

INSURANCE DEDUCTIBLE POLICY

- SUBJECT:** Adoption of a policy regarding the payment of any insurance deductible.
- PURPOSE:** To adopt a uniform procedure to be followed for the payment of any insurance deductible.
- AUTHORITY:** The Declaration, Articles of Incorporation and Bylaws of the Association, and Colorado law.
- EFFECTIVE DATE:** April 11, 2011
- RESOLUTION:** The Association hereby adopts the following procedures to be followed for the payment of any insurance deductible:

1. RESPONSIBILITY FOR PAYMENT OF DEDUCTIBLE AMOUNT.

Whether the Board, in its discretion, chooses to submit a claim under the Association's insurance policy or not, the payment of the deductible amount for claims that the Association is responsible for insuring, shall be as follows:

- a. **Common Elements:** The Association shall pay or absorb the deductible for any work, repairs or reconstruction for damage to Common Elements or for damages to Units that would be the maintenance responsibility of the Association in the absence of insurance, unless said damage is caused by the negligent or willful act or omission of an Owner, his family, guests, or invitees, in which case the Association may seek reimbursement of the deductible amount from such Owner as an assessment under the Declaration, after providing such Owner notice and an opportunity for a hearing.
- b. **Units/Owner Maintenance:** The Owner shall pay or absorb the deductible for any work, repairs, reconstruction or replacement for damage to a Unit that would be the Owner's maintenance responsibility in the absence of insurance, unless the loss is caused by the negligent or willful act or omission of the Association or another Owner, in which case, the negligent party shall be responsible for the deductible. The Association shall provide an Owner notice and an opportunity for a hearing prior to allocating any deductible to that Owner as a result of that Owner's negligence.
- c. **Multiple Units or Unit and Common Elements:** If a claim covers damage to more than one Unit or to portions of a Unit and Common Elements that are the maintenance responsibility of both the Owner and the Association, the deductible

shall be allocated between Owners or between the Association and the Owner(s) in the same proportion as that portion of the claim which would be their maintenance responsibility in the absence of insurance bears to the total insurance paid for the occurrence as determined by the Board of Directors; unless the loss is caused by the negligent or willful act or omission of the Association or another Owner, in which case, the negligent party shall be responsible for the deductible.

**PRESIDENT'S
CERTIFICATION:**

The undersigned, being the President of Jasmine Association, a Colorado nonprofit corporation, certifies that the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors on April 11, 2011 and in witness thereof, the undersigned has subscribed his/her name.

Jasmine Association,
a Colorado nonprofit corporation

By: Carla Clark
Carla Clark, President