

WESTVIEW ESTATES HOMEOWNERS' ASSOCIATION

EXECUTIVE BOARD RESOLUTION No. B-7

(Alternate Dispute Resolution)

WHEREAS, occasions may arise when the Westview Estates Homeowners' Association and a member thereof come to be in an adversarial relationship that falls within the jurisdiction of a state or local court or administrative agency; and,

WHEREAS, in resolving the matters at issue, it would be mutually advantageous to minimize, when possible, the expenses and other troubles involved in formal litigation or other proceedings; now, therefore,

The Executive Board of the Association resolves as follows:

- (1) Except as provided in paragraph (2) of this resolution, before initiating litigation or an administrative proceeding involving property within this subdivision to be conducted before a state or local court or administrative agency, the party intending to initiate the litigation or proceeding shall first offer to use any dispute resolution program available within the City of Salem or Polk County, that is in substantial compliance with the standards and guidelines adopted under ORS 36.175.
- (2) The requirement under paragraph (1) above does not apply:
 - (a) To circumstances in which irreparable harm to a party will occur due to delay;
 - (b) To Litigation or a proceeding initiated to collect assessments, except that it does apply to assessments attributable to fines.
- (3) An offer under paragraph (1) of this resolution must be in writing, hand-delivered or sent by certified mail return receipt requested, to the address of the other party as found in the records of this Association. If the party receiving the offer does not accept the offer by means of an acceptance delivered or sent within 10 days after receipt of the offer, such acceptance having been delivered or sent in the same manner as an offer, then the offering party may commence the litigation or administrative proceeding. The notice of acceptance of the offer to participate in the program must contain the name, address and telephone number of the body administering the dispute resolution program.
- (4) If a qualified dispute resolution program exists in the City of Salem or Polk County and an offer to use the program is not made as required, litigation or an administrative proceeding may be stayed for 10 days upon motion of the non-initiating party. If the litigation or administrative action is stayed, both parties must participate in the dispute resolution process.
- (5) Unless a stay has been granted, if the dispute resolution process is not completed within 30 days after receipt of the initial offer, the initiating party may commence litigation or an administrative proceeding without regard to whether the dispute resolution is completed. Once made, the decision of the court or administrative

body arising out of the litigation or administrative proceeding may not be set aside on the grounds that an offer to use a dispute resolution program was not made.

(6) This resolution takes effect upon its adoption, but does not apply with respect to any litigation or administrative proceeding already initiated pursuant to law or ordinance.

Approved by the Executive Board of Westview Estates Homeowners' Association on July 6, 2016

Darlene Livermore, President

Jane Roberts, Secretary