

THIS RESOLUTION AFFECTS YOUR INSURANCE COVERAGE. OWNERS MUST CONTACT THEIR INSURANCE AGENTS RIGHT AWAY TO DISCUSS THE EFFECT OF THIS RESOLUTION ON THEIR INDIVIDUAL INSURANCE COVERAGE.

ASSOCIATION OF UNIT OWNERS OF ENCLAVE, A CONDOMINIUM
RESOLUTION OF THE BOARD OF DIRECTORS
Regarding Insurance

At a regular meeting of the Board of Directors, held on Sept 12th, 2017, the Board made the following findings:

WHEREAS the Association Secretary, by signing below, attests that pursuant to the Association Bylaws Article IV, Sec. 5, all Directors were provided notice of the meeting and a quorum of the Board was present in person at the meeting in accordance with the Association's Bylaws Article IV, Sec. 11;

WHEREAS pursuant to Bylaws Article X, Sec. 1, the Association is responsible for providing property and liability insurance for the Condominium and Association;

WHEREAS pursuant to Bylaws Article X, Sec 6, Owners are responsible for obtaining and maintaining their own liability and property insurance for property and liability not covered by the Association's policies;

WHEREAS pursuant to Bylaws Article X, Sec. 7, Owners shall promptly reimburse the Association for any expenditures incurred in repairing or replacing any portions of the common elements or units that are damaged or lost through the Owner's fault or action or at the Owner's direction, or through the fault or action or at the direct of any person visiting or occupying the Owner's unit, where such damage or loss is not covered by insurance policies carried by the Association for the Owners' and Association's benefit.

WHEREAS the Board of Directors wishes to ensure that the Association has adequate insurance coverage, to prescribe a procedure for allocating the insurance deductible, and to prescribe a procedure for processing insurance claims;

WHEREAS the Board of Directors has the power to adjust and settle claims under insurance policies on behalf of all Owners pursuant to Bylaws Article X, Sec. 5; and

WHEREAS the Board of Directors is authorized to adopt a resolution regarding insurance in accordance with ORS 100.435 and Bylaws Article X, Sec. 7; and the Board of Directors has all of the powers and duties necessary for the administration of the affairs of the Association pursuant to ORS 100.405 and Article IV, Sec. 2 of its Bylaws.

NOW THEREFORE, BE IT RESOLVED THAT the Board adopts the following resolution regarding insurance:

Owners' Responsibility for Insurance. Owners shall be responsible for obtaining and maintaining liability insurance and casualty or property insurance policies at their own expense insuring their Units for any losses less than the deductible amount on the Association's casualty policy and for insuring their own personal property against any loss or damage, as well as for any liability not covered under Bylaws Article X, Sec. 1(b);

The Association shall have no responsibility to obtain or assist in obtaining property or liability insurance for any owner for damage not covered by the Association policy (whether because of the deductible amount or because the claim or risk is not one covered under the terms of the Association policy) or for any damage or loss to the Owner's personal property.

Liability for Insurance Deductible. Liability for the deductible amount of the Association's casualty policy(ies) shall be the responsibility of a Unit Owner when:

1. Loss or damage is incurred to any portions of the common elements or units through Owner's fault or action or at Owner's direction, or through the fault, action or direction of any person visiting or occupying the Unit Owner's unit; or
2. The damage involved is limited solely to damage within that Owner's Unit or Limited Common Element assigned to the Unit. If there is damage affecting more than one Owner's Unit or Limited Common Element, the Owners of each of the damaged Units or Limited Common Elements shall share the cost of the deductible amount of the Association's policy. The cost of the deductible shall be shared by each of the affected Unit Owners in proportion to the repair cost for each of the Units or Limited Common Elements; or
3. The damage involved is to both the general common elements and to an Owner's Unit or a Limited Common Element assigned to the Unit, with no allocation of fault as to any party. In that case, the cost of the deductible shall be shared by the Association as a common expense and by the affected Unit Owner in proportion to the repair cost for each.

Owners are responsible in all instances for payment of any deductible on the Owner's policy(ies).

Claims Handling. All claims under the Association's policy shall be processed through and coordinated by the Board. The party responsible for payment of the Association's insurance deductible shall also be responsible for payment of the costs associated with the handling and/or processing of the insurance claim.

Duplicate Insurance. To the extent a Unit Owner and the Association have duplicate insurance coverage for a loss, the Association's policy is primary.

Assessment for Deductible Allocation. Where an Owner is required to pay all or a portion of the Association's insurance deductible, the Association, in the Board's discretion, may pay such amounts as are necessary and then assess said amounts directly to the responsible Owner(s) and their respective Unit(s), which amounts shall be collected as Assessments are collected under the Declaration and applicable law.

This resolution replaces all prior insurance resolutions.

The Board directs TMG to send a copy of this resolution to every owner of record within 10 days.

THIS RESOLUTION AFFECTS YOUR INSURANCE COVERAGE. OWNERS MUST CONTACT THEIR INSURANCE AGENTS RIGHT AWAY TO DISCUSS THE EFFECT OF THIS RESOLUTION ON THEIR INDIVIDUAL INSURANCE COVERAGE.

Dated this 12th day of September, 2017.

The Association of Unit Owners of Enclave

By: Carolyn Fal
Its President

ATTEST: the above resolution was properly adopted.

By: Michelle Mace
Its Secretary