NORTH CAROLINA GENERAL ASSEMBLY MANDATE

NOTICE OF RIGHT TO VOLUNTARY MEDIATION

Pursuant to Section 7A-38.3F of the North Carolina General Statutes, all members are hereby informed that you have a right to initiate mediation pursuant to the terms of the statute to try to resolve a dispute with the Association. Both the homeowner and the Association must agree to mediate the dispute, and each side is responsible for splitting the cost of the mediation, including payment of a professional mediator. The mediation process is an opportunity to reach an agreement to resolve a dispute – neither side gives up their right to go to court to have a judge resolve the dispute if the parties are not able to reach an agreement through mediation. The specific process to initiate voluntary mediation is outlined in Section 7A-38.3F of the North Carolina General Statutes

Effective July 1, 2013.

Any matter relating to real estate under the jurisdiction of an association about which the member and association cannot agree, is now subject to voluntary prelitigation mediation. Initiation of mediation tolls any statute of limitations or repose with respect to the dispute until 30 days after the date on which the mediation is concluded.

Association Duty to Notify:

Each association shall notify the members in writing, each year, that they may initiate mediation under NCGS 7A-38.3F to try to resolve a dispute with the association. This notice also must be published on the association's website. If the association does not have a website, the association shall publish this notice at the same time and in the same manner as the names and addresses of all officers and board members of the association are published as provided in NCGS 47C-3-103 and NCGS 47F-3-103.

Exceptions are disputes related to failure to pay assessments and fines associated with collection of assessments and disputes that occurred before July 1, 2013.