

QUESTIONNAIRE ADDENDUM

LITIGATION TYPES

The pending litigation (or arbitration/mediation) involves one of the following nine (9) types of litigations:
Select applicable Litigation Type and Attach Required Documentation:

Type 1: The litigation amount is known, the insurance company has committed to provide the defense and the litigation amount is covered by the insurance policy

REQUIRED DOCUMENTATION:

- a. **Complaint** or copy of most recent amended complaint.
- b. **Attorney or Insurance Letter** confirming the insurance company has committed to provide the defense and the litigation amount is covered by the insurance policy.

Type 2: The litigation amount is unknown

REQUIRED DOCUMENTATION:

- a. **Complaint** or copy of most recent amended complaint.
- b. **Attorney or Insurance Letter** confirming the insurance company has committed to provide the defense; and any potential monetary judgment against the HOA, or settlement with the HOA, including punitive damages, will likely be covered by the HOA's insurance policy.

Type 3: The matter involves: **A non-monetary neighbor dispute** or right of quiet enjoyment, whether litigated or in an Arbitration/Mediation proceeding

REQUIRED DOCUMENTATION:

- a. **Complaint** or copy of most recent amended complaint.

Type 4: A dispute in which the **HOA is the Plaintiff** in the litigation or a party to an Arbitration/Mediation proceeding and is **seeking reimbursement for expenditures made to repair the project's component(s)**

REQUIRED DOCUMENTATION:

- a. **Complaint** or copy of most recent amended complaint.
- b. **Repair Completion Evidence** that repair items related to the safety, structural soundness, functional use or habitability of the project permanently resolved the defect or issue(s).
- c. **Balance Sheet** (dated within 90 days)
- d. **Adverse Impact** HOA to confirm there is no anticipated material adverse impact to the HOA if the funds are not recovered.

Type 5: The estimated or known **amount** in dispute in the **litigation or ADR proceeding is not expected to exceed 10% of the project's funded reserves**, provided use of the project's funded reserves to pay for project litigation or dispute resolution does not violate the applicable jurisdiction laws and regulation

REQUIRED DOCUMENTATION:

- a. **Complaint** or copy of most recent amended complaint.
- b. **Balance Sheet** (dated within 90 days)

Type 6: Litigation concerning localized damage to a SINGLE UNIT in the project that does not impact the overall safety, structural soundness, habitability, or functional use of the project

REQUIRED DOCUMENTATION:

- a. **Complaint** or copy of most recent amended complaint.
- b. **HOA or management company confirmation** that the common elements of the project are not affected.

Type 7: Litigation involves Personal Injury or Death

REQUIRED DOCUMENTATION:

- a. **Complaint** or copy of most recent amended complaint. Further documentation may be required.

Type 8: A dispute in which the HOA is the plaintiff in a foreclosure action or action for past due HOA assessments

REQUIRED DOCUMENTATION:

a. Signed Litigation Addendum (if the only pending litigation is described below, please sign, and return w/questionnaire.)

The only pending litigation the HOA has at this time is the HOA is the Plaintiff in a foreclosure or action for past due HOA assessments.

AUTHORIZED HOA REPRESENTATIVE

Print Name

Date

Type 9: Construction Defect Litigation

REQUIRED DOCUMENTATION:

- a. **Complaint** or copy of most recent amended complaint.
- b. **Repair Completion Evidence** that repair items related to the safety, structural soundness, functional use or habitability of the project permanently resolved the defect or issue(s).
- c. **Balance Sheet** (dated within 90 days)
- d. **Adverse Impact** HOA to confirm there is no anticipated material adverse impact to the HOA if the funds are not recovered.