

WINDMILL CREEK RESERVE PATIO HOME ASSOCIATION, INC.  
RESOLUTION REGARDING CLAIMS SUBMISSIONS TO THE ASSOCIATION'S  
INSURANCE CARRIER

WHEREAS, The Board of Directors of the Windmill Creek Reserve Patio Home Association, Inc. is empowered to govern the affairs of the Association pursuant to Article V Section 5.1 of the Bylaws;

WHEREAS, There is a need to adopt specific guidelines regarding claims submissions to the Association's insurance carrier;

WHEREAS, It is the intent that this rule shall be applicable to all members of the Association and this resolution shall remain in effect until otherwise rescinded, modified, or amended by a majority of the Board of Directors;

NOW, THEREFORE, Be it resolved that the following responsible governance policy on claims submissions to the Association's insurance carrier is hereby adopted by the Board of Directors:

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 fall within the Association's coverage as required in the Association's Declaration or under Colorado law, the following procedures **should be followed by the owner:**

- a. The Owner(s) shall first 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 made to his/her personal carrier, as well as copies of the adjustment or determination decided by that carrier as a condition **before** the Owner makes any claim on any of the Association's policies.
- d. In the event **the subject matter of the claim may fall within the Association's insurance responsibilities under the Declaration or Colorado law**, the Owner shall promptly notify the Association of the damage by providing **written notice** to the Board through the Managing Agent setting forth the following:
  - Owner's home address and phone number and Unit address, if different;
  - The time, place and circumstances of the event;
  - Identification of damaged property;
  - The names and addresses of the injured and witnesses, if applicable;

- e. The Board, following the recommendations provided by the Association's insurance agent, its carrier, or legal counsel, shall then make a determination as to whether the occurrence or claim consists of damages for which the Owner or the Association is responsible for insuring under the Declaration. **The Association shall notify the Owner in writing of the determination within 15 days of the written notification of the damage provided to the Association through its Managing Agent.**
- f. **If the Board determines, in its sole discretion, that the subject matter of the claim is within the Association's insurance obligations, the Board, through its Managing Agent shall submit a claim to the Association's insurance carrier on behalf of the Owner in accordance with the requirements of the insurance policy.**

**PRESIDENT'S**

**CERTIFICATION:** The undersigned, being the President of the Windmill Creek Reserve Patio Home Association, Inc., a Colorado non-profit corporation, certifies that the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and conducted meeting of the Board of Directors on, 10-10-00 and in witness thereof, the undersigned has subscribed his/her name.

**WINDMILL CREEK RESERVE PATIO HOME ASSOCIATION, INC.,**  
a Colorado non-profit corporation

By: \_\_\_\_\_

President