

**MIDLANE CLUB “RANCH VILLAS” CONDOMINIUM ASSOCIATION
DISPUTE RESOLUTION POLICY AND PROCEDURE**

**RESOLUTION OF
THE MIDLANE CLUB CONDOMINIUM ASSOCIATION
REGARDING DISPUTE RESOLUTION POLICY AND PROCEDURES**

SUBJECT: Adoption of dispute resolution policy and procedures

PURPOSE: Adopt policy that establishes procedures for addressing disputes arising between the Midlane Club Condominium Association and unit owners (and between unit owners).

AUTHORITY: The Declaration, Articles and Bylaws of the Midlane Club Condominium Association and Illinois Condominium Property Act or the Common Interest Community Association Act.

BACKGROUND: The Association believes that the cost, complexity, and delay inherent in court proceedings make litigation a particularly inefficient means of resolving neighborhood disagreements. Further, relationships in our community may be damaged through use of adversarial means of resolving disputes. Accordingly, the Association encourages the use of alternative methods for resolving disputes.

THE OMBUDSPERSON ACT: By January 1, 2019, associations must adopt a written policy for resolving complaints made by unit owners. The policy must include a sample form upon which owners can make complaints, a description of the process by which complaints are to be delivered to the association, the association’s timeline and manner of making final determinations in response to a unit owner’s complaints, and requirement that the final determination made by the association response to a unit owner’s complaint be in writing, within a reasonable time after the unit owner’s original complaint, and marked clearly conspicuously as “final.”

EFFECTIVE DATE: December 12, 2018

RESOLUTION: The Midlane Club Condominium Association (“Association”) hereby adopts the following Policy and Procedures:

1. **General Policy.** In the event of any dispute between the Association and Unit Owners (and disputes between individual Unit Owners) in situations that do not involve an imminent threat to the peace, health, or safety of the community, the Association and unit owner(s) involved in the dispute shall work to resolve the dispute using the procedures set forth below prior to filing a complaint in court or otherwise initiating a legal proceeding. The Association encourages Owners or residents with disputes to resolve such disputes without court proceedings. The Association will take reasonable steps to facilitate negotiation or mediation between Owners and/or residents, but will have no responsibility for any costs incurred by the parties to the dispute resolution process. For any step in the dispute resolution process, the parties are not waiving their right to employ legal counsel at their own expense to assist them.
2. **Exempt Disputes.** Homeowners involving the Association in a dispute, cannot owe any outstanding assessments or fees (unless the amounts are the subject of the dispute); the disputed issue must have been initiated or have occurred within the past two calendar years from the date of the first complaint notice.
3. **Procedures for Resolving Disputes.**
 - i. **Required dispute resolution procedure.** Prior to filing an arbitration action or lawsuit (if permitted) against the Association, the Board, or any officer, director, or property manager of the Association, an Owner must request and attend a hearing with the Board of Directors. Any such

**MIDLANE CLUB “RANCH VILLAS” CONDOMINIUM ASSOCIATION
DISPUTE RESOLUTION POLICY AND PROCEDURE**

request shall be in writing and shall be personally delivered to any member of the Board of Directors or the Association's property manager. The Owner, in such request and at the hearing, must make a good faith effort to explain the grievance to the Board and resolve the dispute in an amicable fashion, and shall give the Board a reasonable opportunity to address the Owner's grievance. Upon receiving a request for a hearing, the Board shall give notice of the date, time and place of the hearing to the person requesting the hearing. The Board shall schedule this hearing for a date not less than 14 or more than 30 days from the date of receipt of the request. If the dispute cannot be resolved, the parties may utilize the discretionary mediation procedure set forth below, but shall not be required to do so.

ii. **Discretionary dispute resolution procedures.** The procedures set forth below may be used in disputes between Owners and residents. At its discretion, the Board of Directors may utilize the procedures set forth below to resolve disputes with Owners prior to filing litigation.

- The Association or any Owner wishing to resolve a dispute (“Initiating Party”) will provide each other Party to the dispute with a written request (“Request for Resolution”) describing:
 - the nature of the dispute, including the date, time, location, persons involved, and the other party’s or parties’ role in the dispute; [and]
 - a request for what the Initiating party would like the other party or parties to do or not do to resolve the dispute; and
 - times and dates that the Initiating Party may be available to communicate directly with the other party or parties to discuss in good faith ways to resolve the dispute.

iii. **Negotiation.** The parties are encouraged to make reasonable efforts to communicate directly with each other in an attempt to reach an agreement that serves the interests of all parties prior to initiating any other dispute resolution procedures.

