

BROOK FOREST

Brook Forest Community Association
211 W. Chicago Avenue, Suite 10
Hinsdale, IL 60521

BROOKFOREST CONDOMINIUM AND COMMON INTEREST COMMUNITY OMBUDSPERSON ACT POLICY, PROCEDURES AND FORMS

A. The Brook Forest Association has adopted a written policy for resolving complaints made by homeowners in compliance with 765 ILCS 615(i) the Condominium and Common Interest Community Ombudsperson Act.

B. General Provisions

The policy and complaint procedures pursuant to this section, shall be available to all homeowners (also referred to as unit owners) of the Association upon request.

C. Procedures

1. The complaint must be in writing, signed and dated by the complainant and must include all documentation which the complainant wishes the Board to review as well as a list of potential witnesses.
2. A sample of the form ("complaint form") on which to submit a complaint is available upon request from the Property Manager or Secretary of the Association.
3. The completed Complaint Form shall be hand-delivered, mailed by registered or certified mail, return receipt requested, or delivered by acceptable technological means, provided the sender retains sufficient proof of delivery. Delivery shall be made to the Property Manager.
4. The Association may provide written acknowledgement of the receipt of the complaint to the complainant, within seven (7) days of receipt. Such acknowledgement may be delivered by hand, mailed by regular mail, or delivered by acceptable technological means in accordance with Section 1-85 of the Common Interest Community Association Act (the "CICA Act"), provided the sender retains sufficient proof of the electronic delivery. Nothing shall require the Association to incur additional expense in delivering said written acknowledgement.
5. If the complaint is about another homeowner, invitee or guest, a notice will be sent to the alleged offending homeowner, along with all documentation provided by the complainant, giving the alleged offending homeowner, (except in the case of emergency) 10 business days after receipt of such notice to request a hearing in front of the Board or its authorized committee, in writing. Thereafter, if requested, a hearing will be set in accordance with Section E below. If the alleged offending homeowner fails to request a hearing, the Board may, in its discretion, hold the homeowner liable by default and proceed with any remedies allowed under the Association's governing documents or law.

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6. If the complaint is such that serious, immediate, or irreparable consequences may occur due to delay, the Board may elect to forward the matter to the Association's attorney for appropriate action. All legal expenses and costs incurred, including but not limited to attorney's fees, will be charged to the property owner and deemed a part of that property owner's share of the common expenses.
7. The Association's attorney, if contacted regarding the alleged violation, shall send such notices, make such demands or take such actions as are necessary to protect the interests of the Association in accordance with the provisions of the CICA Act, Declaration, By-Laws, Rules and Regulations and other regulations of the Association.
8. If the complaint is about the Board or Property Manager, a hearing will be set in accordance with Section E below.
9. Should the Board levy a fine against the offending homeowner, the fine will be due and payable within thirty (30) days from the date of the final determination is issued. The Board may also, in its determination, levy costs and reasonable attorney's fees incurred against the offending owner.
10. Should the Board require corrective action, the corrective action will be taken within the period of time allowed as provided in the final determination.

D. Contents of Complaint

1. The complainant shall provide, with the complaint, copies of all documentation, in any form, that the complainant believes the Board should consider in connection with the complaint. In addition, to the extent the complainant has knowledge of the law, rule or regulation applicable to the complaint, the complainant shall provide that reference, as well as the requested action or resolution.
2. If the Association identifies additional information necessary for the Association to continue processing the complaint, then, no later than 30 days after the Association's receipt of the complaint, the Association shall request such information from the complainant. The request may be delivered by hand, mailed by registered or certified mail, return receipt requested, or by acceptable technological means, provided the sender retains sufficient proof of the electronic delivery.
3. The request for additional information shall bear a reasonable relationship to the complaint. If the additional information requested is not received within the time frame stated in the Association's request, up to a maximum of thirty (30) days, and the time frame has not been extended by consent of the Board, which in no event shall be beyond an additional thirty (30) days (up to a maximum of sixty (60) total days) after the request was made or the extended time has expired whichever is later, the complaint will be deemed withdrawn and the process will terminate.

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E. Consideration of Complaint and Final Determination

1. The Board shall try to hold a hearing on the complaint within 90 days after receiving the complaint and any additional information it has requested but if circumstances warrant, the Board may hold the hearing up to 150 days after receiving the original complaint.
2. Except in cases of emergency, within a reasonable time prior to the consideration of the complaint, the complainant shall be notified of the date, time and location on and at which the hearing will be held. Except in cases of emergency, "reasonable time" shall not be less than 14 days prior to the hearing date. Notice of the date, time, and location for the hearing shall be delivered by hand, mailed by registered or certified mail, return receipt requested, or by acceptable technological means, provided the sender retains sufficient proof of the electronic delivery.
3. A complainant may, but is not required to be, represented by an attorney. If the complainant chooses to be represented by an attorney, then s/he must notify the Board that s/he intends to be represented by an attorney no later than 7 days prior to the hearing date. Failure to timely notify the Board may result in rescheduling of the hearing and delay of a final resolution.
4. A complainant may bring witnesses or documents to the hearing in support of his or her complaint. A list of witnesses and copies of documents to be considered must be supplied with the complaint or seasonably updated but unless absolutely necessary by circumstance, no later than seven (7) days prior to the scheduled hearing. The Board, in its sole discretion, may choose to disregard any document or witness not timely supplied when making its final determination.
5. The final determination of the Association shall be contained in a resolution adopted by the Board at an open meeting in conformance with the Association's governing documents. The final determination of the Association must be made in writing within 180 days after the Association received the complainant's complaint and marked clearly and conspicuously as "FINAL."
6. Written notice of the Board's final determination shall be hand-delivered or mailed by registered or certified mail, return receipt requested within 7 days of the Board's final determination or by acceptable technological means in accordance with Section 1-85 of the CICA Act, provided the sender retains sufficient proof of the electronic delivery.

Complaints and accompanying documentation, except for the final determination, shall not be made available to the property owners absent a court order requiring the same. The Association, Board and/or Property Manager shall not be liable for attorney's fees incurred by the homeowner seeking disclosure, and such fees shall be paid by the homeowner seeking such information.