

Franklin Park West (FPW) Homeowners Community  
Policy and Procedures  
Dispute Resolution Between Owners or Residents and HOA

The purpose of this policy is to establish a standard procedure to be followed for addressing disputes when they arise between an Owner and the FPW HOA Board of Directors, and disputes between unit owners.

In the event of disputes involving the FPW Board of Directors and an Owner, or disputes between individual Owners, that do not involve imminent threat to the peace, health, or safety of the community, the FPW HOA Board and the Owner(s) involved, will work to resolve the dispute using the procedures set forth below, prior to filing a complaint in court or initiating a legal proceeding. For each of the resolution processes, Colorado law governs the process and the parties do not waive their right to employ legal counsel at their own expense to assist them. As with all problems involving the HOA, Owners or residents are encouraged to first meet informally with the Board to resolve the dispute.

### **Procedures for Resolving Disputes**

1. **The Written Request of Resolution Letter.** The "Initiating Party" (Owner or FPW HOA) wishing to resolve a dispute will provide the other with a written request for Resolution. The written request must state the nature of the dispute, including the date, time, location, persons involved and the other party's role in the dispute. It should further state what outcome of the dispute the Initiating Party would like to do or not do to resolve the dispute. Further the written request should include times and dates the Initiating Party is available to discuss in good faith ways to resolve the dispute.
2. **Negotiations.** The parties are encouraged to make reasonable efforts to communicate directly with each other in an attempt to reach an agreement that serves the interests of all parties prior to initiating any further procedures.
3. **Mediation.** Unless otherwise agreed, if the parties in dispute do not resolve the dispute within 20 business days of the date of receipt of the "Request of Resolution Letter, the parties will begin efforts to schedule a mediation session with a trained, neutral mediator to assist them in reaching their own solution. The parties shall meet with a third-party mediator within 60 days of the date of receipt of the written request letter. The choice of mediator must be agreed on by both parties. The mediator will facilitate the process but will not make decisions for the parties. The cost of mediation will be shared equally by both parties unless it is agreed on otherwise. At the conclusion of the mediation, the mediator will provide both parties with an Arbitration Award including findings of fact and conclusion and will

provide them with documentation that mediation occurred, the times and dates and who attended.

4. **Failure to comply with Agreement or Award.** If a party who was named in an Agreement or Award, fails to abide by the terms of agreement or award, the other party may initiate legal proceedings to enforce the agreement or award without need to comply with the provisions of this Policy. Additionally, the party taking action to enforce the agreement or award shall, if that part prevails, be entitled to recover from the non-complying party all costs incurred in enforcing the agreement or award, including without limitation, attorney fees and costs.
5. **Exceptions** to this policy. The exceptions are: 1) Collection of assessments, 2) Enforcement of Condominium Declarations, Bylaws, Rules & Regulations and Polices, 3) statute of limitations as applicable by State and County laws.

Nothing in this policy should be construed to "require" alternative resolution procedures. Neither the FPW nor owners and residents waive any right to pursue legal or other remedial actions.

FPW HOA Board of Directors Certification

Approved and adopted by the Franklin Park West HOA Board of Directors

President Mary K. [Signature] date 2-28-2024  
Vice President [Signature] date 2-28-24  
Secretary Jessie [Signature] date 2/28/24  
Member at Large William [Signature] date 2/28/24