

RESOLUTION
OF THE BOARD OF DIRECTORS OF THE
LUPTON VILLAGE RESIDENTIAL METROPOLITAN DISTRICT

Establishing Policies Regarding Dispute Resolution Between Members of the Common Interest
Community and the District (“Policy”)

WHEREAS, Lupton Village Residential Metropolitan District (the "District") is a quasi-municipal corporation and political subdivision of the State of Colorado; and

WHEREAS, Article 6 Section 6.2 of the Declaration of Covenants, Conditions and Restrictions for Lupton Village Residential Metropolitan District (“Declaration”) provides procedures for mediation of disputes between the District and Members of the Common Interest Community; and

WHEREAS, Article 6 Section 6.3 of the Declaration of Covenants, Conditions and Restrictions for Lupton Village Residential Metropolitan District (“Declaration”) requires the District to comply with the Colorado Common Interest Ownership Act as provided in C.R.S. § 38-33.3-101, et seq., as the same may be amended from time to time; and

WHEREAS, Section 38-33.3-209.5(1)(b)(VIII), C.R.S., requires the District to adopt policies, procedures, and rules and regulations to addressing disputes arising between the District and unit owners; and

WHEREAS, the District Board of Directors (“Board”) wishes to set forth its policy regarding the resolution of disputes with Members for purposes of complying with the Colorado Law and promoting the fair and efficient resolution of disputes between the District and Common Interest Community Members;

WHEREAS, the Board desires to adopt this Resolution.

NOW, THEREFORE, the Board hereby RESOLVES:

1. **Dispute Resolution.**

In the event of any dispute involving the District and a Member, the Member is encouraged to exercise his/her rights under Article 6 (“Mediation”) of the Declaration and meet with the Board to resolve the dispute and without the need for litigation.

2. **No Waiver of Rights.**

Nothing in this Policy shall be construed to require any specific form of alternative dispute resolution, such as mediation or arbitration, or require the parties to meet. Neither the District nor the Owner waives any right to pursue whatever legal or other remedial actions available to either party.

3. **Deviations.**

The District may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.

4. **Definitions.**

Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.

5. **Supplement to Law.**

The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the District and Common Interest Community.

6. **Severability.**

If any term, condition or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such term, condition or provision shall not affect any other provision contained in this Resolution, the intention being that such provisions are severable. In addition, in lieu of such void or unenforceable provision, there shall automatically be added as part of this Resolution a provision similar in terms to such illegal, invalid or unenforceable provision so that the resulting reformed provision is legal, valid and enforceable.


ADOPTED this 8th day of August , 2024.

LUPTON VILLAGE RESIDENTIAL METROPOLITAN DISTRICT

Signed by:

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Board President

ATTEST:

Signed by:

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Board Secretary