

**GAME TRAIL ASSOCIATION
RULE AND REGULATION 12-08
ALTERNATIVE DISPUTE RESOLUTION OPTION FOR RESOLVING
DIFFERENCES BETWEEN PROPERTY OWNERS
AND THE ACTIONS OF THE BOARD OF DIRECTORS**

Rule and Regulation 12-03 is hereby suspended and superseded by this Rule and Regulation.

The purpose of this policy is to establish a procedure for resolving disputes between property owners and the Board of Directors regarding any enforcement actions to be taken or that have been taken by the Board concerning a property owner's violation of the Game Trail Covenants, Policies, and Rules and Regulations of which the Game Trail Architectural Control Policy is a part pursuant to Article V, Paragraph P (b) of the By-laws.

Game Trail Association (GTA) as described in Article B of the Declaration of Covenants desires to insure the attractiveness of individual lots to maintain the environment of Game Trail Property. Also by Article 20 of the Covenants, GTA has the right to apply to an appropriate court of law for "an injunction or proper relief" in the event of any violation of the Covenants.

Based on this authority and the authority given to the Association By-laws by Article 15 of the Covenants, as well as GTA's responsibility to the members of the Association, the Board adopts the following policy as a means to resolve any differences that arise between a property owner and the Board of Directors concerning any enforcement action it proposes to take or has taken before the filing of any legal action:

MEDIATION: Notwithstanding the provisions of Rule and Regulations 12-06 and 12-07, if a dispute or deadlock arises between parties in their capacities as Owner, Member, Officer, or Member of the Board of Directors concerning a property owner's violation of the Game Trail Covenants, Policies, and Rules and Regulations of which the Game Trail Architectural Control Policy is a part pursuant to Article V, Paragraph P (b) of the By-laws or any material provisions thereof or any decision of the Board including any enforcement action the Board proposes to take or has taken before the filing of any legal action, and the parties are unable to resolve the dispute within a reasonable time not to exceed forty-five (45) days from the owner's receipt of the first notification of a violation or from receipt of the Board's decision following an appeal requested by the owner pursuant to paragraph 2 of Rule and Regulation 12-06, the following shall apply:

1. Either party may request in writing sent to the other party at the mailing address of record by first class mail return receipt requested, that the matter be submitted to mediation.

2. Within ten (10) days of receipt of the request for mediation, the non-requesting party must notify the requesting party in writing sent to the mailing address of record by first class mail that he/she either agrees to participate in mediation to resolve the dispute or that he/she wishes to opt out of this process.
3. Within ten (10) days of the receipt of the agreement to mediation, the parties shall select a single trained and impartial mediator.
4. Unless otherwise agreed upon in writing by all parties to the dispute, the venue shall be in Chaffee County, Colorado.
5. Each party will bear their own individual costs for the mediation and the cost of the mediator shall be borne equally by the parties regardless of the outcome.
6. The purpose of the mediation is to:
 - a. Promote discussion between the parties;
 - b. Assist the parties to develop and exchange pertinent information concerning the issues in dispute; and
 - c. Assist the parties to develop proposals which will enable them to arrive at a mutually acceptable resolution of the controversy.
7. Mediation shall then proceed in accordance with the following guidelines:
 - a. The mediator may meet with the parties and their counsel jointly or ex parte. The parties agree that they will participate in the mediation process in good faith and expeditiously, attending all sessions scheduled by the mediator. Representatives of the parties with settlement authority will attend mediation sessions as required by the mediator.
 - b. All information presented to the mediator shall be deemed confidential and shall be disclosed by the mediator only with the consent of the parties or their respective counsel. The mediator shall not be subject to subpoena by any party. No statements made or documents prepared for mediation sessions shall be disclosed in any subsequent proceedings or construed as an admission of a party.
 - c. Either party to the mediation may terminate the mediation process without prejudice.
 - d. Neither party shall be obligated to continue the mediation process beyond a period of five (5) days from the start of the mediation or if the mediator concludes that there is no reasonable likelihood that continuing mediation will result in a mutually agreeable resolution of the dispute.

- e. In the event either condition expressed in subparagraph d. above occurs, and the parties are unable to resolve the dispute through mediation, then the parties shall be entitled to pursue whatever appropriate legal recourse they have to resolve the dispute.
- f. The mediation agreement, if one is reached and a legal action has been commenced, may be presented to the court as a stipulation.
- g. If either party subsequently violates the stipulation, the other party may apply immediately to the court for relief.