

Leisure Village Association

Internal Dispute Resolution (“IDR”) Policy and Procedures

In accordance with Civil Code Section 5900 et seq., the Association has adopted the following internal dispute resolution policy and procedure to be followed by the Association and owners in connection with disputes relating to the enforcement of the Association’s governing documents, the Davis-Stirling Common Interest Development Act (Civil Code Section 4000 et seq.) and Section 7110 et seq. of the Nonprofit Mutual Benefit Corporation Code (collectively, the “Dispute(s)”). The law requires an association to provide a fair, reasonable, and expeditious procedure for resolving such Disputes between the Association and owners, and further authorizes the Association to develop its own procedure for these purposes, known as “IDR” or “meet and confer.”

Either party to a Dispute may invoke the following procedure:

- (1) One party may request the other party meet and confer in an effort to resolve the Dispute. This request for IDR shall be in writing and shall include a brief description of the Dispute between the parties.
- (2) A member of the Association shall not be charged a fee to participate in this process.
- (3) An owner may refuse a request to meet and confer; however, the Association shall participate in IDR and shall not refuse a request from an owner to meet and confer.
- (4) The Association shall respond to a request for IDR within thirty (30) days of receipt of the written request. In the event an owner does not respond to the Association’s request for IDR within thirty (30) days of the request, the request will be deemed rejected.
- (5) The Association’s Board of Directors may designate a member of the Board to meet and confer. If a majority of the Board participates in IDR, the meeting shall be held in executive session.
- (6) IDR must be completed within sixty (60) days of receipt of the written acceptance of IDR by either party.

- (7) The parties shall meet promptly at a mutually convenient time and place, explain their positions to each other, and confer in good faith in an effort to resolve the dispute. If the parties cannot agree on a mutually agreeable time or location, the meet and confer shall take place at the next regularly scheduled Board meeting, to be held in executive session, notwithstanding the limitations set forth in Paragraph 6 herein.
- (8) The owner and Association, respectively, may be assisted by an attorney or another person at his, her or its own cost and expense. Owners shall provide the Association with written notice that he/she/it will be assisted by an attorney or another person at the IDR at least five (5) days prior to the IDR. Should the owner bring any such person, but fail to provide five (5) day prior written notice to the Association, the Board may reschedule the IDR to a mutually convenient time and place in the future, as agreed upon by the parties.
- (9) An agreement reached between the parties shall be memorialized in writing and signed by the parties, which may include the Board designee on behalf of the Association.
- (10) The signed written agreement binds the parties and is judicially enforceable if both of the following conditions are satisfied: (a) The agreement is not in conflict with law or the governing documents of the Association; and (b) The agreement is either consistent with the authority granted by the Board of Directors to its designee, if any, or the agreement is ratified by the Board of Directors.
- (11) Appeals: If the owner participates in IDR, but the Dispute is resolved other than by agreement of the owner, the owner shall have a right of appeal to the Board. The appeal must be in writing and submitted to the Board within thirty (30) days of the meeting.

SAMPLE

REQUEST TO MEET AND CONFER
(Internal Dispute Resolution)
Civil Code 5900 thru 5920

To: Leisure Village Association Board of Directors

FROM: _____

ADDRESS: _____

I/We, owners of _____ would like to meet with the Board or its designated representative to resolve the dispute concerning:

Please contact me at _____ to arrange a mutually convenient time and place to explain our positions and confer in good faith to resolve this dispute. (The Board may not refuse this request to meet and confer. See Civil Code Section 5900.)

I understand I have a right to be accompanied by an attorney or other assistant. I WILL (or) WILL NOT (circle one) be bringing an attorney with me.

I understand that if I don't notify the Association at least 5 days before the meeting that I will be accompanied by an attorney, the meeting may be cancelled and rescheduled.

I have received, read and understand the Association's Internal Dispute Resolution Policy and Procedures.

Date: _____ By: _____

DISCLAIMER: This form is for informational purposes only and may not be appropriate for your particular needs. Please contact the Administration Office for further information.