

# GREENWAYS

GOLF ESTATE

## GREENWAYS COUNTRY ESTATE HOME OWNERS' ASSOCIATION

### INTERNAL DISPUTE RESOLUTION (IDR) PROCESS

- 1 This IDR process is intended to apply to disputes between the Greenways Country Estate Home Owners' Association, as represented by the Trustee Committee thereof (hereafter "**Association**"), and a Member concerning the Member's and/or Association's rights, duties, or liabilities under this title, the Community Scheme Ombud Service Act, 2011 (Act 9 of 2011) or under the governing documents (including Rules) of the Association. This document is intended to provide a voluntary, fair, reasonable and expeditious procedure for resolving disputes.
- 2 Either the Association, as represented by the Trustee Committee thereof, or a Member of the Association may institute the IDR process. All parties who participate in the IDR process must do so in good faith.
- 3 The IDR process must be instituted by the delivery of a written request for the IDR process to the other party or parties to the dispute. If a request for an IDR process is mailed or e-mailed to an Association Member by the Association, it shall be mailed or e-mailed to the address or e-mail address of the Member as shown on the Association's records. If a request for an IDR process is mailed or e-mailed to the Association by a Member, it shall be mailed or e-mailed to the address or e-mail address of the Association's Estate Manager.
- 4 The Association may require the use of a specific form for the purposes of requesting an IDR process to be instituted. This document will be available from the office of the Association's Estate Manager. Documents may be attached to the request to clarify or support the requesting party's position.
- 5 If a request for an IDR process is mailed or e-mailed by a Member to the Association, the Association shall respond to the request in writing within 45 business days of the request. If a request is mailed or e-mailed by the Association to a Member and the

Member has not responded to the request within 45 business days, the request shall be deemed to be rejected by the Member.

- 6 A response to a request for an IDR process shall state the identity of the responding party and the facts supporting the responding party's position. Documents may be attached to the response to clarify or support the responding party's position.
- 7 Upon receipt of a Member's request for an IDR process or upon receipt of a response to a request for an IDR process delivered to an Association Member by the Association, the Association's Trustee Committee shall designate one or two of its Trustees to meet with or contact the Member either in person or by telephone. The meeting shall occur within 60 business days of receipt of the Member's request for an IDR process or the Member's response to a request for an IDR process, unless the Member or Trustees of the Association's Trustee Committee are not available during that time period, in which case the meeting shall occur as soon as reasonably possible.
- 8 Upon approval by a majority of a quorum of the Association's Trustee Committee, any successful resolution of the dispute, or agreement reached as a result of the meeting between the Member and the Association's Trustee Committee, which is not in conflict with the law or the governing documents, shall bind the Association and the Members and be judicially enforceable.
- 9 If the Member participating in the IDR process is not satisfied with the results of the meeting required above, such Member may request in writing that a hearing be held before the entire Association's Trustee Committee, which shall be scheduled for the next Trustee Committee meeting following receipt of such request.
- 10 If the Member elects to bring his/her attorney to the IDR process, notification thereof to the Association shall be provided at least 10 business days prior to the IDR process. If this does not take place, the Association's Trustee Committee reserves the right to reschedule the IDR process for a time that the attorneys of both parties are able to attend.
- 11 If any party to a dispute elects not to follow the IDR process outlined in this document, or if the processes outlined above do not result in a dispute resolution that is acceptable to all parties to the dispute, the dispute resolution principles in the Constitution of the Greenways Country Estate Home Owners' Association shall apply.