



POLICY 13 – ALTERNATIVE DISPUTE RESOLUTION

I. Purpose -

Problems, misunderstandings, and frustrations may arise within a homeowner's association. It is Village Grande at English Mill's (the "Association") intent to be responsive to the Owners and their concerns. Therefore, an Owner who is confronted with an issue may use the procedure for Alternative Dispute Resolution ("ADR") described below to resolve or clarify his or her concerns. This policy will establish a procedure for addressing disputes between the Association and Homeowners or between Homeowners.

II. Authority -

- A. The Planned Real Estate Development Full Disclosure Act (PREDFDA), N.J.S.A. 45:22A-21 et seq., require associations to provide a fair and efficient alternative to litigation for unit owners to resolve housing related (meaning not personal but related directly to association living) disputes between one another or with the association.
- B. By-Laws Article XII: Section 12.05

III. Scope -

This policy applies to all Owners and Occupants, including officers of the Association.

IV. Responsible Party -

The ADR Policy will be conducted by an ADR Committee composed of five Owners (and one alternate) appointed by the Board of Trustees. The members will be impartial and unbiased as measured by the objective standards established in our Governing Documents.

V. Procedure -

Should a Neighbor-to-Neighbor dispute or a Homeowner to Homeowner's Association dispute arise, the following steps may be taken towards a resolution.

- A. ADR procedures will include mediation (attempting to work the matter out to mutual agreement) and/or arbitration (a more formal proceeding ending with a decision). Arbitration proceedings can include witness testimony and the presenting of evidence. Meetings can be held virtually or in-person.

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- B. Any Owner wishing to resolve a dispute will provide a written request (Form 13 – ADR Initiation) to the Community Manager describing:
 - 1. The nature of the dispute, including the date, location, persons involved and the other party’s role in the dispute.
 - 2. Complainant must indicate what sections of the governing documents (Declaration, By-Laws, Rules & Regulations) are being violated. Complaint must be related to a governing document matter.
 - 3. A request for what the Initiating Party would like the other party or parties to do or not do to resolve the dispute.
- C. The Community Manager will notify the chair of the ADR committee, the Committee Members and the Board Liaison that a dispute has been received.
- D. All complaints will be shared between parties. This is not an anonymous process.
- E. It is expected that in the event of any dispute the parties will initially conduct good faith mediation and attempt to resolve the dispute as good neighbors.
- F. Within ten working days, of the complaint’s receipt, the ADR committee will schedule mediation between parties to resolve any concerns. Either party can refuse mediation. Five members of the Committee must be present to validate the meeting. The mediation process can either occur as separate interviews, statements, and “shuttle diplomacy” or all parties can attend simultaneously to negotiate a compromise.
- G. If the parties do not resolve the dispute through mediation, arbitration will be scheduled within 10 days with the ADR committee, who will decide the outcome of the dispute based on evidence and testimony provided by the parties.
- H. All parties involved have the right to attend both the mediation and arbitration meeting.
- I. All parties involved have the right to have witnesses and/or counsel to support their complaint or counter-complaint during arbitration.
- J. Due process: All parties will be treated equally and fairly; each party should be given a reasonable opportunity to present its case. All parties have the right to access to all statements, documents or other information supplied to the ADR committee by the other party prior to any hearing.
- K. If a Committee Member has a conflict of interest in any way connected to the dispute that committee member shall recuse themselves.

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- L. The decision of the ADR committee will be submitted to both parties within 10 working days.
 - M. The decision of the ADR committee is binding on all parties, unless an appeal is filed within 45 days as described in the By-Laws.
- VI. Alternative Dispute Resolution Committee Members
- A. The Board of Trustees shall appoint a panel of five to six Owners who will have the responsibility to review all pertinent information and then render a decision.
 - B. Each member of the panel shall meet the following criteria:
 - 1. Must be in good standing in the association.
 - 2. Must be full-time owner/residents of the community.
 - 3. Must not be absent from the community for extended periods of time e.g. not leave the community for the winter months.
 - 4. Must not be a Board Member or related to a Board Member of the association.
 - 5. Must agree to remain unbiased throughout the ADR process.