

**RESOLUTION OF THE
TRES VALLES WEST OWNERS ASSOCIATION
REGARDING PROCEDURE FOR CLAIM SUBMISSIONS TO THE ASSOCIATION'S
INSURANCE CARRIERS**

SUBJECT: Adoption of a procedure for claim submissions to the Association's insurance carriers.

PURPOSE: To adopt a policy and procedure regarding the procedure for claim submissions to the Association's insurance carrier.

AUTHORITY: The Declaration, Articles and Bylaws of the Association and Colorado law.

**EFFECTIVE
DATE:** January 1, 2006

RESOLUTION: The Association hereby adopts the following Policy and Procedures:

The following resolution has been adopted by the Tres Valles West Owners Association (the "Association") pursuant to Colorado law, at a regular meeting of the Board of Directors.

RECITALS

A. Colorado law allows the Association to establish a procedure for claim submissions to the Association's insurance carrier.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors does hereby adopt the following policies and procedures for claim submissions to the Association's insurance carrier.

1. PROPERTY AND GENERAL LIABILITY CLAIMS OF THE ASSOCIATION.

The following procedures shall be followed by the Board for property and general liability claims of the Association:

- a. The Board shall consult with its insurance agent to determine (1) whether there is coverage for the claim; and (2) if coverage exists, whether to submit a claim under its policies by balancing the benefits conferred to the Association under the policy with the costs associated with the claim to the Association.
- b. In the event that the Board determines that it is in the best interests of the Association to submit a claim under its insurance policies, the Board shall follow the procedures set out in the insurance policies describing the insured's duties in the event of an occurrence, claim, or suit and shall notify effected Owners of the filing of a claim.

c. In the event Board determines that it is not in the best interests of the Association to submit a claim under its insurance policies, the Association shall still be obligated to complete repair of the damages to property, as if a claim had been made.

2. **CLAIMS ON BEHALF OF OWNERS.** If an occurrence is made known to an Owner that results in damages or injury to an Owner or an Owner's Lot which may come within the Association's coverage as required in Declaration or under Colorado law, the following procedures should be followed by the Owner:

- a. The Owner(s) shall promptly notify his or her personal insurance carrier of the damage.
- b. In the event the Owner determines it is in the Owner's best interests to submit a claim under the Owner's insurance policies, the Owner shall follow the procedures set out in those insurance policies describing the insured's duties in the event of an occurrence, claim, or suit.
- c. The Association may require the Owner to provide copies of the claim the Owner may make to his/her own carrier, as well as copies of the adjustment or determination of that carrier as a condition before the Owner makes any claim on the Association's policies.
- d. In the event the damage the Owner has sustained may come within the coverage required of the Association under the Declaration or Colorado law, the Owner shall promptly notify the Association of the damage by providing written notice to the Board setting forth the following:

Owner's home address and phone number and Lot address, if different
The time, place and circumstances of the event;
Identification of damaged property; and
The names and addresses of the injured and witnesses, if applicable.

The Board shall then make a determination as to whether the occurrence or claim consists of damages for which the Owner is responsible for insuring under the Declaration. In such event, the Association shall so notify the Owner in writing.

If the Board determines that the occurrence or claim consists of damages for which the Association is responsible for insuring, the Board shall follow the procedures set out above. In that event, an Owner may not submit a claim to the Association's insurance carrier.

3. **RESPONSIBILITY FOR PAYMENT OF DEDUCTIBLE AMOUNT.** Whether the Board, in its discretion, chooses to submit a claim under the Association's insurance policy or not, the payment of the deductible amount for claims that the Association is responsible for insuring, shall be as follows:

- a. **Common Elements:** The Association shall pay or absorb the deductible for any work, repairs or reconstruction for damage to Common Elements or for damages

to Lots that would be the maintenance responsibility of the Association in the absence of insurance, unless said damage is caused by the negligent or willful act or omission of an Owner, his family, guests, or invitees, in which case the Association may seek reimbursement of the deductible amount from such Owner as an assessment under the Declaration, after providing such Owner notice and an opportunity for a hearing.

- b. Lots: The Owner shall pay or absorb the deductible for any work, repairs, reconstruction or replacement for damage to a Lot that would be the Owner's maintenance responsibility in the absence of insurance, unless the loss is caused by the negligent or willful act or omission of the Association or another Owner, in which case, the negligent party shall be responsible for the deductible. The Association shall provide an Owner notice and an opportunity for a hearing prior to allocating any deductible to that Owner as a result of that Owner's negligence.
 - c. Multiple Lot: If a claim covers damage to more than one Lot which are the maintenance responsibility of the Owners, the deductible shall be allocated between such Owners in the same proportion as that portion of the claim which would be their maintenance responsibility in the absence of insurance bears to the total insurance paid for the occurrence; unless the loss is caused by the negligent or willful act or omission of another Owner, in which case, the negligent party shall be responsible for the deductible.
 - d. Lot and Common Elements: If a claim covers damage to a Lot and Common Elements or to portions of a Lot and Common Elements that are the maintenance responsibility of both the Owner and the Association, the deductible shall be borne by the Association; unless the loss is caused by the negligent or willful act or omission of the Association or another Owner, in which case, the negligent party shall be responsible for the deductible.
4. **RESPONSIBILITY FOR OWNERS' ACTIONS.** In all cases where damage is caused to Common Elements by the negligent or willful act or omission of an Owner, his family, guests, or invitees, as determined by the Board of Directors in its sole discretion, the Association may seek reimbursement of any such damages which are not recovered from insurance proceeds, including not only the deductible amounts under the Association's insurance policies, but any amount of such damages not otherwise recovered and for which the Association may be held responsible under its governing documents. Such amounts shall be collected in the same manner as assessments.
5. Definitions. Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.
6. Supplement to Law. The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Project.

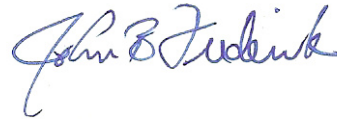
7. Deviations. The Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.
8. Amendment. This policy may be amended from time to time by the Board of Directors.

PRESIDENT'S

CERTIFICATION: The undersigned, being the President of the Tres Valles West Owners Association, a Colorado nonprofit corporation, certifies that the foregoing Resolution was approved and adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors of the Association on March 30, 2006 and in witness thereof, the undersigned has subscribed his/her name.

**TRES VALLES WEST OWNERS
ASSOCIATION**

a Colorado non-profit corporation,



By: _____

President