

THE NOBLE PARK HOMEOWNERS ASSOCIATION
POLICY REGARDING DISPUTE RESOLUTION
Effective Date: June 9, 2026

Purpose: This policy establishes procedures for resolving disputes between the Association and unit owners through negotiation and mediation before filing a lawsuit.

1. Dispute Resolution Procedures

A. Written Notice of a Claim

Before filing a legal action, the person making the claim ("Claimant") must provide written notice to the other party ("Respondent"). The notice must clearly state:

1. The nature of the dispute and the people involved;
2. The legal or contractual basis for the claim; and
3. The specific remedy or outcome being requested.

B. Good Faith Negotiation

After receiving the notice, the Respondent must acknowledge receipt in writing. The parties must then make a reasonable effort to meet and try to resolve the dispute through good faith discussions. This may include inspecting property related to the dispute. Either party may have attorneys or consultants assist them or attend meetings.

C. Mediation

If the dispute is not resolved within sixty (60) days after the claim is submitted, the Claimant has an additional sixty (60) days to submit the dispute to mediation. If the parties cannot agree on a mediator, either party may ask the District Court of Boulder County to appoint one.

D. Failure to Pursue Mediation

If the Claimant does not submit the dispute to mediation within the required time, or fails to attend the mediation, the claim will be considered waived. The Respondent will then be released from liability for that claim. This provision applies only to the Claimant involved and does not affect claims by other persons.

E. Resolution Agreement

If mediation results in a settlement, the agreement must be put in writing and signed by the parties. The written settlement will be called the "Resolution Agreement." If mediation ends without resolution, the mediator will issue a written statement confirming that the parties reached an impasse.

F. Costs of Mediation

Unless the parties agree otherwise:

- Each party is responsible for its own attorney's fees and related costs; and
- The mediator's fees will be shared equally.

G. Court Action After Mediation

If mediation does not resolve the dispute, the Claimant may file a lawsuit in a court with jurisdiction in Boulder County.

H. Attorney's Fees and Costs

In any legal action, the substantially prevailing party will be entitled to recover reasonable attorney's fees and costs.

2. Exclusions

A. Actions by the Association to collect assessments or other charges required under the governing documents;

B. Actions by the Association seeking temporary restraining orders, injunctions, or other emergency court relief to prevent immediate harm to persons or property;

C. Disputes solely between unit owners that do not involve the Association and are unrelated to the governing documents;

D. Any action involving necessary parties who are not:

- the Association,
- its officers, directors, or committee members, or
- persons subject to the Association's governing documents;

E. Actions to enforce a settlement agreement reached under this policy.

3. Judicial Enforcement

A. A Resolution Agreement reached through mediation may be submitted to a court for approval or enforcement.

B. Either party may end the mediation process at any time without prejudice.

C. If either party violates a Resolution Agreement, the other party may ask the court to enforce it without repeating the mediation procedures in this policy. The party enforcing the agreement may recover reasonable attorney's fees, court costs, and other related expenses.

4. Statute of Limitations

A Claimant is not required to follow the procedures in this policy if doing so would cause the claim to expire under an applicable statute of limitations or statute of repose. No claim may be brought after the legal deadline established by applicable law.

5. Relationship to the Enforcement Policy

This policy does not replace or override the Association's Enforcement Policy. The Association is not required to follow the procedures in this policy before:

- beginning an enforcement action,
- imposing fines, or
- taking other actions authorized under the Declaration of Covenants, Conditions, and Restrictions of the Noble Park Subdivision.

The Noble Park Homeowners Association



President

This Policy Regarding Conduct of Meetings was adopted by the Board of Directors on the 9th day of June, 2026, and is attested to by the Secretary of The Noble Park Homeowners Association.

The Noble Park Homeowners Association

By: 

Secretary