

**NON-DISCRIMINATORY POLICY REGARDING PAYMENT OF
INSURANCE DEDUCTIBLES**

This policy supersedes and replaces all prior policies regarding Insurance.

PURPOSE: The following policy was adopted by the Board of Directors of Pier Point Village 2 Homeowners Association, Inc. ("the Association") pursuant to Colorado law at a regular meeting of the Board.

AUTHORITY: The Amended and Restated Declaration of Covenants, Conditions and Restrictions for Pier Point Village 2 recorded on December 20, 2010 at Reception #D0131702 ("Declaration"), Articles of Incorporation, Bylaws of the Association, and Colorado law including §38-33-101 *et. seq.*, §38-33.3-313(6), C.R.S., and other applicable Colorado and Federal laws.

EFFECTIVE DATE: 4/27, 2022

RESOLUTION:

THEREFORE, IT IS RESOLVED THAT the following procedures shall apply to payment of insurance deductibles within the Association:

1. Article 13 of the Declaration sets forth the respective obligations of Owners and the Association to maintain policies of insurance for units and Common Areas.

2. The Board of Directors of the Association shall have discretion in all cases whether to submit a claim under the Association's insurance policies or not.

3. When a claim is submitted by the Association, responsibility for payment of the deductible required to be paid under such policy shall be as follows, even if the Declaration provides that the Association's insurance is primary:

a. The Association shall pay the deductible amount for any remediation, repair or reconstruction of Common Areas and improvements thereon unless the damage is caused by the negligent or willful act or omission of the Owner, Owner's family, tenants, invitees or licensees as set forth below.

b. Where the loss is caused by the negligent or willful act or omission of the Owner, Owner's family, tenants, invitees or licensees, the Association may assess the responsible Owner all deductibles, expenses, costs and fees paid by the Association as a Default Assessment pursuant to Declaration section 5.4.

c. In the event more than one unit is damaged by a loss caused by negligent or willful conduct, the Association may in its reasonable discretion assess each responsible unit Owner a pro rata share of any deductible and all expenses, costs or fees paid by the Association.

- d. Where any loss or damage occurs to property for which the Owner has maintenance and repair responsibility, the Owner(s) shall be responsible for payment of the deductible portion of the Association's policy. If the Owner fails or refuses to do so, the Association may post the amount of the deductible to the Owner's ledger as a Default Assessment pursuant to Declaration section 5.4.

3. **Definitions.**

Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning herein.

4. **Supplement to Law.**

The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the community.

5. **Deviations.**

The Board may deviate from the procedures set forth in this Resolution if its sole discretion such deviation is reasonable under the circumstances.

6. **Amendment.**

This policy will be reviewed annually and may be amended from time to time by the Board of Directors.

7. **Severability**

Invalidation of one of the foregoing provisions by court order or judgment shall have no effect on the remaining provisions which shall remain in full force and effect.

CERTIFICATION:

The undersigned, being the President of the Board of Directors of Pier Point Village 2 Homeowners Association, Inc., a Colorado nonprofit corporation, certifies that this Policy was adopted by Resolution approved by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors of the Association on 4/27, 2022 and in witness thereof, the undersigned has subscribed his/her name.

**PIER POINT VILLAGE 2 HOMEOWNERS
ASSOCIATION, INC.,**
a Colorado non-profit corporation

By: Cynthia Hayes
Its: