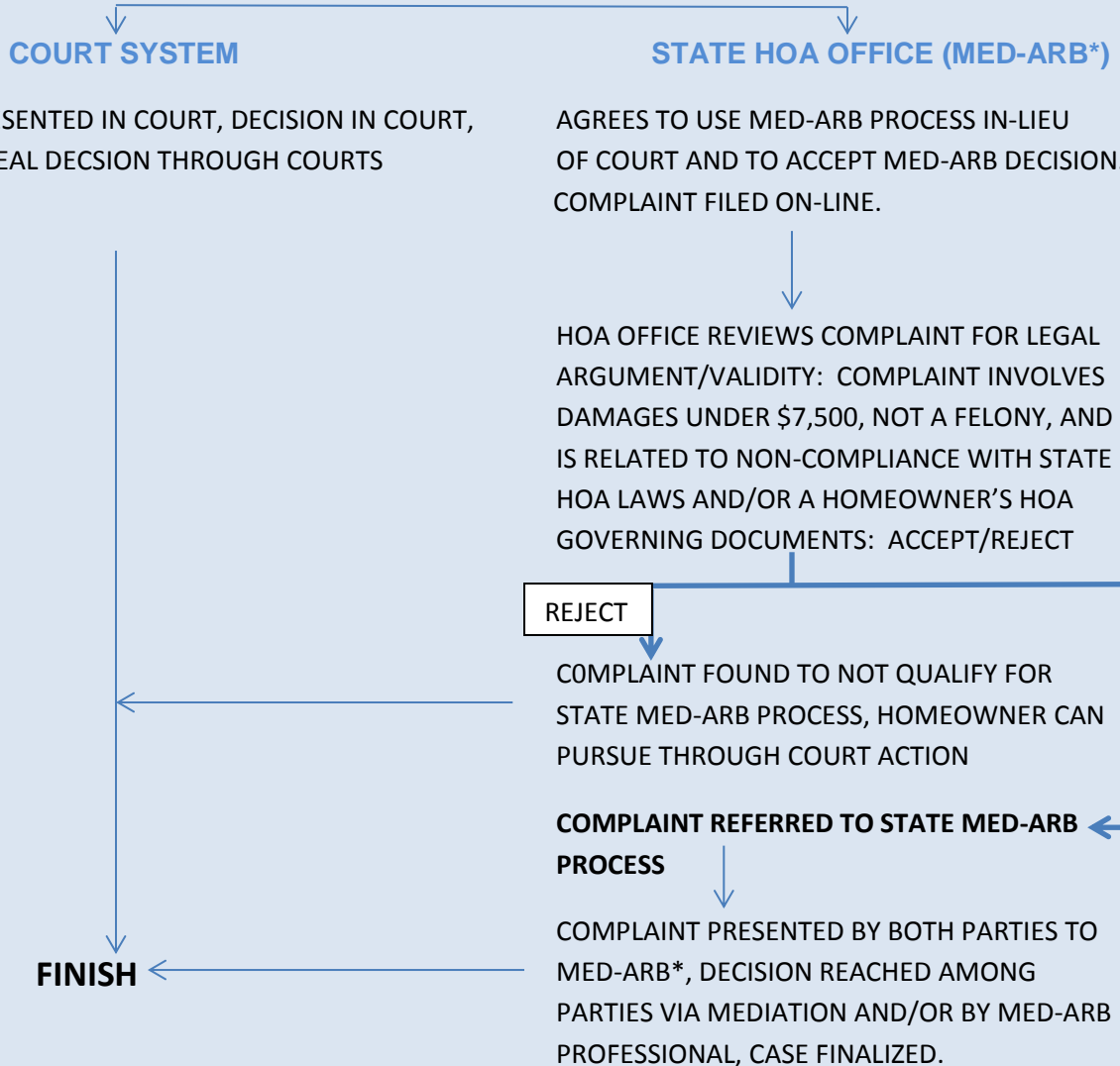


# HOA HOMEOWNER COMPLAINT PROCESS OUT OF COURT BINDING DISPUTE RESOLUTION (MED-ARB\*)

## START: HOMEOWNER DECIDES HOW TO FILE HOA COMPLAINT



**\*Med-Arb** Med-arb, a combination of mediation and arbitration, is a short-hand reference to the mediation-arbitration procedure. In a med-arb procedure, the parties first mediate the dispute with an understanding that if the issues are not settled through mediation a binding decision will be rendered by the med-ard (by arbitration). This process is useful when the parties/complaint process have a goal of finding a binding, final decision without the cost, complexity, time consuming, and litigious nature of court. It still allows the parties to settle some or all of the issues in the informal mediation part of the process but **ensures that final agreement** will be met on all issues not resolved through mediation using the professional med-arbiter\*.

Med-arb; 1) avoids the weaknesses of indecision and lack of finality in the complaint process related to mandatory mediation 2) does not add time, cost, and process, and uncertainty to dispute resolution that are inherent in mediation 3) does not require a homeowner to chance their money on a mediation process that can lead to no rendering of a decision, and 4) allows homeowners to avoid our costly, time consuming, and litigious court system as a sole source for HOA dispute resolution, and 5) relieves our court system of case load and cost and trying cases that should otherwise be litigated out of court.

**Med-arb** is a defined, economical and affordable, easily understood, and timely process from beginning to end **rendering decisions**. Conversely, **mediation** (mandatory or voluntary) is built upon “maybe” “hope” and “if” in the decision making process resulting in unsettled cases thrown back into our courts (the opposite goal of med-arb) that are not practicable for homeowners.

**Legal Costs:** HOA and homeowner legal fees will not generally be assessed to the losing party but when awarded under extraordinary circumstances can't exceed \$300.