

**RESOLUTION OF NEWTOWN
GRANT HOMEOWNERS ASSOCIATION
ADOPTING DISPUTE RESOLUTION PROCEDURES**

WHEREAS, Newtown Grant Homeowners Association is a master association which administers, operates, maintains and repairs certain units and common facilities of the Newtown Grant community (the "Master Association").

WHEREAS, the Master Association is created and governed by a Declaration of Covenants, Conditions and Restrictions for Newtown Grant, recorded in the Office of the Recorder of Deeds of Bucks County in Deed Book 2649 at pages 886 et seq. ("Declaration") and Bylaws adopted pursuant thereto.

WHEREAS, Newtown Grant is a large scale development consisting of 1,751 homes allocated among fourteen (14) "Cluster Associations", located in Newtown Township, Bucks County, Pennsylvania.

WHEREAS, consistent with recent amendments to the Uniform Planned Community Act (68 PA.C.S.A. Section 5101), it is the policy of the Board of Directors to seek resolution of disputes between the Association and Owners by amicable means, without resorting to litigation or administrative proceedings.

WHEREAS, pursuant to Article V of the Bylaws for Newtown Grant, the affairs of the Association are governed by a Board of Directors, which inter alia is expressly vested with the following powers:

- (f) Adopt, amend, and publish Rules and Regulations covering the details of the operation and use of the Property including, but not limited to, pet controls; and
- (i) Enforce obligations of the Members and do anything and everything else necessary and proper for the sound management of the Property, including the right to bring or defend lawsuits to enforce the terms, conditions and restrictions contained in the Master Declaration, these By-Laws and any Rules and Regulations governing the Property or Members. The Board shall also have the power to levy fines against any Member(s) for violations of any of the foregoing. Except with regard to late payments, before any fine is imposed by the Board, the Member accused shall have been given notice and afforded an opportunity to be heard with respect to the alleged violation in a manner consistent with the principles of due process of law; and
- (p) Bring and defend actions by or against one or more Owners pertinent to the health, safety or general welfare of the Members, or any other

legal action to which the Owners may consent in accordance with these By-Laws; and

(r) Create, appoint members to, and disband such committees as shall from time to time be deemed appropriate or necessary to aid the Board in the discharge of its duties, functions and powers; and

(s) Do all things necessary or desirable in order to perform its duties and responsibilities.

WHEREAS, the Board of Directors has deemed it to be in the best interest of the Association to adopt, implement and utilize a uniform and systematic dispute resolution policy and procedure.

NOW THEREFORE, pursuant to Article V or the Bylaws and Section 5221 of the Act, the Board of Directors hereby **RESOLVES** as follows:

A. Mandatory Dispute Resolution Procedure. Prior to filing a complaint, objection, claim, lawsuit or administrative proceeding (including but not limited to law enforcement authorities such as the State Attorney General's Office) against the Association, the Board of Directors, or any officer, director, or committee member of the Association, an Owner or resident **MUST FIRST** request, attend and participate in a hearing before the Board of Directors. In addition, the Board of Directors will utilize this procedure for the assessment of fines and penalties, if an appeal is filed by a Unit Owner.

- i) All requests for a hearing shall be in writing and shall be delivered to the Secretary of the Association or property management.
- ii) The Board of Directors shall schedule a hearing within thirty (30) days of the receipt of a written request from the Owner or resident. The parties shall endeavor to schedule a hearing time that is mutually convenient, and shall not insist on the thirty (30) day time period if schedules do not permit the hearing to be held within it.
- iii) The Board of Directors may appoint an ad hoc committee to conduct and hold one or more hearings.
- iv) During the hearing, the parties shall present their disputes in a reasonably detailed fashion, and shall make a good faith effort to resolve the dispute amicably. The parties shall cooperate and shall reasonably make available any documentation, information, or access to premises as may be required for inspections.
- v) If immediate resolution is not possible or practicable, the parties shall afford to each other, reasonable time and opportunity to address the grievance and to attempt to resolve the dispute.

vi) In hearings before the Board of Directors or the committee designated by the Board, all parties shall be entitled to, but shall not be required to, be represented by counsel.

vii) Each party shall bear their own costs and expenses in hearings before the Board of Directors or the committee designated by the Board.

viii) Within ten (10) days of the conclusion of the hearing, the Board of Directors or the committee designated by the Board, shall issue a written decision, or if an agreement was reached, shall issue a memorandum incorporating the terms thereof.


ix) This procedure shall not apply to matters related to the imposition, payment and collection of assessments, and may be waived in writing by the Board of Directors.

B. Discretionary Dispute Resolution Procedures. If the dispute cannot be resolved during or after a hearing before the Board of Directors or the committee designated by the Board, the parties MAY submit their grievance or dispute to negotiation, mediation or arbitration. The Association encourages Owners and residents to resolve any disputes without litigation or court proceedings, and will take reasonable steps to facilitate additional negotiations, mediations or arbitrations to resolve disputes and grievances within the Association.

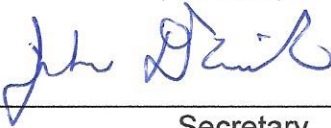
A copy of this Resolution shall be distributed to all Unit Owners promptly after its adoption, and shall be effective immediately.

IN WITNESS WHEREOF, the undersigned officers of Newtown Grant Homeowners Association, have executed this Resolution this 20 day of June, 2018.

**NEWTOWN GRANT
HOMEOWNERS ASSOCIATION**



, President *Bill McMenamin*



, Secretary *John D'Aprile*