

**RESOLUTION
OF THE
SOUTHPARK HOMEOWNERS ASSOCIATION NUMBER 2
REGARDING PROCEDURES 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 regarding the procedure for claim submissions to the Association's insurance carrier. To adopt a standard procedure to be followed when a claim is submitted 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 South Park Home Owner Association Number 2 (the "Association") pursuant to Colorado law, at a regular meeting of the Board of Directors.

RECITALS

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 the 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 the 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 Unit 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:
 - 1) Owner's home address and phone number and Unit address, if different;
 - 2) The time, place and circumstances of the event;
 - 3) Identification of damaged property; and
 - 4) 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 also 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 Units 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. Units The Owner shall pay or absorb the deductible for any work, repairs, reconstruction or replacement for damage to a Unit 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 the Owner's negligence.
 - C. Multiple Unit or Unit and Common Elements If a claim covers damage to more than one Unit or to portions of a Unit and Common Elements that are the maintenance responsibility of both Owner and the Association, the deductible shall be allocated between Owners or between the Association and the Owner(s) 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 as determined by the Board of Directors; 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, or 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.

