
INTERNAL DISPUTE RESOLUTION PROCEDURES OF WHITNEY OAKS HOMEOWNERS ASSOCIATION

February 2015

1. This procedure is intended to apply to disputes between the Whitney Oaks Homeowners Association (hereafter "Association") and a member concerning the member's and/or Association's rights, duties, or liabilities under this title, the Nonprofit Mutual Benefit Corporation Law or under the governing documents of the Association. It is intended to provide a fair, reasonable and expeditious procedure for resolving disputes.
2. Either the Association or a member of the Association may institute the Internal Dispute Resolution ("IDR") process. If the IDR process is instituted by a member, the Association must participate in the process in good faith. If the process is instituted by the Association, the member who is invited to participate is not required to do so.
3. The IDR process is instituted by mailing by first-class mail, postage prepaid, a written request for IDR to the other party or parties to the dispute. If a request for IDR is mailed to an Association member by the Association, it shall be mailed to the address of the member as shown on the Association's records. If a request for IDR is mailed to the Association by a member, it shall be mailed to the address of the Association's manager, the Secretary of the Association or such other person or entity designated in a Board resolution to receive such a notice.
4. The Board may require use of a specific form for the purpose of requesting IDR. In the absence of a specific form for this purpose, the request shall identify the requesting party or parties, the party to whom the request is directed, the nature of the dispute and the facts supporting the requesting party's position. Documents may be attached to the request which will clarify or support the requesting party's position.
5. If a request for IDR is mailed by a member to the Association, the Board shall respond to the request in writing within forty-five days of the request. If a request is mailed by the Association to a member and the member has not responded to the request within forty-five days, the request shall be deemed rejected by the member.
6. A response to a request for IDR shall state the identity of the responding party and the facts supporting the responding party's position. Documents may be attached to the response which will clarify or support the responding party's position.
7. Upon receipt of a member's request for IDR or upon receipt of a response to a request for IDR delivered to an Association member by the Board, the Board shall designate one or two of its members to meet with the member either in person or by telephone. The meeting shall occur within sixty days of receipt of the member's request for IDR or the member's response to a request for IDR, unless the member or Board representatives are not available during that time period, in which case the meeting shall occur as soon as reasonably possible.
8. Upon approval by a majority of a quorum of the Board, any resolution of the dispute or agreement reached as a result of the meeting between the member and the Board representative which is not in conflict with the law or the governing documents shall bind the Association and be judicially enforceable.
9. If the member participating in IDR is not satisfied with the results of the meeting required above, such member may request a hearing before the entire Board, which shall be scheduled for the next Board meeting following receipt of such request.
10. If the member elects to bring his/her Attorney to the IDR, notification to the Association shall be provided at least 10 days prior to the IDR. If this does not take place, the Association reserves the right to reschedule the IDR for a time that the Attorneys of both parties are able to attend.