

Serving the respondent

After the claimant files the complaint, the Ombudsman's Office will mail instructions to the claimant explaining how to proceed. The claimant is required to serve a claim package to the respondent. The claim package must include Form 523, which is an overview of the ADR process, Form 521, Alternative Dispute Resolution/ Residential Planned Communities Respondent Answer form, and a copy of the complaint as filed. Service must be in accordance with the Nevada Rules of Civil Procedure, Rule 4. The claimant is responsible for submitting to the Ombudsman's Office, within 10 days of serving the respondent, a notarized affidavit of service as proof of service.

Responding to a claim

Per statute, respondents must file a response with the Ombudsman's Office within 30 days after the date of service.

To respond to a complaint filed through the ADR program, start by reading Form 523, which provides an overview of the ADR process. Then fill out and submit Form 521. Both forms are available from the Ombudsman's Office, or online at <http://www.red.state.nv.us>.

Statewide toll free: 877-829-9907
Telephone: 702-486-4480 (Southern Nevada)
775-687-4280 (Northern Nevada)
Facsimile: 702-486-4520
www.red.state.nv.us
CICOmbudsman@red.state.nv.us

Or

1179 Fairview Drive, Suite E
Carson City, Nevada 89701

State of Nevada
Department of Business and Industry
Real Estate Division
Ombudsman for Owners in Common-Interest
Communities and Condominium Hotels
2501 East Sahara Avenue Suite 202
Las Vegas, Nevada 89104-4137



ALTERNATIVE DISPUTE RESOLUTION

Office of the Ombudsman
for Owners in Common-
Interest Communities and
Condominium Hotels


*Disagreement in your
association? ADR may be
able to help ...*



The Office of the Ombudsman's Alternative Dispute Resolution (ADR) program assists homeowners, residents, and boards with claims involving disputes regarding:

1. the interpretation, application and/or enforcement of governing documents of a common-interest community (CIC); or
2. the procedures used to increase, decrease or add assessments.

NRS 38 (Mediation and Arbitration) requires such disputes to proceed through the ADR process, before anyone involved can start a civil lawsuit. The parties to a matter in the ADR process may represent themselves or



hire an attorney to represent them. An attorney is not required.

The Ombudsman's Office is available to assist persons seeking to file a claim using the ADR process.

ADR IS NOT REQUIRED in matters where health and safety violations are in dispute.


How to file an ADR complaint

To file a complaint using the ADR program, start by obtaining and reading Residential Common-Interest Alternative Dispute Resolution, Form 523, which provides an overview of the ADR process. Then fill out and submit Alternative Dispute Resolution/Residential Planned Communities Claim, Form 520. Both forms are available from the Ombudsman's Office, or online at <http://www.red.state.nv.us>.

To file a complaint, you will need to:

- Submit Form 520, completed accurately.
- Submit a \$50 filing fee, by check or money order made out to "NRED", or exact cash.
- Provide a brief statement outlining the issue in dispute.
- Provide a complete copy of the association's Covenants, Conditions and Restrictions (CC&Rs).

Please mail or drop off your complaint to the Ombudsman's Office at the address on the back of this brochure.



The person who files a complaint is called the **claimant**. The person with whom they have a dispute is called the **respondent**.

Mediation, binding arbitration, or nonbinding arbitration

You must state the particular ADR process that you would like to pursue. However, to go through mediation or binding arbitration both the claimant and respondent must agree on that process. If the parties can't agree, the matter will default to nonbinding arbitration.


In mediation, both parties meet with an approved mediator, who promotes reconciliation, agreement or compromise. If mediation is successful, the parties sign a written agreement that is enforceable among the parties.

In nonbinding arbitration, each side has an opportunity to present evidence to an arbitrator. At the conclusion of arbitration, the arbitrator will provide a decision called an "award".

In binding arbitration each side is provided the same opportunities as in nonbinding arbitration. The difference between binding and nonbinding arbitration is that the award of the arbitrator is final.

Is court an option?

If either party fails to abide by the mediation agreement or arbitrator's award, the other party may file for a Confirmation of Award from a court of law.



In nonbinding arbitration either party that completed the arbitration process may file in civil court, within a specified time, if he/she desires.

In binding arbitration, there are very limited circumstances under which a matter can be reviewed by court.

Costs

In addition to the filing fee, each party needs to be aware of other expenses.

If the claimant uses a process server, he or she will likely be charged a fee. In addition, a mediator or arbitrator typically charges \$100 per hour. The arbitrator is usually paid equally by both sides. However, the arbitrator may decide to require one party to pay the total amount, or apportion payment between the parties in a different percentage.

Financial assistance

A subsidy towards the cost of binding arbitration may be available through the Ombudsman's Office. If there are multiple parties, only one person per side on each claim may receive subsidy. If approved, a subsidy may provide as much as 50 percent of the cost of the binding arbitration or \$500, whichever is less. Payment is made directly to the arbitrator. A unit owner may receive one subsidy per the state's fiscal year. An association may receive one subsidy per fiscal year against each unit.