

Conflict Resolution Procedure Among Members of the Independence Airpark Homeowners Association

- I. The IAHA Board of Directors maintains a list of individuals who will be available to be potential mediators and arbitrators for the purpose of hearing complaints from members of the Independence Airpark Homeowners Association (“IAHA Members”) and suggesting resolutions. Please note that this process may not be used to dispute or contest any decision of the IAHA Board.
- II. A complaint from an IAHA Member against another IAHA Member must be presented in writing to the IAHA Board of Directors.
 - A. The Board considers the complaint and decides whether immediate resolution is possible.
 - B. If the Board is unable to resolve the issue:
 1. A request for a written response within fifteen days is made to the IAHA Member against whom the complaint has been filed.
 2. Both parties to the dispute may be required to appear at a Board meeting to explain their positions.
 - C. If the dispute cannot then be resolved, it will become a matter for mediation or arbitration.
 - D. The IAHA Board may become a third party involved in the resolution effort if, in its sole discretion, it concludes that the matter at issue has the potential to impact the membership as a whole.
- III. Parties are given the option of participating in mediation, and if mediation is unsuccessful shall participate in mandatory, binding arbitration.
 - A. Both parties may agree to start the mediation process at any time after the complaint and response have been filed, and after the Board has decided whether to join the dispute as a third party.
 - B. If the IAHA Member against whom the complaint is made refuses to participate in any resolution process, the remaining IAHA Member may proceed to arbitration without that non-participating IAHA Member, with or without the Board’s involvement.
 - C. If either party refuses mediation and the complaint is not withdrawn, the matter will be referred to binding arbitration.
 - D. If a resolution is not reached through mediation and the complaint is not withdrawn, the matter will be referred for arbitration.
 - E. If either or both parties refuse to participate in arbitration after the mediation process has been completed and the resolution is not acceptable to one or both parties, the IAHA Board will decide whether to pursue the matter through binding arbitration, initiating legal proceedings, or otherwise resolve the dispute by Board decision and in accord with the authority vested in the Board.
 - F. If satisfied that its participation is no longer required to address areas of concerns that could affect the general Membership as a whole, the Board may withdraw from participation in mediation and/or arbitration at any time and without prejudice.
- IV. Procedures for mediation and arbitration.
 - A. Mediation shall proceed as set forth in Exhibit 1.
 - B. Arbitration shall proceed as set forth in Exhibit 2.
- V. Responsibility for costs and fees.
 - A. Costs of mediation and arbitration. Mediation is expected to be significantly less expensive than arbitration, which in turn is expected to be significantly less than the cost of litigation. Therefore, the costs of mediation and arbitration services shall both be apportioned among the parties in equal amounts.
 - B. Attorneys fees for mediation and arbitration. The parties shall pay their own attorney’s fees.