

NOBLE PARK HOMEOWNERS ASSOCIATION
RULES & REGULATIONS

**AS AUTHORIZED BY THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS AND
APPROVED BY THE BOARD OF DIRECTORS ON JANUARY 4, 2001 AND
APPROVED BY THE NOBLE PARK HOMEOWNERS ON FEBRUARY 5, 2001**

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INTRODUCTION

These Rules and Regulations of the NPHOA were established under the “Rules and Regulations” clause (Covenants Article 1:21) and approved by a majority vote of the Board of Directors of the Noble Park Homeowners Association on January 4, 2001 and a more than two-thirds majority vote of the Homeowners on February 5, 2001.

These Rules and Regulations were established and approved in order to; (1) assure the orderly transaction of NPHOA business according to the controlling laws and instruments and (2) provide for the consistent application of the NPHOA management function with the transition of new Board of Directors’ and Committee members over the forthcoming years.

Nothing herein shall conflict with the controlling laws and instruments that stand written on the above date of approval. If a conflict occurs, the controlling law or instrument of highest legal standing shall govern.

The controlling laws and instruments of the Noble Park Homeowners Association follow in order of legal standing (Covenants, Article 4.3; By-laws 1.4):

- (1) State, County, and City Civil Law,
- (2) The Colorado Non-Profit Corporation Act,
- (3) The Declaration of Covenants, Conditions, and Restrictions (Covenants),
- (4) The Article of Incorporation (Articles) as filed with the Secretary of State,
- (5) The Bylaws of the Noble Park Homeowners Association (By-laws), and
- (6) The Rules and Regulations of the Noble Park Homeowners Association.

All property owners, by title, have assented to the Covenants and governance by the Noble Park Homeowners Association (Covenants, Article 2.3, 4.1, 15.2).

The Noble Park Homeowners Association members, the Board of Directors and all Committee members shall abide by the rules of governance as set forth in the laws and instruments above.

Should any governing body of the Noble Park Homeowners Association act outside the authority of these laws and instruments, those actions shall be deemed null and void.

DEFINITIONS

Articles	The "Articles of Incorporation of the Noble Park Homeowners Association", signed and notarized April 23, 1990 and approved by Secretary of State of Colorado on April 25, 1990.
Annual Meeting	The homeowners shall assemble annually to hear the reports of the BOD and committees and vote on matters properly coming before the body for review. It is the duty of the President to call the regularly scheduled annual meeting of the NPHOA within 90 days of the close of the NPHOA fiscal yearend (By-laws, Article 4.2). Fiscal yearend is currently established as December 31 st .
BOD or Board	Board of Directors of the Noble Park Homeowners Association as described in the Covenants, Article one.
Business Day	A business day shall be defined as any day, or part thereof, including Saturday, in which the U.S. Post Office is open for business.
By-laws	The Bylaws of the Noble Park Homeowners Association as signed and approved on April 25, 1990.
BRC	City of Boulder Revised Code of 1981.
Covenants	The "Declaration of Covenants, Conditions, and Restrictions of the Noble Park Subdivision", William A. Love, 1991 as signed on 1/4/91 and filed on 1/7/91 ay 2:49 PM in the Real Estate Records of the Boulder County Recorder's Office as Record Number 1082113. Amended on 1/11/91 at 1:46 PM, Record Number 01083153. Covenants for this planned development are required by the City of Boulder. Also "Declaration".
DRC	The Design Review Committee (DRC), (Covenants Article 6) has authority over the initial improvements made to the vacant lots of Noble Park. This committee was composed of the original plan developers and reports to the BOD (Covenants, Article 6.10, 6.17). Its authority was properly ceded to the MRC after the Noble Park plan was completed.
Homeowner	Also "Owner" in the Covenants, Article one. A property owner within the Noble Park neighborhood whose name appears on the property deed. If more than one name appears on the deed than all listed names are members of the NPHOA. Any name listed on the deed may act on behalf of the property, but only one vote shall be allowed for each property.
Member	All property owners within the Noble Park neighborhood whose names appear on the property deed are members of the NPHOA Covenants, Article 4.4). Any name listed on the deed may act on behalf of the property, but only one vote shall be allowed for each property (Covenants, Article 4.5).
MRC	The Modification Review Committee (covenants, Articles 1.17, 6.1) was created after the plan developers' DRC ceded its authority when Noble Park was completed. It has authority over changes, modification, expansions, additions, or alterations to existing structures within Noble Park in order to insure and maintain the quality and architectural harmony of the properties. This committee is composed of homeowners within Noble Park and reports to the BOD (Covenants, Article 6.10). When the MRC is not in session the BOD has its authority.
Neighborhood	The Noble Park Subdivision
NPHOA	The Noble Park Homeowners Association (NPHOA). Also the "Association" as in Article One of the Covenants.
Property	Meaning a property lot of fee simple record residing within the Noble Park Subdivision. Property includes easements and sidewalks, but does not include the street or common areas.
Rules & Regulations	The Rules and Regulations adopted by the BOD from time to time (Covenants, Article 1.21) for the day-to-day operation of the Association. Rules and Regulations are not the Covenants or By-laws. See controlling laws and instruments in the Introduction section.

Mission

The Board of Directors (BOD) shall encourage a sense of community and seek to preserve the quality of our neighborhood as it fulfills its responsibility to “govern the residential community home owners association situated in the Noble Park Subdivision” (By-laws, Article 1.2) and “direct the business of the Noble Park Homeowners Association” (Covenants, Article 4.2).

Composition

The number of BOD members shall not be limited (By-laws 5.2). Once elected by the Homeowners the BOD shall elect by vote its officers consisting of a President, a Vice-President, a Secretary, and a Treasurer or a combined Secretary/Treasurer position (By-laws, Articles 8.1 and 8.8). All BOD members must be homeowners within the NPHOA and each shall have equal voting authority (By-laws 5.2).

Election, Appointment and Tenure

BOD members shall be elected at large during the annual meeting. BOD members serve for term of three years (By-laws 5.2) or until a successor is appointed (By-laws, Article 8.3). Officers of the BOD serve for a period of one year (By-laws 8.3). Successive terms are permitted provided members or officers are appropriately re-elected. Should a vacancy occur, interim members or officers are appointed to complete the vacant term by a simple majority of the BOD (By-laws, Article 5.6). Duties of officers are listed in By-laws, page 10, Section 8.8).

Meetings

The BOD shall meet at least once per quarter with seven days prior notice (By-laws, Article 6.1). Other meetings may be held as often as necessary and may be called by the President or by any two BOD members with at least three days prior notice to each BOD member (By-laws, Article 6.2). The BOD shall record and maintain minutes of all meetings.

Meeting Quorum

A proper quorum composed of a simple majority of the BOD members is required to hold a BOD meeting (By-laws, Article 6.4). The quorum is counted to include only those members physically present. A Director is not entitled to vote by proxy at any meeting of the BOD (By-laws, Article 6.5).

Voting

All matters brought before the BOD requiring action are subject to vote. In accordance with Parliamentary Procedure, the President shall not vote except to break a tie. A simple majority is required to win the vote for BOD approval. All votes shall be a matter of public record, and conducted at proper BOD meetings. Proxy voting shall not be permitted.

Powers and Duties

Only the BOD is empowered to transact the business of the NPHOA. The Powers and Duties of the BOD are enumerated in the By-laws, (mainly Articles 7.1, 7.2, 8.8, 9). No individual BOD officer or member has the authority to act on behalf of the NPHOA. NPHOA may only act and/or be obligated by a proper majority vote of the BOD. Once voted and approved, all BOD members must support the successful motion or tender a resignation.

Dismissal

A BOD member may be dismissed for acting beyond their authority or acting without majority approval by proper BOD vote. Dismissal is by vote requiring the approval of at least two-thirds (2/3) of the BOD member present excluding the member in question.

Committees

The Design Review Committee, Modifications Review Committee, and Nominations Committee are required by the Covenants and the Bylaws of the NPHOA. *The Design Review Committee was composed of the original developers' group and has been formally closed.* The BOD assumes these roles whenever a required committee cannot be filled. The BOD is empowered to form “other committees” and appoint committee members as required to facilitate its business. All committees shall report directly to the BOD. It is desirable that at least one BOD member be a member of any standing committees in order to facilitate communications between the two groups.

