

**MIRAMONT POINTE CONDOMINIUM BUILDING NO. 2 ASSOCIATION
RESOLUTION TO ADOPT
A WRITTEN POLICY FOR RESOLVING COMPLAINTS MADE BY UNIT OWNERS
PURSUANT TO SECTION 35 OF THE
ILLINOIS CONDOMINIUM AND COMMON INTEREST COMMUNITY
OMBUDSPERSON ACT**

WHEREAS, the Miramont Pointe Condominium Building No. 2 Association (“Association”) is governed by provisions of the Association’s Declaration of Condominium (“Declaration”), and the Illinois Condominium Property Act; and

WHEREAS, Section 35 of the Illinois Condominium Property Act provides that every unit owners’ association must comply with the Condominium and Common Interest Community Ombudsperson Act and is subject to all provisions of the Condominium and Common Interest Community Ombudsperson Act; and

WHEREAS, Section 35 of the Condominium and Common Interest Community Ombudsperson Act (“Ombudsperson Act”) requires the Association to adopt a written policy for resolving complaints made by Unit Owners, and the Board of Directors (“Board”) of the Association desires to adopt such a policy.

NOW THEREFORE, in furtherance of the foregoing, the Board of Directors of the Association does hereby adopt the following written policy for resolving complaints made by Unit Owners pursuant to Section 35 of the Ombudsperson Act.

Adopted by the Board of Directors at a meeting held on _____, 2018, at Palatine, Illinois.

Motion made by _____ and seconded by _____.

Vote Taken: For _____

 Against _____

 Abstain _____

MIRAMONT POINTE CONDOMINIUM BUILDING NO. 2 ASSOCIATION
POLICY FOR RESOLVING COMPLAINTS MADE BY UNIT OWNERS
PURSUANT TO SECTION 35 OF THE
ILLINOIS CONDOMINIUM AND COMMON INTEREST COMMUNITY
OMBUDSPERSON ACT

The following is the Policy of the Board of Directors (“Board”) of the Miramont Pointe Condominium Building No. 2 Association (the “Association”) for resolving complaints made by Unit Owners pursuant to Section 35 of the Condominium and Common Interest Community Ombudsperson Act (“Ombudsperson Act”).

1. Unit Owners who wish to make a complaint (“Complaining Unit Owner”) to the Association pursuant to Section 35 of the Ombudsperson Act must complete, date, and sign a Complaint Form. The required Complaint Form is attached to this Policy.

2. The Complaining Unit Owner must deliver a completed Complaint Form to the Association, by certified mail or in person, to the Management Office/Board, at the following address: _____, within thirty (30) days of the date of the event that is the subject of the Complaint.

3. Within thirty (30) days of receipt of a Complaint Form from a Complaining Unit Owner, the Board shall meet in executive session to review the Complaining Unit Owner’s Complaint. At such meeting, the Board may make a Final Determination in response to the Complaining Unit Owner’s Complaint, or may make a determination that additional information/documents and/or investigation is required in order to respond to the Complaining Unit Owner’s Complaint before making a Final Determination.

4. (a) If the Board determines that additional information/documents is required in order to review the Complaining Unit Owner’s Complaint before making a Final Determination, the Board shall promptly make a request for such additional information/documents to the Complaining Unit Owner. The Complaining Unit Owner shall deliver such additional information/documents, by certified mail or in person, to the Management Office/Board, at the address provided in Section 2, within ten (10) days of the date of the Board’s request for additional information/documents.

(b) If the Board determines that additional investigation is required in order to respond to the Complaining Unit Owner’s Complaint before making a Final Determination, the Board shall promptly engage in such investigation.

(c) Within thirty (30) days after receipt of the additional information/documents requested under Section 4(a) above and/or the conclusion of its investigation under Section 4(b) above, the Board shall meet in executive session to review the Complaining Unit Owner's Complaint, the additional information/documents, and the results of its investigation. At such meeting, the Board shall make a Final Determination in response to the Complaining Unit Owner's Complaint, unless the Board determines that it still does not have sufficient information/documents in order to respond to the Complaint before making a Final Determination. If the Board determines that it still does not have sufficient information/documents in order to respond to the Complaining Unit Owner's Complaint before making a Final Determination, or determines that further investigation of the Complaining Unit Owner's Complaint is necessary, the Board shall promptly seek such additional information/documents and continue and conclude its investigation, and shall reconvene, as soon as practical thereafter in order to respond to the Complaining Unit Owner's Complaint.

5. The Final Determination of the Board in response to a Complaining Unit Owner's Complaint shall be:

- (a) Made in Writing;
- (b) Made within a reasonable time after receipt of the Complaining Unit Owner's Complaint, provided that the Board shall use its best efforts to make a Final Determination in response to a Complaining Unit Owner's Complaint within ninety (90) days of the date of receipt of the Complaining Unit Owner's Complaint.; and
- (c) Marked clearly and conspicuously as "Final."

6. The decision of the Board to approve the written Final Determination in response to a Complaining Unit Owner's Complaint shall be made at a Board meeting, or portion thereof, open to the Unit Owners; however, the details of the written Final Complaint shall not be disclosed at the Board meeting, or portion thereof, open to the Unit Owners.

7. The written Final Determination shall include the following:

- (a) A summary of the Complaining Unit Owner's Complaint;
- (b) A summary of the documents and information considered by the Board.
- (c) The Board's determination with respect to the Complaining Unit Owner's Complaint and any action to be taken by the Association pursuant to such a determination.

8. The written Final Determination of the Board in response to a Complaining Unit Owner's Complaint shall be issued to the complaining Unit Owner by certified mail, within ten (10) days after the date the Board approves the written Final Determination.

9. The written Final Determination shall be deemed confidential and shall not be available to any person other than the Complaining Unit Owner, the Board of Directors, and the Association's managing agent (if any). The Complaining Unit Owner shall not disclose the written Final Determination to any person (other than such Complaining Unit Owner's attorney), except as may be required by law.

10. The Complaining Unit Owner shall cooperate with requests of the Board for additional information/documents.

11. All Complaint Forms and additional information/documents requested by the Board in connection with the Complaining Unit Owner's Complaint shall be date stamped by the Association upon receipt.

12. The foregoing procedure shall not be available:

- (a) If the Complaining Unit Owner owes outstanding assessments, fees, or funds to the Association, unless the assessments, fees or funds are central to the Complaining Unit Owner's Complaint.
- (b) If there is a pending complaint filed in any court or administrative tribunal in any jurisdiction or for which arbitration or alternative dispute resolution is scheduled to occur or has previously occurred, concerning the subject matter of the Complaining Unit Owner's Complaint.
- (c) To address violations of the Association's Declaration and or Rules for which the Board can levy a fine, as that is governed by a separate procedure.

13. This Policy shall be made available to all Unit Owners upon request.

14. If adopted by the Board of Directors prior to January 1, 2019, this Policy shall be effective on January 1, 2019.

MIRAMONT POINTE CONDOMINIUM BUILDING NO. 2 ASSOCIATION

UNIT OWNER COMPLAINT FORM

Unit Owner Name: _____

Unit No. and Address: _____

Phone No. _____

Date of Event: _____

Time of Event: _____

Location of Event: _____

Description of Event: _____

(Use Additional Copies of Form if Necessary)

The following documents are attached concerning the Incident:

Names and Contact Information for Witness(es) to Incident (if applicable)

Unit Owner Signature

_____, 20____
Date