

DISPUTE RESOLUTION BETWEEN OWNERS AND THE ASSOCIATION

EFFECTIVE DATE: December 15, 2018

OBJECTIVE/PURPOSE: This policy is created and in compliance with Section 35 of the Condominium and Common Interest Community Ombudsperson Act (the “Act”) (765 ILCS 615/et. al). This policy is adopted by the Board of Directors of Apple Canyon Lake Property Owners’ Association (“Association”) and shall be the policy referred to as the “Internal Dispute Resolution.”

This policy shall provide Owners with the procedure to file disputes against the Association.

This policy is applicable to any and all disputes an Owner may have with the Association. The policy applies to disputes including, but not limited to, (1) violations of governing documents; (2) misconduct regarding duties, powers, and/or authority; (3) failure to satisfy and/or complete responsibilities; and (4) any other reasonable grievances an Owner may have with the Association. This policy shall not apply to disputes between Owners.

This policy is available to all Owners upon request from the Association.

RESPONSIBILITY: Counsel for the Association, at the time of the dispute, shall be responsible for resolving all Owners’ disputes. The Association President shall be responsible for implementing this policy. The Association President, or any other executive Board Member, shall be responsible for forwarding misaddressed disputes to Counsel for the Association in a timely manner.

POLICY:

Unless otherwise defined herein, terms used in the Procedure shall have the meaning as defined in the Amended Declaration to Conform to the Common Interest Community Association Act, as amended from time to time.

PROCEDURE

Owners who have a dispute with the Association and wish to initiate a formal dispute resolution must prepare a written complaint of the dispute or grievance and submit the complaint to the proper responsible party.

Any Owner who has a dispute with the Association shall do as follows:

1. Fill out the Complaint (attached hereto as Exhibit 1) and provide a detailed description of the dispute and/or grievance.
2. Mail Complaint to Counsel for the Association at the following address:
KEAY & COSTELLO, P.C.
128 S. County Farm Road
Wheaton, Illinois 60187
3. Provide a return address and/or electronic mailing address to receive Counsel’s final determination of the Complaint.

Once the Complaint has been received by Association's Counsel, the Complaint will be reviewed. Counsel will investigate the merits of the dispute and/or grievance set forth in the Complaint. Counsel will consult with the Association or other relevant individuals, if necessary. Within one hundred and eighty (180) days of receiving the Complaint, Counsel will complete its investigation and prepare a written final determination. Counsel's determination shall be marked clearly and conspicuously as "FINAL." Counsel will provide copies of the final determination to the Owner, Association, and all other relevant parties.

Please be advised that if the dispute occurs on or after July 1, 2020, and the Owner disagrees with or finds Counsel's determination unsatisfactory, then the Owner may request assistance from the Ombudsperson, pursuant to Section 40 of the Act, within thirty (30) days of receiving Counsel's final determination. If the Owner fails to receive a determination marked clearly and conspicuously as "FINAL," then after ninety (90) days of filing the original Complaint, the Owner may request assistance, pursuant to Section 40 of the Act, from the Ombudsperson. Assistance is available to Owners only who are current in assessments, fees, or funds to the Association and who have attempted to resolve the dispute through the Association's Procedure described above.

Complaint – Exhibit 1

NAME: _____

UNIT ADDRESS: _____

DESCRIPTION OF DISPUTE: _____

