board shall investigate the facts concerning the alleged violation(s) and place the matter on its agenda for discussion at its next scheduled meeting. The responsibility for investigating the facts can be delegated to one or more board members, the Association’s property manager or some other duly authorized agent of the Association.
4. The board of directors shall discuss the complaint or dispute at its next scheduled meeting and make a reasonable business judgment decision based on the facts presented as to whether or not the matter constitutes a Neighbor to Neighbor Dispute in which the Association will intervene in an effort to resolve the dispute.
5. Following the meeting of the Association’s directors, the board shall notify the parties to the dispute in writing of its decision as to whether the Association will intervene in the dispute.
6. If the Association does not intervene, the parties will be encouraged to engage in good faith efforts to resolve the dispute through a form of alternative dispute resolution such as mediation or arbitration.
7. If the board of directors determines that a violation has probably occurred and that it is in the best interest of the Association to intervene in the Neighbor to Neighbor Dispute, the board of directors shall take the following action:

(a) Mail a letter to all of the parties involved in the Neighbor to Neighbor Dispute who are believed to be in violation of the Association's governing documents which sets forth the alleged violation and requesting corrective action be taken within 10 days of the letter. This letter shall be referred to as a "Warning Letter." The letter may be mailed first-class, certified, or both.

(b) If the alleged violations have been committed by tenants of the owner, the owner is responsible for those violations. Notwithstanding same, the board may, should it desire, send a copy of the notice to the tenant as well. Notices will be mailed to the owner at the property address as well as any other address which the owner has supplied to the Association for the purpose of receipt of notices.

(c) If no corrective action has been taken within 10 days of the first Warning Letter, the board of directors, in its discretion may either send another warning letter or may mail the parties a Notice of Hearing on the issue of whether to impose discipline in connection with the alleged violation.

(d) The hearing will take place at a meeting of the Association's directors at which at least a quorum of the board is present. The hearing will commence with a recital of the board's reasons for determining a violation has occurred. The alleged violator(s) may then provide evidence either in writing or orally and may present testimony from witnesses. The board, having performed its own investigation and presented its own findings, is not required to identify the person or persons who brought the matter to the board's attention, although the board may do so if it deems such disclosure in the best interests of the community.

(e) Unless specifically permitted by state law, neither the Association nor the owner shall not be entitled to legal counsel during the hearing. Deliberation of the board after the hearing need not be undertaken in the presence of the alleged violator(s), or in open session. Within 15 days after the hearing, the board of directors shall provide written notice of its decision. If the board decides to impose discipline that discipline shall not take effect until 5 days after the board notifies the offending party of its decision to impose discipline.

(f) If the alleged violator(s) fail to appear, the board will consider evidence presented to it in connection with its investigation, and will make a determination as to whether or not a violation has occurred. If the violation is found to have occurred, the board will determine what disciplinary action to impose, if any.

8. The Association may, at any time it deems appropriate, file a civil action to obtain compliance with the governing documents; the Association need not fine or impose any other discipline on an owner his or her tenant first. In a court action, the Association may seek either, or both, injunctive relief (that is, a court order requiring compliance with the governing documents) and/or recovery of fines, if any, in addition to other damages that may have been suffered and costs and attorney fees incurred in connection with the action.