

**SUMMARY OF ALTERNATIVE DISPUTE  
RESOLUTION REQUIREMENTS**  
(Civil Code §§1369.510 – 1369.590)

1. If the Association, an owner, or a member of the Association files an action in superior Court seeking either: (a) declaratory or injunctive relief to enforce the governing documents, the Davis-Stirling Common Interest Development Act, or the Corporations Code, or (b) declaratory or injunctive relief to enforce the governing documents, the Davis-Stirling Common Interest Development Act, or the Corporations Code in conjunction with a claim for \$5,000 or less (other than assessments), the parties must first attempt to submit the dispute to alternative dispute resolution (ADR), which includes mediation, arbitration, conciliation, or other nonjudicial procedure that involves a neutral party in the decision making process, BEFORE filing an action in Superior Court. The ADR process may be binding or non-binding.
2. This requirement does not apply to disputes within the jurisdiction of the Small Claims Court or disputes over assessments.
3. The ADR process is commenced by one party serving the another party with a Request For Resolution (RFR). The RFR must contain the following:
  - a. A brief description of the dispute;
  - b. A request for ADR; and
  - c. A notice that the party receiving the RFR must respond within thirty (30) days or the RFR will be deemed rejected.
  - d. If the person on whom the RFR is served is an owner, a copy of the statutes governing ADR (Civil Code §§1369.510 – 1369.590).
4. Service of the RFR may be by personal delivery, first-class mail, express mail, facsimile or other means reasonably calculated to give the other party actual notice.
5. A part served with a RFR has thirty (30) days to accept or to reject the request. Failure to accept or to reject is deemed a rejection.

6. If the RFR is accepted, ADR must be completed within ninety (90) days from the date of acceptance. The deadline can be extended by a written agreement among all parties.
7. The costs of ADR shall be shared by the parties.
8. The time to file a civil action is suspended while ADR is pending.
9. Refusal to participate in ADR may result in the loss of the right to recover attorney fees in a subsequent Superior Court action.

**Failure of a member of the Association to comply with the alternative dispute resolution requirements of section 1369.520 of the Civil Code may result in the loss of the right to sue the Association or another member of the Association regarding enforcement of the governing documents or the applicable law.**