



ARBITRATION / MEDIATION POLICY

Introduction

Arbitration / Mediation is a service provided to property owners of King's Deer by the King's Deer Board of Directors (BOD) to help settle grievances between King's Deer property owners. This service is NOT provided to the public at large. In order for a King's Deer property owner to utilize this service, both parties must be landowners in King's Deer AND both parties must be willing to enter into Arbitration or Mediation.

ARBITRATION is a process whereby two parties agree to meet before a neutral third party (the Arbitrator) who will listen to the facts and circumstances about their grievances and render a decision. The parties agreed to be bound by the Arbitrator's decision.

MEDIATION is a process whereby two parties agree to meet before a neutral third party (the Mediator) who will help or facilitate the parties to adjust or to settle their dispute. The Mediator does not make a decision; the parties either succeed or fail to make a decision agreeable to both parties.

Procedure

- a. The parties shall contact the BOD, in writing to the BOD, to inform the BOD of the issue(s) in dispute (NOTICE).
- b. Each party shall submit a check, made payable to _____, in the amount of \$_____ along with the NOTICE.
- c. The BOD, in its sole discretion, shall appoint not less than one (1) nor more than three (3) arbitrator(s) / mediator(s) to preside over the matter.
- d. A mutually agreeable (to both parties and the arbitrator / mediator) date/time/place shall be established for the arbitration / mediation.
- e. The parties shall, not less than five (5) business days prior to the arbitration / mediation, submit, in writing, not less than two paragraphs nor more than two pages, a statement (without attachments or evidence) to the arbitrator / mediator stating why that party should prevail (win). On the same day the written statement is submitted to the arbitrator / mediator, an exact copy of the statement shall be submitted to the other party.
- f. At the hearing, the parties shall be permitted, at their own expense, to present evidence and to present witnesses.
- g. When the arbitrator / mediator decides enough has been said, the arbitrator / mediator will end the hearing.
- h. The arbitrator / mediator, at his sole discretion, may render an oral decision at the end of the hearing.
- i. The arbitrator / mediator shall render a decision, barring extenuating circumstances, within five (5) business days of the hearing. At the request of one or both of the parties, the arbitrator / mediator's decision shall be in writing.
- j. If the matter is submitted to arbitration (and NOT to mediation) the Arbitrator's decision shall be final and binding and enforceable in any court of competent jurisdiction.

Approved by King's Deer HOA Board of Directors, June 21, 2007

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President, King's Deer Board of Directors