CONTROLLING BODIES - MODIFICATIONS REVIEW COMMITTEE

Mission

The Modifications Review Committee (MRC) shall review and approve or disapprove all modifications, additions, alternations, and expansions to or on any portions of property to insure and maintain the quality and architectural harmony of the neighborhood (Covenants, Article 1.17). The committee shall encourage a sense of community and neighborliness as it performs of its duties.

Authority

The homeowners Modifications Review Committee (MRC) has the authority of the plan developers Design Review Committee (DRC) that was disbanded in accordance with the Covenants. Whenever the MRC cannot be filled due to lack of volunteers, their responsibilities are ceded to the BOD who has authority over the committee (Covenants, Article 6.10, 6.17). No exterior improvement to property (Covenants, Article 6.2, 6.5) may be made without the approval of the MRC/BOD (Covenants, Article 6.1, 6.5).

Responsibilities

- Serve the neighborhood as a whole,
- Act as resource to homeowners regarding modification issues,
- Communicate requirement, purpose and scope of modification review to neighborhood,
- Be thoroughly familiar with the covenants in order to assist homeowners with questions,
- Be accessible to homeowners for questions regarding property modification, and
- Respond quickly to requests.

Duties

1. Address all NPHOA and homeowner property modification issues,
2. Gather facts and review alleged covenant violations,
3. Report all issues and their resolutions in writing to the BOD within 30 days of submittal of proper requests or violations (Covenants, Article 6.9),
4. Observe confidentiality regarding individual names where issues are under review,
5. Follow proper criteria for granting approval (Covenants, Article 6.5, 6.7),
6. Recommend clarifications or changes of covenants to the BOD regarding “design” issues.

Composition

The MRC shall be composed of a Chairperson and at least two members (Covenant, Article 6.3, 6.25). Members of the Committee need not be members of the NPHOA (Covenants, Article 6.3). It is desirable that at least one member be a BOD member to facilitate communications between the two groups.

Appointment and Tenure

Committee members shall be appointed by the BOD and may serve until resignation or removal by the BOD (Covenants, Article 6.3). The committee may, in writing, delegate its powers to the BOD (Covenants, Article, 6.6) in which case the BOD shall acquire the responsibilities and duties of this committee.

Meetings, Quorum

Meetings are to be held as often as necessary (Covenants, Article 6.20). Meetings are called by either the Committee chairperson or by any two Committee members. A meeting may only be held when a quorum of at least 50% of the members are physically present. Parliamentary procedure shall govern all proceedings. The Chairperson shall not vote except to break a tie. Proxy voting shall not be permitted.

Mission

The Nominations Committee shall encourage a sense of community and seek to preserve the quality of our neighborhood in the performance of its duties.

Responsibilities

- Serve the neighborhood as a whole,
- Communicate any nomination and voting procedural issues to the neighborhood,
- Act as resource to homeowners regarding upcoming nominations and voting procedures,
- Be accessible to homeowners for questions regarding nomination and voting procedures,
- Be thoroughly familiar with nomination and voting procedures in order to assist homeowners with questions, and
- Respond quickly to requests for information.

Duties

1. Meet with the BOD or designated representative to ascertain the number and nature of positions to be filled,
2. Solicit candidates for the open positions, Report alleged covenant violations to the BOD for action,
3. Recommend candidates for the upcoming ballot to the BOD.
4. Complete the above tasks in a proper and a timely manner.

Composition

The Nominations Committee shall be composed of a Chairperson, who is a member of the BOD, and three members (By-laws 5.3). Members of the Committee need not be members of the NPHOA (Covenants, Article 6.3). It is desirable that at least one member be a BOD member to facilitate communications between the two groups.

Appointment and Tenure

Committee members shall be appointed by the BOD and may serve until resignation or removal by the BOD.

Meetings, Quorum

Meetings are to be held as often as necessary. Meetings are called by either the Committee chairperson or by any two Committee members. A meeting may only be held when a quorum of at least 50% of the members are physically present. Parliamentary procedure shall govern all proceedings. The Chairperson shall not vote except to break a tie. Proxy voting shall not be permitted.

Mission

"Other" Committees shall encourage a sense of community and seek to preserve the quality of our neighborhood in the performance of its duties. The BOD may establish committees, as appropriate, in order to facilitate the accomplishment of duties of the NPHOA.

Responsibilities

- Serve the neighborhood as a whole,
- Communicate to the BOD on a regular basis,
- Act as resource to the BOD,
- Be accessible to homeowners,
- Respond quickly to requests for information.

Duties

1. Meet with the BOD or designated representative to ascertain the purpose and mission of the committee,
2. Fulfill the mandate provided by the BOD,
3. Act and/or make recommendations to the BOD as requested, and
4. Complete the above tasks in a proper and a timely manner.

Composition

All "other" Committees shall be composed of a Chairperson and an appropriate number of members. Members of the Committee need not be members of the NPHOA (Covenants, Page 19, Article 6.3). It is desirable that at least one member be a BOD member to facilitate communications between the two groups.

Appointment and Tenure

Committee members shall be appointed by the BOD and may serve until resignation or removal by the BOD.

Meetings, Quorum

Meetings are to be held as often as necessary. Meetings are called by either the Committee chairperson or by any two Committee members. A meeting may only be held when a 50% quorum of the members is physically present. Parliamentary procedure shall govern all proceedings. The Chairperson shall not vote except to break a tie. Proxy voting shall not be permitted.

Mission

The Homeowners are asked to encourage a sense of community and seek to preserve the quality of our neighborhood, thus contributing to the quiet enjoyment of property (Covenants, Article 1.19).

Responsibilities

- Abide by the controlling laws and instruments to which the NPHOA is subject.
- Promptly pay your NPHOA dues.
- Attend the NPHOA homeowners' meeting held annually within 90 days of the fiscal yearend, which is before March 31st of each year. (By-laws, Article 4.2)
- Consider serving on either the Board of Directors or a designated committee at least once every ten years.
- Bring issues of community concern to the attention of the NPHOA and BOD.
- Any aggrieved homeowner shall have "right of action" against any homeowner's failure to comply with the NPHOA covenants (Covenants, Article 15.1).

Duties

The duty of each homeowner is to honor the legally binding contract entered into with the NPHOA at the time that each property was purchased. No property within the Noble Park subdivision may be sold or transferred without this agreement (per the City of Boulder) and no property may be transferred or sold without the acknowledgement of the NPHOA that all assessments have been properly paid (Covenants, Article 2.2, Page 6).

Membership

A Homeowner is the record owner of the fee simple title of any lot which is a part of the Noble Park Subdivision whether one or more persons. As such, each homeowner is a member of the Noble Park Homeowners Association. When more than one homeowner is listed a record owner, only one vote may be cast per property lot.

Meetings, Quorum

At least one homeowners' meeting with shall be held annually within 90 days of the fiscal year close, which is before March 31st of each year. (By-laws, Article 4.2). However meetings may be held as often as desired or necessary. A homeowners' meeting may only be held when a quorum of at least 20% of the members are present physically or by proxy (By-laws, Article 4.5). Additionally homeowners are always invited to attend any NPHOA Board of Directors meeting or committee meeting. Also see page 13, "Annual Homeowner Meetings".

RULES & REGULATIONS - NEIGHBORHOOD COMPLAINTS (ISSUES)

Objective:

Provide Homeowners with a means of redress that can be consistently applied for issues involving an alleged breach of NPHOA Covenants, By-laws, and Rules & Regulations.

Guidelines:

- The BOD will only act on complaints that it deems to be a violation of the NPHOA “Covenants”, “By-laws”, or “Rules & Regulations”.
- The BOD will act only after receiving a written complaint signed by a Homeowner.
- The BOD will act only after a Homeowner has first attempted to resolve the situation.
- All homeowner issues accepted by the BOD for action will be sequentially numbered and documented in an “Issues Control Book” maintained by the Secretary.

Procedures:

1. After exhausting the above guidelines, complaints may be addressed to the NPHOA BOD at the following address:

Noble Park Homeowners Association
The Board of Directors
3218 Noble Court
Boulder, CO 80301
2. At the first BOD meeting following the receipt of a signed, written complaint, the BOD shall vote whether to accept the issue for BOD resolution.
3. If the BOD accepts the issue, it is documented by the Secretary and assigned a sequential number and title.
4. The Issue Control sheet and all related documents are filed in the “Issue Control Book maintained by the Secretary.
5. Open issues are reviewed at each BOD meeting.
6. The status of accepted NPHOA issues is marked as either “open”, “closed” or “tabled until annual homeowners meeting”. The BOD will make a reasonable effort to keep the involved homeowners informed.