- A request for dispute resolution by negotiation may be initiated by an Owner or the Association. Any such request shall be in writing stating the nature and details of the dispute and shall be personally delivered to the other party. So long as the other party agrees to negotiate, a meeting shall be held between the parties to begin a good faith attempt to negotiate a resolution not less than 14 or more than 30 days of receipt of such request, unless otherwise extended by written agreement,. Through negotiation, the parties will communicate directly with each other in an effort to reach an agreement that serves the interests of both parties. Should the dispute pertain to property issues, each party will be granted the right to inspect the alleged defects or problems at a time convenient to everyone involved.

iv. **Mediation.** If the dispute is not resolved by negotiation, any party may request in writing that the issue be submitted to mediation. If the parties agree to mediate the dispute prior to seeking other remedies, they shall participate in good faith in the mediation. The role of the mediator is to facilitate further negotiation between the parties. The mediator will not have power to decide how to resolve the dispute but will use recognized, accepted mediation techniques to assist the parties in making that decision. The mediator shall be selected by a consensus of the parties involved within 14 days of the receipt of the request. Any cost of mediation will be shared equally among the parties unless they and the mediator agree otherwise.

- Homeowner requests for assistance may be sent to the Ombudsperson as appointed by the Condominium and Common Interest Community Ombudsperson Act under the the umbrella of the Illinois Department of Financial and Professional Regulation. This process is not mandatory. The Act provides clearly that “the Ombudsperson shall assist only opposing parties that mutually agree to participate in dispute resolution.” Further, any decision is non-binding, and no penalties or enforcement provisions have yet been enacted.

**MIDLANE CLUB "RANCH VILLAS" CONDOMINIUM ASSOCIATION
DISPUTE RESOLUTION POLICY AND PROCEDURE**

v. **Arbitration Award.** The Arbitrator shall provide the parties [and the Association if the Association is not a party] with an award including findings of fact and conclusions.


4. **Failure to comply with Agreement or Award.** If the parties resolve any dispute through mediation, [or arbitration], and a party or parties fails to abide by the terms of the agreement or award, the other party may initiate legal proceedings to enforce the agreement or award without need to comply with the provisions of this Policy. Additionally, the party taking action to enforce the agreement or award shall, if that party prevails, be entitled to recover from the non-complying party all costs incurred in enforcing the agreement or Award, including without limitation, attorney fees and costs.

5. **Amendment.** This policy may be amended from time to time by the Board of Directors.

IN WITNESS WHEREOF, the undersigned certify that this Dispute Resolution Policy and Procedure was adopted by resolution of the Board of Directors of the Association on this **11** day of **December, 2018**.

MIDLANE CLUB CONDOMINIUM ASSOCIATION
an Illinois non-for-profit corporation

signed by:



Scott Collins, President

ASSOCIATION COMPLAINT FORM

Pursuant to Illinois Compiled Statutes, Ch. 765, Act 605, Sections 1 through 35, the Board of Directors (Board) of the Midlane Club Condominium Association (“Association”) has established this Complaint form for use by persons who wish to file written Complaints with the Association regarding the action, inaction or decision by the governing board, managing agent or association inconsistent with applicable laws and regulations.

Legibly describe the Complaint in the area provided below, as well as the requested action or resolution of the issues described in the Complaint. Please include references to the specific facts and circumstances at issue and the provisions of Illinois laws and regulations that support the Complaint. If there is insufficient space, please attach a separate sheet of paper to this Complaint form. Also, attach any supporting documents, correspondence and other materials related to the Complaint.

Sign, date and print your name and address below and submit this completed form to the Association at the address listed above.

_____ Printed Name	_____ Signature	_____ Date
-----------------------	--------------------	---------------

Mailing Address

Lot/Unit Address

E-mail Address _____ Phone Number _____

Contact Preference: Phone E-mail Other

If, after the Board’s consideration and review of the Complaint, the Board issues a final decision adverse to the Complaint, you have the right to file a notice of final adverse decision with the IL Common Interest Community Board (CICB) in accordance with the regulations promulgated by the IL CICB. The notice shall be filed within 30 days of the date of the final adverse decision, shall be in writing on forms provided by the Office of the Common Interest Community Ombudsman (Ombudsman), shall include copies of any supporting documents, correspondence and other materials related to the decision, and shall be accompanied by the required filing fee.

The Ombudsman may be contacted at:

You may submit your inquiry to the CCIC Ombudsperson by completing the Inquiry Form, a fillable PDF (below), and then emailing it to FPR.CCICO@illinois.gov.

You may call the CCIC Ombudsperson on its toll free number at **844.856.5193**.



Illinois Department of Financial and Professional Regulation
Division of Real Estate

OFFICE OF THE CONDOMINIUM AND COMMON INTEREST COMMUNITY OMBUDSPERSON
Inquiry Form

First Name: _____ Last Name: _____

Address: _____ Unit No.: _____

City: _____ State: _____ Zip Code: _____

Email: _____

Name of Your Association: _____

My inquiry is as follows:

Please complete and return via email to: FPR.CCICO@illinois.gov
DO NOT MAIL A HARD COPY OF THIS FORM TO THE OMBUDSPERSON. THE OMBUDSPERSON WILL ONLY CONSIDER INQUIRIES RECEIVED BY EMAIL. HARD COPIES WILL NOT BE ACCEPTED.