

MORRIS PLACE CONDOMINIUM ASSOCIATION, INC.
ADMINISTRATIVE RESOLUTION NO. 1
REGARDING MEDIATION

WHEREAS, Morris Place Condominium Association, Inc. (the "Association") was created and exists by virtue of, among other things, a "Master Deed for the Morris Place Condominium" which was recorded in the **Morris County Clerk's Office, on May 8, 2003 in Deed Book 0583, Page 001**; and

WHEREAS, N.J.S.A. 46:8B-14(k) requires the Association to provide a fair and efficient procedure for the resolution of housing-related disputes between Unit Owners and the Association and between Unit Owners, as an alternative to litigation, and that a person other than an officer or trustee of the Association shall be available to address said dispute; and

WHEREAS, Association By-law Sections 19.00 – 19.15 provide a formal Due Process Procedure to address complaints; and

WHEREAS, By-law Section 19.14 provides for a mediation alternative to be used to attempt to resolve the matter without the necessity of using the entire formal process; and

WHEREAS, the Association deems it desirable to resolve disputes via mediation if possible,
NOW, THEREFORE, BE IT RESOLVED, that:

I. ESTABLISHMENT OF THE COMMITTEE

- A. A Mediation Committee will be created as needed when a dispute requiring a mediation hearing arises. The committee shall consist of three (3) Association members who are not officers of the Association, members of the Board or involved in the dispute. Committee members shall be appointed by the Board at its regular meeting preceding any necessary dispute resolution proceedings. Each member shall

serve for duration of the dispute resolution process. Any member of the Committee may be dismissed, with or without cause, by the Board without notice. Quorum necessary for conducting alternate dispute resolution shall be three Committee members. The Mediation Committee shall serve as the “impartial mediator” referenced in By-law Section 19.14.

II. **DISPUTE RESOLUTION**

- A. The Committee shall provide a forum for mediated resolution of housing related disputes between individual Unit Owners and the Association and between Unit Owners as an alternative to litigation. Other than fines, housing related disputes do not include disputes involving sums assessed to Unit Owners pursuant to the Association's Master Deed and By-Laws.

Mediation. Generally, any relevant evidence may be admitted and hearsay evidence may be used to supplement or explain other evidence, but will not be sufficient in itself to support a finding. Counsel for the Association may be present at the non-binding arbitration.

At the request of either complainant or respondent, or on its own motion, the Committee may conduct the non-binding arbitration in private session. Each party has the right to:

- a. make a statement – uninterrupted by the opposing party
- b. introduce evidence, testimony, and witnesses

- c. cross-examine opposing parties and witnesses
- d. rebut evidence and testimony.

Technical rules of evidence or procedures are relaxed; nevertheless, the committee may exclude all irrelevant, immaterial, or repetitious evidence. The committee may also impose reasonable limits on the time allowed to testify and the number of witnesses.

In the event that the respondent fails to appear, the allegations in the complaint will be deemed true, the mediation will not be held and the right to participate in dispute resolution will be deemed waived.

Whenever the Committee has commenced to hear a matter, and a member withdraws before a decision, the remaining members will continue to hear the case and the committee chairman will name a replacement for the withdrawing member who will make his decision from the existing record.

Each member of the Committee must be able to perform in a disinterested and objective manner in consideration of the case before it, or must disqualify himself and have it recorded in the minutes.

The goal of mediation is a consensual resolution of the dispute; however, if no consensual resolution is reached, the Committee must issue a written recommendation on the matter, through the managing agent if appropriate. A Committee recommendation must have the support of a majority of those mediating the matter (a quorum being present). Copies of the recommendation must be delivered to the parties by personal service or certified, return, receipt requested and regular U. S. mail.

Date

VIA CERTIFIED and REGULAR MAIL

Homeowner

Re: Morris Place Condominium Association, Inc.

Dear Homeowner:

This office manages the Morris Place Condominium Association, Inc.

(Describe violation)

(Detail particular relevant provision of either governing documents or Rules and Regulations)

If this violation continues unabated, the Association shall_____. Prior to this action however, you are entitled to participate in the Association's dispute resolution process. The Association has scheduled a non-binding arbitration at which time this matter will be discussed. The non-binding arbitration will be held on _____ at _____. Should this date and/or location present a problem, you must contact the Association office at _____ at least 4 (four) days prior to the date set forth above. Failure to appear or secure an adjournment shall work as waiver of any right to alternate dispute resolution and shall leave the Association free to take any and all actions it deems necessary to remedy the violation. Adjournments may be granted at the Board's sole discretion.

You may be represented by counsel, present evidence, question individuals, and/or secure the production of books and records.

Sincerely,

This is an unofficial copy of the resolution for your reference. Official copies have been distributed to the community. Additional official copies can be obtained from Community Management.