RULES & REGULATIONS - WORK PERFORMED FOR THE NPHOA

Objective:

To protect the Homeowners of the NPHOA from liability resulting from damage or injury to persons or property as a result of planned work performed for the NPHOA.

Procedures:

- The BOD must secure proof of Workers Compensation and General Liability insurance from all contractors performing work for the NPHOA.
- Whenever volunteer assistance is accepted, the BOD must secure a “Waiver for Volunteer Work”. See form included as Exhibit H.
- The BOD Secretary must retain all contractors’ proof of insurance and Volunteer Waiver Forms.

PARLIAMENTARY PROCEDURE

All NPHOA meetings will strictly adhere to Parliamentary Procedure. Some of the more important principles of Parliamentary Procedure are:

1. Follow the prescribed Order of Business.
2. Only one main subject may be brought up for discussion at a time.
3. Only one member speaks at a time.
4. Whoever is speaking must speak to the whole group.
5. Discussion of a subject prior to vote may not be abridged.
6. All members are equal. All have the same right of discussion. All have the same vote.
7. Once a majority of the members have decided by vote, everyone must support the issue.

MEETING AGENDA

All NPHOA meetings will adhere to the following prescribed Order of Business.

- Call to Order
- Establish Quorum
- Approval of Prior Meeting's Minutes
- Treasurer's Report
- Old Business (Excluding Neighborhood Complaint Issues)
- Review of Neighborhood Complaint Issues
- New Business
- Set Next Meeting
- Adjourn

DURATION OF BOD MEETINGS

As a courtesy to all volunteer BOD members, the President shall strongly endeavor to keep all BOD meetings on track, "to the point" and two (2) hours or less in duration.

DISPOSITION OF BOD MINUTES

1. A copy of the BOD minutes is typed and delivered to each BOD member for review and changes.
2. After review, and revision if necessary, the final BOD minutes are sent to all homeowners who request a copy.
3. The minutes of each prior BOD meeting are reviewed and signed by each BOD member who was present at the documented meeting. Minutes are permanently retained in the official NPHOA BOD Minute Book. All BOD meeting minutes since the inception of the NPHOA are retained.

RULES & REGULATIONS - ANNUAL HOMEOWNER MEETINGS

DATE OF ANNUAL HOMEOWNERS MEETING:

The annual meeting of the Noble Park Homeowners Association shall take place during the first 90 days of each calendar year. Every effort will be made to hold the meeting at 7PM on the same day each year. (By-laws, Article 4.2).

QUORUM:

In order to hold a meeting of the NPHOA, the presence or proxies (Exhibit H) of at least 20% of the members entitled to vote is required (By-laws, Article 4.5).

SUGGESTED ANNUAL MEETING AGENDA:

- Call to Order and Establish Quorum
- Approval of Prior Annual Meeting's Minutes
- Treasurer's Report
 - Cash Report
 - Budget Report of Prior Year
 - Approval of New Budget
- Election Of BOD Members
- Old Business & Review of Neighborhood Issues
- New Business
- Open Floor to Homeowners
- Adjourn

PARLIAMENTARY PROCEDURE:

All NPHOA meetings will adhere to Parliamentary Procedure. Some of the more important principles of Parliamentary Procedure are:

1. Follow the prescribed Order of Business.
2. Only one main subject may be brought up for discussion at a time.
3. Only one member speaks at a time.
4. Whoever is speaking must speak to the whole group.
5. Discussion of a subject prior to vote may not be abridged.
6. All members are equal. All have the same right of discussion. All have the same vote.
7. Once a majority of the members have decided by vote, everyone must support the issue.

DURATION OF BOD MEETINGS:

As a courtesy to homeowners, the BOD shall endeavor to keep the annual homeowners' meetings on track, short, and "to the point" with a duration of two (2) hours or less.

DISPOSITION OF BOD MINUTES:

1. A copy of the annual homeowners meeting minutes is sent to each BOD member for review and correction, if necessary.
2. After revisions are made as requested, the final minutes are sent to each BOD member and any homeowner who requests a copy.
3. The minutes of each prior annual homeowners meeting are reviewed and signed by each BOD member who was present at the documented meeting. All meeting minutes of the NPHOA BOD and Homeowners since inception are permanently retained in the official NPHOA Minutes Book.

RULES & REGULATIONS - ANNUAL BUDGET AND DUES ASSESSMENT

Objective:

The annual dues assessment is established to provide for the upkeep, health, safety and welfare of the NPHOA residents and properties. Such purposes shall include, but not be limited to, the improvement, repair and maintenance of common property, perimeter fence, signs, traffic islands, insurances, taxes, etc. (Covenants, Articles 5.2).

Procedures:

1. It is a required duty of the BOD to establish the annual budget, set and levy the appropriate dues assessment in a uniform manner (By-laws, 7.2c; Covenants, Article 5.7).
2. The BOD should notify homeowners at least 60 days [November 1st] prior to the end of the fiscal year [December 31st] (Covenants, Article 5.3d, 5.9c). Mailed notification meets the requirements for legal notice.
3. It is a required duty of the BOD to collect all assessments (By-laws, 7.2d).
4. The BOD may increase the assessment up to the maximum assessment without approval of the membership. The maximum assessment that may be levied by the BOD is the original first year (1991) assessment plus 10% for each successive year.
5. The assessment may be increased above the maximum assessment only with the assenting vote of 2/3 of the homeowner membership (Covenants, Page 14, Article 5.4d and 5.6).
6. Special assessments are permitted, but must be approved by vote of 2/3 of the homeowner membership (Covenants, Article 5.5 and Article 4.8b).
7. The annual dues assessment payment is considered late if it is postmarked after December 31st.
8. After a grace period of one month (e.g. on January 31st), a late payment fine is levied for \$25.00 plus 1% per month on the assessed amount compounded annually is due until payment in full is rendered. (See Covenants, Page 13, Article 5.3b and BOD Minutes of 4/26/99).
9. It is a required duty of the BOD to record and foreclose a lien against any lot for which assessments are not paid on time (By-laws, 7.2e).
10. Authority to lien property for failure to pay an annual assessment is consented to by each homeowner in the Covenants (Covenants, Article 5.2, 5.9).
11. The BOD Treasurer will keep the record of assessment payments.

Objective:

Waiver of covenants shall be permitted to allow flexibility where compliance with the covenants would create a “practical difficulty” or “unnecessary hardship” (Covenants, Article 6.6) for the homeowner due to extenuating circumstances associated with the initial house design or the initial lot size and location. It is imperative that an orderly procedure be followed so that consistent application of the waiver process is assured.

Policy:

This Waiver of Covenant procedure applies only to the initial lot and house design or to a structure rebuilt due to a catastrophe such as, fire, flood, etc.

Procedures:

1. In order to assure that all requests are treated fairly and in a consistent manner, all waiver requests must use the same format. See Exhibit C, “Request for Covenant Waiver” form.
2. Any homeowner may submit a “Request for Covenant Waiver”.
3. The BOD will exercise great caution and strive for consistency in issuing any Waiver of Covenant.
4. A BOD issued Waiver of Covenants should be an extremely rare occurrence,
5. The BOD is empowered to issue a Waiver of Covenant only in cases where the “initial home or lot design/location” has created a “practical difficulty” or “unnecessary hardship”.
6. All Waiver of Covenants properly approved by the BOD must be recorded in the “Approved Waiver of Covenants” book maintained by the BOD Secretary.

Objective:

From time to time, it may be desirable or necessary to revise or clarify the covenants. The Covenants may only be revised by Amendment with the assent by vote of 2/3's of the homeowners (Covenants, Article 14.2) and approval of the City of Boulder. It is imperative that an orderly procedure be established that permits all sides of each issue to be heard and fairly evaluated.

Procedures:

1. All revision requests must use the same format, the "Request for Covenant Revision" form, in order to assure that all requests are treated fairly and in a consistent manner.
2. The Modifications Review Committee (MRC) will also use the same "Request for Covenant Revision" form and follow these procedures if it should choose to initiate a revision to Covenants.
3. Any homeowner may submit a "Request for Covenant Revision".
4. A homeowner request must be accompanied by a payment of the appropriate fee. The BOD will set the fee such that it is a fair portion of the cost associated with the action in order to defer costs and limit frivolous requests. The balance of the cost, if any, will be paid by the NPHOA.
5. To assure support and also to limit frivolous requests, the form must be co-sponsored and signed by three other homeowners in addition to the requestor.
6. To assure full review, requests must be submitted to the MRC who will comment and submit it to the designated BOD representative within seven (7) days.
7. The BOD representative shall write on the form the meeting date that the request is to be discussed and immediately provide a copy to the requestor with an invitation to attend that BOD meeting.
8. The matter of legal review shall be left to the discretion of the BOD.
9. At the BOD meeting, the BOD shall discuss the request with both the homeowner and the MRC representative(s). After review, the BOD shall vote to submit the request for full homeowner vote, send it back to committee for revision, or reject the request.
10. If a majority of the BOD rejects the request, then the BOD shall explain in writing to the MRC and the requestor.
11. If a majority of the BOD approves the request, then the BOD shall instruct the MRC to poll dissenters and draft a maximum one-page dissent opinion.
12. The MRC shall mail to each homeowner a vote packet consisting of the following; (a) an instruction letter indicating the BOD open meeting date at which the votes are to be opened and counted, (b) a copy of the "Request for Covenant Revision" form, (c) the dissent opinion, and (d) a vote ballot. All votes must be cast and return postmarked within seven (7) business days of the U.S. Post Office postmarked receipt date.
13. After ten (10) business days (the above 7 days plus 3 additional days to allow for possible mail delays), the BOD at an open meeting shall open and count all properly received sealed votes.
14. The BOD shall act as directed by the homeowners, draft and approve the final resolution, and amend the Covenants, if so required.
15. The BOD shall maintain a file folder of the entire action, requests, votes, and final resolution for inspection by any homeowner.
16. If the Covenants are amended, the BOD shall immediately file the appropriate legal documents with the City of Boulder.

Objective

Enforce the NPHOA Covenants and properly established Policies and Procedures in a considerate and neighborly manner such that it supports quality of life, protects property values, and fosters the quiet enjoyment of property for the neighborhood as a whole. Such enforcement shall be consistent with the controlling laws and instruments defined in the "Introduction"; specifically; but not limited to, the Covenants, Articles 5,6,7,8,9 and the Bylaws, Article 11 as they currently stand written and amended.

Operating Directives

- The plan developers' Design Review Committee (DRC), the homeowners Modification Review Committee (MRC) and the Board of Directors (BOD) have the responsibility for enforcement of the Covenants.
- The DRC was disbanded and authority was ceded to the MRC according to Covenants.
- The BOD oversees the DRC and the MRC on all enforcement matters.
- When the MRC is not in session the BOD has the full authority of the MRC.
- The Covenants shall be enforced consistently across time with each new BOD and MRC administration.
- The NPHOA or any aggrieved homeowner shall have "right of action" against any homeowner's failure to comply with the NPHAO covenants (Covenants, Article 15.1).
- The BOD/MRC shall abide by the following Procedures.

Procedures

1. Any homeowner, BOD member, or Committee member may notify the MRC of a possible violation.
2. To assure consistency and fairness, the MRC shall only act after notice is provided in writing.
3. The MRC shall impartially gather factual information regarding the possible NPHOA violation, including a citing of the applicable section of the covenants, and a description of the alleged violation.
4. The MRC shall complete a "Notice of Non-Compliance" (see Exhibit F) and discuss it with the offending homeowner.
5. If this does not resolve the issue within 30 days, the MRC shall send a copy of the report plus a "Demand to Cease and Desist" letter (see Exhibit G) to the involved homeowner(s) and the BOD (By-laws 11a).
6. If the violation continues, the MRC shall set a hearing date (By-laws 11c). Prior to the date of the hearing, the homeowner may respond with a proposed corrective action and a proposed deadline for compliance. If accepted by the MRC, the issue will be dropped upon satisfactory compliance.
7. Upon satisfactory compliance, the committee notes the final resolution on the appropriate form and remits it to the BOD for filing. The MRC shall respectfully thank the homeowner in writing for complying.

8. If no compliance response from the homeowner is received or if problems with the response cannot be resolved, then the designated hearing is held as indicated.
9. At the hearing, the MRC shall review the issue; hear from the homeowner and the BOD (should either choose to attend). Following discussion, the Committee shall vote to uphold the final action, initiate waiving the covenant (see section, "Waiver of Covenants"), or dismiss it (only if properly deemed not to be a violation).
10. Should the homeowner disagree with the hearing results, the homeowner may appeal to the BOD. The homeowner must appeal in writing clearly stating why the MRC decision is in error and support that position with references to the applicable laws and instruments. This step provides each homeowner with a direct appeal to the BOD over the Committee (Covenants, Article 6.10, 6.17).
11. If the homeowner is not satisfied with both the Committee and the BOD results, the homeowner may take the issue to the homeowners at large by properly submitting a "Request for Covenant Revision" (see Exhibit C). This submittal must follow the procedures outlined in the "Revisions to Covenants" section of this manual.
12. During this period the homeowner and Committee agree to "standstill" until the homeowners resolve the issue by community vote as outlined in the section "Revision to Covenants".
13. If the homeowners vote to refuse the "Request for Covenant Revision", then the Committee and the BOD shall uphold the action and the following steps must be taken;
 - (a) Notify the homeowner that the violation is upheld and reiterate the specific remedy required for compliance.
 - (b) Give the homeowner up to a 30-day grace period for that compliance.
 - (c) After that, the BOD may do any or all of the following (Covenants, Page 23, Article 6.18);
 - Record a "Notice of Non-Compliance" [Exhibit F] against the property with the Boulder County Recorder office,
 - Remove the non-complying improvement or otherwise remedy it assessing the homeowner for the any costs incurred,
 - Levy a fine against the owner of such property (Covenants, Article 5.3b; By-laws 7.2i, 7.2j),
 - Levy a individual assessment against the owner of such property (Covenants, Article 5.3d, 5.9e; By-laws 7.2i, 7.2j),
 - Place a lien against the property (Covenant, Article 5.1; By-laws 7.2e, 7.2i)
 - Initiate any rights, or remedy by civil law, equity, or Covenant, and/or
 - Suspend the voting rights of the homeowner in violation (By-laws 7.1f).
 - (d) Notify all homeowners of the nature of the violation, the process, and the penalty (without giving names), so that other homeowners do not assume that the action is approved and inadvertently make the same mistake.

RULES & REGULATIONS - STRUCTURE ADDITIONS & MODIFICATIONS

Objective: Promote architectural consistency, quality, and harmony of Noble Park by regulating structure additions and modifications according to the Covenants.

Policy:

- All structure additions and modifications of NPHOA properties must be approved by the NPHOA Modifications Committee (MRC) prior to initiating any work. (Covenants, sections 6.2, 6.4)
- The NPHOA Board of Directors automatically assumes the role of the MRC when the MRC is not in session.
- Structure additions and modifications are referenced in, but not limited to, Covenants, section 6.
- All structure additions and modifications must comply with all appropriate Building Codes and Building Permit Regulations.
- City of Boulder Building Code is available at the City of Boulder Building Services office. Some of the Building Permit Regulations may be found at the City of Boulder website, (URL: <http://www.ci.boulder.co.us/buildingservices/>).

Procedures:

1. Property owners must submit a project plan to the MRC prior to initiating any work. Also see “Enforcement of Covenants”.
2. The MRC reviews the plans and communicates acceptance or rejection to the homeowner.
3. Each MRC communication must be handled within 30 days or the last submission is deemed to be approved by default.
4. Once the MRC grants approval (generally within 30 days of submission) the property owner submits a Building Permit Application to the City of Boulder. The property owner may not initiate work without a valid Building Permit.
5. If the approved improvement is not completed within one year, the MRC shall withdraw its approval.
6. The property owner notifies the MRC upon completion of the improvement.
7. The MRC shall inspect the improvement within 60 days or right of inspection is forfeited.
8. Improvements, or portions thereof, that do not conform to the approved plan will be formally disapproved in writing to the homeowner. The property owner has 30 days to correct the non-compliance. Failure to correct the problem may result in formal action and/or property lien. (Covenants, section 6.18-23)

Objective:

The NPHOA strongly encourages homeowners to adhere to the Covenants regarding painting of structures within the NPHOA neighborhood. In deciding to move into Noble Park, each homeowner deliberately chose to accept the protection afforded by the Covenants. Accordingly, the following procedures are established to protect the contracted wishes of the homeowners at large.

Paint Selection:

- **APPROVED COLORS** – Only flat paint from the Kelly-Moore Southwestern paint pallet. The pallet is available at any store selling Kelly-Moore paints.
- **ALTERNATE COLORS** – Certain other closely related flat shades might be approved if they were the original paint color applied by the builder. If you have selected a color that is not on the Kelly-Moore Southwestern paint pallet be sure to allow extra time for the longer approval process.
- **WARNING** – Do not select colors based on other houses in the neighborhood. Certain colors are unapproved and in violation of the covenants. These are in the process of being corrected. Dark colors (Riviera, Wood Moss, Saddle Brown, Teton Blue, Mallard Green, Oxford Brown, Sequoia Redwood, Charcoal Gray, and Carbon Black) are for trim only.

Procedures:

- If you are repainting your house and trim with the exact same “approved” Kelly-Moore Southwestern pallet flat paint color as is currently on your house or it is the original flat paint color applied by the “contractor” of your house, then no further approval is required. You may repaint at any time without MRC/BOD approval.
- If you are attempting to repaint with a color other than the above or are changing any color in any manner, you must do the following:
 - Complete the “NPHOA Exterior Paint Approval Form” and return the original with appropriate paint chips to any BOD member. Keep a copy for your records. The form is available from any BOD member or you may copy it from Exhibit F in this booklet. (Covenants Page 19, Article 6.2)
 - At the next regularly scheduled MRC/BOD meeting after reviewing your properly completed “NPHOA Exterior Paint Approval Form”, the MRC/BOD will discuss it and vote.
 - After the vote, you will be given a letter of approval or disapproval. Closely matching color schemes are more easily approved. Expect delays and/or disapproval if your selected color deviates from existing standards.
 - If approved, you may proceed to paint your house according to your submitted and approved “NPHOA Exterior Paint Approval Form”.
 - If disapproved, you may not paint your house as indicated on your “NPHOA Exterior Paint Approval Form”. You may resubmit another form after correcting any discrepancies noted by the MRC/BOD.
 - You may not begin painting your house without the written approval of the MRC/BOD.

Remedies:

- If your color scheme has been disapproved or the MRC/BOD is uncomfortable with a paint scheme because it they consider it to be non-conforming, any or all of the following remedial actions may be required by the MRC/BOD to facilitate closure.
 - A sample section painted on the house at least 2’x3’ including trim.
 - Approval of adjacent property owners specified by the MRC/BOD, generally the four homeowners facing each exterior wall of the house to be painted.

Non-Compliance:

If a homeowner chooses not to comply with the covenants, then the contract with both the NPHOA and each neighbor has been violated. As such, either the NPHOA or any individual NPHOA homeowner may sue the homeowner in small claims court in order to have the house repainted. The evidence shall be either the lack of a BOD approval letter, a BOD letter of disapproval, the homeowner’s signature on the lot’s title, and/or other closing papers agreeing to the covenants (as required by the City of Boulder and the title company in order to own a home in Noble Park).

Objective:

To provide a consistent and cohesive neighborhood design environment. Fences and privacy screens are not required by the NPHOA, but they must be built and maintained in compliance with the “Noble Park Landscape Guidelines” of May 20,1993 (see Exhibit K).

Guidelines:

1. Fences should not exceed four (4) feet in height if erected within ten (10) feet of a property line.
2. Fences should be of open design.
3. Fences should begin at least three (3) feet back from the front corner of the house.
4. Fences and privacy screens should be of the “good neighbor” design with pickets facing outward.
5. Fences and privacy screens should not be made of metal or include metal in the design.
6. Privacy screens must be built behind a point three feet forward from the rear corner of a house.
7. Privacy screens may be built to or on property lines.
8. Privacy screens should not exceed six (6) feet in height.
9. Privacy screens should not exceed 25 feet in length.
10. Do not use your neighbors’ fences and privacy screens as a model.

Procedures:

- Comply with the following City of Boulder Revised Codes of 1981: Section 9-3-25 (sight distances), Section 9-3-16 (fences, hedges, and walls), Section 11-1-36 (meters), Chapter 5501, (definitions) and Section 10-5-3 (building permits). See the City of Boulder ‘Fence Code’. This may be obtained from the Internet at www.ci.boulder.co.us/buildingservices/guides/fence.pdf.
- Comply with the Noble Park Fencing guidelines of May 20,1993 and appropriate Covenants.
- The BOD may require you to obtain approval or comments from neighbors, generally any adjacent property that touches your property by even a single point. Their initials, and approvals or comments must then be included with the plan submitted to the MRC/BOD.
- Submit your plans to the MRC/BOD via contact with an individual member or by mailing/delivering them to the NPHOA mailbox at 3218 Noble Court.
- Applicant homeowner’s approval of plans must be secured in written form from the MRC/BOD prior to the commencement of the construction.
- The MRC/BOD’s decision shall be written and made within thirty (30) days. If not approved, reasons therefore shall be stated. If they fail to act or respond within thirty (30) days, the applicant’s request shall be deemed approved. This also applies to the Notice of Completion.
- The applicant may appeal to BOD within ten (10) days of response if the MRC/BOD disapproves or imposes conditions.
- Any Owner may appeal the applicant’s approval in a similar fashion.
- Upon completion, the applicant shall give written Notice of Completion to the MRC/BOD.
- Failure to complete the Improvement within one year, or if work is not in accordance with plans, shall constitute a violation. See “Enforcement of Covenants”.
- The MRC/BOD or an authorized representative shall have the right to inspection up to sixty (60) days after receipt of Notice of Completion.
- A Notice of Noncompliance may result if approval was not obtained, plans weren’t followed, etc. The Notice shall specify the particulars required to remedy the noncompliance. Again, appeal may be made to the BOD.
- See Covenants, 6.18 for Correction of Non-compliance.

Objective:

The purpose of the landscaping and maintenance guidelines is to ensure that NPHOA sustains the current high standard of landscaping for all properties, that all property owners maintain their current landscaping to uniform standards, and that all landscaping meets covenant (see section 7.18) and City of Boulder regulations. The BOD wishes to strike a balance between individuality of any given property and a sense of community cohesiveness.

Today all of the NPHOA houses are landscaped, so the current BOD thrust is maintenance of current landscaping and assuring that landscape improvements meet City of Boulder guidelines.

Procedures:

- Homeowners wishing to improve their landscaping are encouraged to review the following internet web sites:
 - City of Boulder Design and Construction Guidelines
(URL: <http://www.ci.boulder.co.us/buildingservices/dcs/index.htm>)
 - City of Boulder Revised Code
(URL: <http://www.ci.boulder.co.us/cao/brc/title9.html>).
 - Colorado State University Extension Division
(URL: <http://www.colostate.edu/Depts/CoopExt>)
- For additional detail and clarification, see both the Covenants and the “Noble Park Landscaping Guidelines” issued May 20, 1993 (see Exhibit K).
- When major landscaping changes are contemplated, a site plan must be submitted to the MRC before work starts. This plan must consider grading and drainage, amount of green space, easements (both ground based and solar). The site plan should map out the proposed landscaping on a true to scale diagram.
- The MRC will review the landscape plan. The homeowner should allow up to 30 days for this review process. The MRC will consider the plan by reviewing existing landscaping at the proposed location, the landscaping of surrounding homes, and the current City of Boulder landscaping guidelines.
- The MRC will provide an approved landscaping plan to the homeowner and/or suggest changes to bring the proposed plan into compliance with NPHOA covenants and City of Boulder regulations.

Non-Compliance:

If a homeowner chooses not to comply with the covenants, then the contract with both the NPHOA and each of the other neighbors has been violated. As such, either the NPHOA or any individual NPHOA homeowner may file suit against the homeowner in small claims court to enforce the covenants. The evidence shall be either the lack of a BOD approval letter, the BOD letter of disapproval, and/or the homeowner’s signature agreeing to the covenants (as required by the City of Boulder and the title company in order to own a home in Noble Park).

Objective:

Maintain the safety, esthetic appearance and functional purpose of the sidewalks and street curbs as required by the City of Boulder BRC of 1981 and the NPHOA Covenants.

Description:

The City of Boulder code defines sidewalk to include the curb.

"The sidewalk is that part of the street, avenue, or parkway in the city that lies between the property line and the inner edge of the established curb line, located and designated by the city manager. The remaining portion, if any, of the street between the property line and the gutter line or outer edge of the drainage ditch shall be used for park purposes and shall be maintained and may be improved as such by the abutting property owner" (BRC of 1981, section 8-2-2).

Responsibilities:

- City of Boulder BRC of 1981 states that it is the homeowner's duty to maintain their sidewalks and curbs. This includes the repair of cracked sidewalks and curbs (BRC, section 8-2-6).
- The City Manager may dictate from time to time the need for repairs to curbs and sidewalks. See Section 8-2-6 City of Boulder Code
- Concerning snow and ice, the following City of Boulder Ordinance excerpt outlines the homeowner's responsibility.

"No private owner, agent (appointed pursuant to Section 10-3-14), "Local Agent Required," (per B.R.C. 1981), or manager of any property, lessee leasing the entire premises, or adult occupant of a single family dwelling, a duplex, a triplex, or a four-plex shall fail to keep all public sidewalks and walkways abutting the premises such person owns, leases, or occupies clear of snow, ice, and sleet, as provided in this section. Such persons are jointly and severally liable for such responsibility, criminally and administratively. Such persons shall remove any accumulation after any snowfall or snowdrift as promptly as reasonably possible and no later than 12:00 noon of the day following the snowfall or snowdrift. Such persons shall remove the snow from the full width of all sidewalks and walkways, except those with a width exceeding five feet, which must be cleared to a width of at least five feet."

- Overhanging tree branches or other foliage shall be trimmed to provide a canopy clearance of seven (7) feet in accordance with the City of Boulder BRC of 1981.

Objective:

Promote each resident's quiet enjoyment of their property free of undue interference by light, noise, odor, other pollution, unsightly views, or bothersome activity.

Policy:

The governing NPHOA regulations may be found in, but are not limited to, Covenants sections 7.5, 7.6, 7.7, 7.8, 7.9, and 7.16. We strongly urge all homeowners to read sections 7.1 through 7.17 of the Covenants, where most of the topics mentioned in this section are described. In addition, the Boulder City Ordinances that govern noise (5-3-8, 5-6-1), littering (5-4-13c), firearms (5-8) apply to this area.

The following are some common sense standards that contribute to Homeowner Enjoyment.

1. Residents should be considerate of their neighbors and refrain from any unreasonably loud, annoying activity. Music, car horns, motorcycle, or vehicle engine sounds should not only observe City of Boulder noise restrictions, but should be kept at levels which take into account the dense housing of Noble Park (Covenants, page 27, Section 7.6 and 7.7)
2. Unreasonably bright or glaring lights are not permitted (Covenants, page 27, Section 7.7)
3. Dogs should be prevented from habitually barking or howling. Pets should be kept to a reasonable number. Animals may not be boarded (Covenants, Section 7.6 and 7.16).
4. Hazardous activities are not allowed, for example, brandishing firearms, discharging firearms, open fires, use of hazardous chemicals, etc. (Covenants, page 27, Section 7.8).
5. Compost, unsightly equipment, and belongings should be properly contained (Covenants, page 27, Section 7.9).
6. Garbage cans are to be stored in garages until collection day (Covenants, page 26, Section 7.5).
7. Refrigerating, cooling, and heating apparatus should be concealed. Such units should be placed in consideration of your neighbor's decks and porches so as to limit noise.
8. Signs and advertising are generally prohibited with the exception of temporary, reasonably sized "home/garage sale" or "lease signs" (Covenants, page 28, Section 7.11).
9. Solar panels may only be installed in compliance with Covenants section 8.7(b).

Procedures:

Items that must be brought to the attention of the BOD/MRC are:

- Any change, addition, modification, or installation that may limit a neighbor's quiet enjoyment of their property must be approved in writing by the BOD/MRC prior to installation. Some examples are solar power collectors, air-conditioner units, signs, dog runs, animal pens, outside lighting, etc.
- In the unfortunate event of damage or destruction, the owner must mitigate the property so as to present a pleasing appearance as approved in writing by the BOD (Covenants, page 28, Section 7.15).

Objective:

Retain the esthetic appearance, landscaping, and functional purpose of the community's four traffic circles and two outlots as required by the Covenants.

Description:

- The traffic islands are located within Wright Circle, Tesla Circle, Tesla Court, and Noble Court, all within Noble Park (Covenants, page 45, Article 11.1, Paragraph 3).
- The outlots are titled as outlot A and outlot B. Outlot A is the chained fire lane between Kings Ridge Blvd. and Tesla Court. Outlot B is the walkway (sidewalk with adjoining grass strip) between Wright Avenue and Noble Court.
- Description and easements to all common areas are covered in Covenants, Page 6, Article 2.4 and Covenants, page 7, Article 3.3 and 3.4.
- Owners may delegate their rights to enjoyment of common areas to their guests. The owner is responsible for guests adhering to the Covenants, By-Laws, and Rules & Regulations of the NPHOA. (See Covenants, Page 8, Article 3, Paragraph 3.5)

Cost of Repair, Maintenance, and/or Reconstruction:

- The traffic islands and outlots shall be esthetically landscaped to enhance the enjoyment and value of the Noble Park neighborhood and maintained to provide appropriate safety for the community.
- The NPHOA is responsible for the repair and maintenance of the four traffic islands and two outlots including their associated sidewalks and curbs. (Covenants, page 45, Article 11.1, Paragraph 3)
- The BOD is responsible for determining the magnitude and manner of such repair, maintenance, and/or reconstruction. (Covenants, page 46, Article 11.4)
- The NPHOA BOD shall reserve funds for the major repair and maintenance of the four traffic islands such that they are maintained in functionality and appearance. Routine upkeep should be funded within the annual NPHOA budget.
- In the event that repair, maintenance, and/or reconstruction is due to the willful neglect or destruction by an owner or an owner's guest, then the BOD shall charge all costs to the owner by "individual assessment" in accordance with Covenants Article 5.3(c). (See Covenants, page 45, Article 11.1, Paragraph 4)

Objective:

Retain the esthetic appearance and functional purpose of the community perimeter fence as required by the Covenants, Article 3.2.

Description:

- The perimeter fence is located on the north, east, and west sides of Noble Park (Covenants, page 45, Article 11.1, paragraph 2).
- The perimeter fence is a wood post and frame structure approximately 7 feet high and uniform in appearance throughout.
- Description and easements to all common areas are covered in Covenants, Page 6, Article 2.4 and Covenants, page 7, Article 3.3 and 3.4.
- Owners may delegate their rights to enjoyment of common areas to their guests. The owner is responsible for guests adhering to the Covenants, By-Laws, and Rules & Regulations of the NPHOA (Covenants, Page 8, Article 3, Paragraph 3.5).

Repair, Maintenance, and/or Reconstruction:

- The NPHOA is responsible for the repair and maintenance of both sides of the fence. (Covenants, page 45, Article 11.1, paragraph 2)
- The BOD shall assure that the fence is maintained in accordance with the Boulder Revised Code. See the City of Boulder ‘Fence Code’. This may be obtained from the internet, www.ci.boulder.co.us/buildingservices/guides/fence.pdf
- The BOD is responsible for determining the magnitude and manner of such repair, maintenance, and/or reconstruction. (Covenants, page 46, Article 11.4)
- The NPHOA BOD shall reserve funds for the repair and maintenance of the perimeter fence such that it is maintained in functionality and good appearance.
- Routine upkeep should be funded within the annual NPHOA budget.
- In the event that repair, maintenance, and/or reconstruction is due to the willful neglect or destruction by an owner or an owner’s guest, then the BOD shall charge all costs to the owner by “individual assessment”. (Covenants Article 5.3(c), Article 11.1, paragraph 4)
- Per Article 10 of Covenants, the BOD shall maintain an “all-risk” form policy of hazard insurance.
- If the Fence is destroyed, the BOD shall see that repairs are promptly made unless 67% of owners sign a “Declaration Not to Rebuild” within one hundred days of the damage date (Covenants 10.3).

Objective:

The NPHOA desires to promote the continued interest by the City of Boulder Parks and Recreation Department in the maintenance and improvement of Christensen Park. Therefore the BOD encourages all homeowners to;

1. Take an active interest in the Park,
2. Promptly report problems to the City of Boulder, and
3. Lobby for Christensen Park improvements.

Description:

Christensen Park's is a 2.85-acre city-owned park. It includes open grass area, playground, sun shelter, picnic tables, benches, a paved walkway encircling the park, and parking spaces along the street.

Status:

Christensen Park is not part of the common area of NPHOA. The NPHOA has no actual enhanced legal standing in the control or use of the park. However, the City of Boulder is more inclined to defer to the wishes of park neighbors.

Park Rules:

Christensen Park is subject to the same rules as all other City of Boulder Parks. Particular rules of note are:

- Christensen Park is available for general public use.
- Christensen Park is not available for advance reservations.
- All dogs must be kept on a leash.
- Animal owners must remove their animal's feces.

Questions:

Christensen Park's official address is 3100 King's Ridge Boulevard.

- Address general questions, comments, or suggestions regarding Christensen Park to:

The City of Boulder Administrative Office
3198 North Broadway
Boulder, CO 80304
Phone: 303-413-7200

- Address maintenance questions, comments, or suggestions to:

The City of Boulder Maintenance Office
5200 East Pearl Street
Boulder, CO 80301
Phone: 303-441-4406

RULES & REGULATIONS - NEIGHBORHOOD STREETS & PARKING

Objective:

The NPHOA desires to comply with the City of Boulder codes and laws regarding neighborhood streets and parking.

Status:

NPHOA has no actual legal standing in the control or use of our streets. The City of Boulder controls streets within the Noble Park area. The governing city code is the City of Boulder Parking & Vehicle Code (BRC of 1981, section 7.2).

Procedures:

The BOD generally will not act on street or parking issues, but refer homeowners to the following.

1. In addressing issues involving neighborhood streets, homeowners should contact the offending homeowner and try to resolve the problem between neighbors.
2. If that is unsuccessful and it involves a violation of City Parking Law, then report the violation to the City of Boulder.
3. CAUTION: Do not ask the City to put up signs or paint the curbs yellow. The City cannot do this selectively. It will be “all or none” response meaning there will be “No Parking” signs and yellow curbs throughout the neighborhood in exact accordance with city code. The result will virtually eliminate street parking (especially those within the traffic circles) and lower the property values.

Questions:

General questions, comments, or suggestions regarding Noble Park street parking issues should be addressed to the NPHOA BOD, but complaints should be addressed to the City of Boulder Police Office.

To: Noble Park Homeowners Association
The Board of Directors
3218 Noble Court
Boulder, CO 80301



REQUEST FOR NPHOA APPROVAL OF EXTERIOR HOUSE PAINT

From: Homeowner: _____

Street Address: _____

Date Submitted: _____

I have reviewed the NPHOA Rules & Regulations, page 19, regarding Exterior Painting. I understand that if I am painting my house the same approved flat color and that color is on the Kelly-Moore Southwestern paint pallet, then approval is not required. However, I have decided to change the exterior paint color of my house and/or use a color that is not on the Kelly-Moore Southwestern paint pallet.

The flat paint I have selected is on the Kelly-Moore Southwestern paint pallet, but is a different color than my house is currently painted. My new paint colors are:

Trim: _____

Body: _____

The flat paint I have selected is NOT on the Kelly-Moore Southwestern paint pallet. Attached below are paint chips for the exact paint that I would like to use. The brand name of the paint is _____.

Signature: _____

Date: _____

To: Noble Park Homeowners Association
The Board of Directors
3218 Noble Court
Boulder, CO 80301



REQUEST FOR APPROVAL OF PROPERTY IMPROVEMENT

From: Homeowner: _____

Street Address: _____

Date Submitted: _____

I/we, the above homeowner request approval for property (landscape and/or structure) improvement. Specifically the improvements are as follows with near-scale drawing attached.

We, the neighboring homeowners, have reviewed the above and attached plans.

Signature	Street	<u>Approve</u>	<u>Disapprove</u>
_____	_____		
_____	_____		
_____	_____		
_____	_____		
_____	_____		

To: Noble Park Homeowners Association
The Board of Directors
3218 Noble Court
Boulder, CO 80301



REQUEST FOR WAIVER OF COVENANT

From: Homeowner: _____

Street Address: _____

Date Submitted: _____

I/we, the above homeowner, request a waiver from the following NPHOA Covenant.

The section of the Covenants from which we are requesting a waiver reads as follows:

The reason for this request is:

Signature: _____

Date: _____

To: Noble Park Homeowners Association
The Board of Directors
3218 Noble Court
Boulder, CO 80301



REQUEST FOR COVENANT REVISION

From: Homeowner: _____

Street Address: _____

Date Submitted: _____

I/we, the above homeowner, request the following revision to the NPHOA Covenants. Attached please find a letter explaining the reason for this request.

The section of the Covenant that we are requesting to be revised currently reads:

We propose the newly revised Covenant read as follows:

Signature: _____

Date: _____

NPHOA ISSUE CONTROL SHEET

ISSUE # _____

Issue Title: _____

Initiated by: _____

At BOD Date: _____

Complaint:

Actions:

Resolution:

Closed by BOD: _____ Secretary _____ Date _____



Noble Park Homeowners Association
3218 Noble Court
Boulder, CO 80301

Notice of Non-Compliance

DATE: _____

TO: _____

Dear Homeowner:

Your property at _____ is in noncompliance with the Declaration of Covenants, Conditions and Restrictions of the Noble Park Subdivision and as required by the City of Boulder.

Non-Compliance Issue:

Reference:

Action Required:

By ____ (date) ____, you must complete the following.....

If you wish to discuss this, please contact any member of the NPHOA Board of Directors. Thank you for your cooperation.

Sincerely,
The Board of Directors of the NPHOA

Form: Demand to Cease and Desist

(This form shall be drafted by our attorney when needed)



Noble Park Homeowners Association
3218 Noble Court
Boulder, CO 80301

**NOBLE PARK HOMEOWNER ASSOCIATION
HOLD HARMLESS AGREEMENT**

I, _____, do hereby agree to hold harmless the Noble Park Homeowners Association, its members, and its Board of Directors for any injury or harm, physical or otherwise, that I may sustain while performing volunteer work for the Noble Park Homeowners Association. This Agreement shall remain in effect until

_____.

Agreed to on this date of _____, by

Signature _____

Print Name _____

Address _____

Address Boulder, Colorado 80301

Exhibit I



**Noble Park Homeowners Association
3218 Noble Court
Boulder, CO 80301**

**PROXY
FOR THE NOBLE PARK HOMEOWNERS MEETING
TO BE HELD ON _____**

Know all men by these presents, that I/we _____,
being the holder(s) of one membership in the NOBLE PARK HOMEOWNERS
ASSOCIATION, a Colorado non-profit Corporation, hereinafter referred to as the NPHOA,
and entitled to one vote per membership at the above dated annual meeting, do hereby make,
constitute and appoint _____ as my proxy and true
and lawful attorney to attend any and all such meeting(s) of the NPHOA, and any
continuation or adjournment thereof; with full and complete power to vote my membership in
the NPHOA and act for me in my name, place and stead, in the same manner, to the same
extent and with the same effect that I might were I personally present thereat, giving to such
proxy full power of substitution and revocation.

Any proxy or proxies heretofore and prior given by me to any person or persons whosoever
are hereby revoked. This proxy will terminate automatically and be of no further force and
effect upon the happening of the earlier of:

- (1) My attendance, in person, at the meeting;
- (2) The expiration of 30 days from below date of execution; or
- (3) The sale or transfer of my Lot in the Noble Park Subdivision.

Signature

Signature

Name

Name

Street Address

Street Address

Date

Date

(The person named as your proxy above must be a property owner with the NPHOA)

**Noble Park Homeowners Association
Frequently Used Phone Numbers**

Board of Directors

Ron Weaver	President	4911 Tesla Court Email: icemanbldr@netscape.net	442-9032
Rick Wittekind	Vice-President	3225 Wright Avenue Email: rowittek@netscape.net	443-2562
Shirley Whiteley	Secretary	3220 Wright Avenue Email: shirleyw@indra.com	440-4038
Bill Jancosko	Treasurer	3334 Wright Circle Email: bjancosko@juno.com	939-8939
Phil Maloney	Director	4900 Franklin Drive Email: maloney@casa.Colorado.edu	413-9518
Jan Jouzdoni	Director	3202 Noble Court Email: jouzdani@juno.com	447-3759
Ginger Bunch	Director	3201 Wright Ave Email: regnigb@aol.com	440-6930

Committees

MRC Committee	<i>Due to a lack of volunteers, the BOD has assumed these responsibilities</i>		
Nominations Committee	<i>Due to a lack of volunteers, the BOD has assumed these responsibilities.</i>		
Common Area Committee	Scott Harper	4937 Tesla Circle	449-3214
Valmont Park Committee	(vacant)		

NPHOA Address

Street Address	NPHOA 3218 Noble Court Boulder, CO 80301	Email: nobleparkhoa@yahoo.com
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Boulder Government Phone Numbers

Building Permits	Planning Development Services Center	303-441-1880
Christensen Park	City of Boulder Administrative Office	303-413-7200
Garbage Accumulation	Environmental Enforcement	303-441-3239
Green Points - Remodeling Program	Environmental Affairs	303-441-3090
Noise Pollution	Environmental Enforcement	303-441-3239
Residential Over- Occupancy	Zoning Enforcement Board	303-441-3346
Property Legal - Descriptions	Boulder County Assessor	303-441-3530
Public Snow Removal	Environmental Enforcement	303-441-3239
Trees on Public Property	Parks & Recreation Forestry Division	303-441-4406
Weeds, Unkempt lawns	Environmental Enforcement	303-441-3239
Zoning Information	Planning Department	303-441-1880



**Noble Park Homeowners Association
3218 Noble Court
Boulder, CO 80301**

To: Noble Park Homeowners
From: Noble Park Homeowners Association
Subject: Landscape, Fencing and Deck Guidelines
Date: May 20, 1993

The attached guidelines must be followed when you are installing landscaping around your home. These guidelines have been approved by the Homeowners Association Board of Directors. Please note that you must submit a landscape plan to the Design Review Committee (DRC) before you can start work. We will make a concerted effort to act on your plan within 7 to 10 days, but no more than 30 days.

The purpose of these guidelines is to ensure that city regulations and certain subdivision design criteria are met, yet to allow you considerable latitude in landscaping your property. In many cases the guidelines are for your own benefit. A case in point is maintaining existing drainage patterns for you and your neighbors. Where possible we have provided a brief explanation as to why the guideline exists.

We have attached the City of Boulder Fence guidelines and additional material from the Colorado State University Extension Division.

To submit a landscaping proposal, please mail it to the Homeowners Association at the address below, or hand deliver it to one of the Board of Directors. The Design Review Committee will review your proposal in 30 days or less. If you have any questions, please contact the Homeowners Association at the address below.

Noble Park Homeowners Association
3218 Noble Court
Boulder, Colorado 80301

NOBLE PARK LANDSCAPE GUIDELINES
Prepared by the Noble Park Homeowners Association
DATE: May 20, 1993
3218 Noble Ct.
Boulder, Colorado 80301

1.0 DESIGN

Each house must submit to the Design Review Committee (DRC) of the Noble Park Homeowners Association for approval a landscape design developed at a scale of 1"=10' or larger.

This plan must include:

- Location, type and size of all plant material
- Location and type of seed or sod
- Location and type of mulch beds
- Planting details
- Fence detail and location¹
- Deck Detail and location¹
- Type of soil improvement
- Location and type of edge material
- Irrigation plan (if applicable)
- Soil grading plan

Landscaping will include green living material, rock, stones, pebbles, and mulch.

2.0 GRADING PLAN

Landscape must conform to grading and drainage plans. All swales must maintain free flow from adjacent uphill sites and onto adjacent downhill sites.

NOTE: The Design Review Committee will be paying careful attention to drainage, since some lots already have a problem in part (but not entirely) caused by landscaping

3.0 IRRIGATION

Zoned automatic irrigation systems are highly recommended, but are not required.

4.0 AREA

The area required to be landscaped and approved by the DRC-NPHA includes: all of the front yard from the curb to the house facade, along the side yards, backyard, and easements.

The area required to meet fencing, soils, and drainage guidelines includes the entire site including easements.

¹These items require a City of Boulder building permit in addition to Homeowner Association approval.

5.0 FENCES

Fences are not required.

City of Boulder building permit is required for all fences.

Any front or street adjacent side yard fences must be of open design. Any front yard fence must be of split rail type.

Any fences within 10 feet of property line cannot be over four feet in height.

No metal fabric fences of any type are permitted.

Front yard facing fences cannot join the house within 3 feet of the front corner of the house and must match attached adjacent fences. First use dictates.

Solid fences must be set back same distance as their height south of any public walk. This prevents wintertime shading of sidewalks and aids solar removal of ice and snow.

All fences must conform to these guidelines and to city rules and regulations. (See attached City of Boulder regulations.)

If painted, fences must match the color and trim of the house.

6.0 PRIVACY SCREENS

Wood privacy screens may be built to and on the property lines behind 3' forward of the rear house corners, to a maximum of 6' height and 25' length (See attached drawings).

If painted, privacy screens must be faced and match the color and trim of the house.

7.0 SOIL

It is the contractor's responsibility to stockpile the top 4" of topsoil before excavation and to respread the topsoil evenly after construction.

It is the contractor's responsibility to provide a final grade 1.5" lower than adjacent pavement or sidewalk.

NOTE: It is your right as a potential buyer to assure yourself that these two steps have been or will be taken before you purchase your house.

At the time of landscaping we strongly urge you to require 1" minimum of cow/peat, commercial compost, or organic topsoil to be added prior to planting.

8.0 GRASS

Lawns (excepting Buffalo Grass) should not be planted within 3 feet of foundations. Please note that this is to protect your foundation from soil settling and/or water seepage.

In order to conserve water use, Blue or Ryegrass is limited to 60% of the entire landscape area. Tall Fescue or Buffalo Grass lawns are not limited.

For at least 30% of your perimeter, lawns must attach to walls, walks, drives, property lines or fences

Top of grade prior to seeding, sodding or mulching must be at least 1.5 inches lower than adjacent pavement or edger.

9.0 MULCH

Mulch consists of a 3" - 4" rock, cobble, stone, wood, or bark chips over geotextile fabric. PLASTIC is PROHIBITED. All areas not covered with grass must be mulched.

Mulch cannot exceed 50% of total landscaped area.

Use of any single type of graded rock under 2" cannot exceed 50% of the mulched area.

Use of any type of wood or bark chips cannot exceed 70% of the mulched area.

All mulch beds must be edged (except cobble) using 16 gauge or heavier metal or 2x4 redwood, all with 2' stakes on 3' centers.

10.0 BORDERS

Within two feet of lot lines, adjacent sites must utilize the same ground cover material (except where there is a solid fence). First use dictates.

The planting strip between curb and walk must be at least 80% grass. Any other planting cannot exceed 12" height, except street trees.

11.0 SHRUBS/GROUND COVERS

The following guidelines provide minimum standards; they are not intended to stifle variation from one lot to the next. The DRC will consider any reasonable plan, which differs from these guidelines.

Each lawn should have at least three five gallon shrubs over 5' height at maturity, five gallon shrubs under 5' height at maturity and twenty one gallon shrubs, ground covers or perennial flowers under 12" height.

Shrubs cannot be planted closer than three feet to any adjacent wall, walk or curb.

At least 40% but not over 60% of all shrubs must be deciduous.

At least 25% of all shrubs and ground covers should be planted in a bed not attached to the house.

12.0 TREES

Each house must have at least two 1" diameter ornamental trees limited to Hawthorns of any species or variety or Ginnala or Tatarian Maples or 5' high Ponderosa Pines. **This recommendation is to maintain continuity in our subdivision, and to protect you from species, which are not suited for Boulder's climate.**

In addition, each house will have one 2.5-inch street tree per 30 feet of street frontage of the species and caliper shown and placed (+/- 10 feet) as shown on the PUD landscape development plan.

The following items are mandated in order to protect your house foundations and sidewalks from root damage, maintain visibility for pedestrian or auto safety.

- Do not plant shade trees closer than 15' off curb.
- Do not plant ornamental or evergreens closer than 10 feet off curb or within 8 feet of walls, walks, or drives.
- Do not plant Hawthorns in juniper beds. (They share a symbiotic disease.)