



**KAHANA RIDGE ASSOCIATION, INC.**  
(A Non-Profit Corporation)

**HOUSE RULES  
COVENANT ENFORCEMENT**

**and**

**ADMINISTRATIVE RULES  
MANUAL**

**REVISED AND ADOPTED  
October 8, 2010  
at the  
Board of Directors Meeting**

**Supersedes June 11, 2010**

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# **BASIS OF COVENANT ENFORCEMENT**

## **SECTION 5.05, RULES AND REGULATIONS of the Kahana Ridge “Declaration of Covenants, Conditions and Restrictions” (CC & R’s) dated January 12, 1998.**

### ***Section 5.05 Rules and Regulations.***

*The Association acting through its Board of Directors (and in the Board of Directors' discretion) shall have the power to adopt, amend and enforce reasonable rules and regulations for*

- (a) the reasonable and orderly use of roads, the archaeological preservation area, subdivision entrance facilities, public parks, the landscaping easement areas, and other common areas and facilities,*
- (b) the clarification, implementation and enforcement of the covenants and restrictions contained in Sections 3.01 through 3.18, including (by way of example) the establishment and collection of fines for violations) and*
- (c) the clarification, implementation and enforcement of any other provisions of these covenants, conditions and restrictions.*

## **SECTION 8 ADMINISTRATIVE PROVISIONS**

### ***Section 8.01 Right to Abate Violations***

*If any person or entity shall violate or attempt to violate any of the covenants herein contained, any rules or regulations of the Association or any ruling of the Architectural Design Committee, the Association (acting through its Board of Directors) or any Owner of any Property may commence legal action at law or in equity against such person or entity, either to prevent or abate such violation or to recover damages caused by such violation, or both. Said damages may expressly include a judgment for all of the plaintiffs costs of suit, including reasonable attorney's fees, and any fines for noncompliance as may be adopted by the Board of Directors of the Association as part of its rules and regulations.*

*The Board of Directors in any individual case may in its absolute discretion elect*

- (a) not to take action with respect to any violation or alleged violation,*
- (b) to discontinue any such action once commenced,*
- (c) to settle any dispute with respect thereto, or*
- (d) to take any other action as the Board deems appropriate including but not limited to the establishment and enforcement of a system of fines and penalties.*

# **RESPONSIBILITIES**

## **Site Manager Responsibilities:**

- A. The Site Manager conducts periodic inspections of the Kahana Ridge sub-division, noting obvious CC&R violations.
- B. The Site Manager drafts violation letters, which are forwarded to the Property Management Company for review, signature and delivery.
- C. The Site Manager maintains a "tickler file" for follow up on violations where a time limit is imposed.
- D. The Site Manager re-inspects violators' property for compliance at due date and drafts a follow up (fine) letter should the violation continue un-addressed.
- E. Additional information on the Site Manager's responsibilities maybe reviewed within the Site Manager Job Description and the Site Manager Independent Contractor Agreement.

## **Property Management Company Account Manager Responsibilities:**

- A. The Property Management Account Manager will proof the Site Managers letter and ensure all information regarding the letter is correct, i.e., address of violation and lot number coincide, violation listed matches CC&R section cited.
- B. The Property Management Account Manager signs letters on behalf of Kahana Ridge Association, Inc. and sends original to lot owner with a copy to the Site Manager and/or The Board of Directors.
- C. The Property Management Account Manager saves the letter to file, using Lot Number, Owner, and Date i.e. "Lot133 Partridge 090105."
- D. Violations requiring construction or modification (paint, re-roof, A/C enclosure etc.) shall be addressed by requiring the lot owner to submit a plan of action or correction within 14 days. This plan should include, but not be limited to, a timeline for correction and name of contractor(s) to be utilized (if applicable).

Site Manager/Property Management Account Mgr. Responsibility

Board Approval Date – November 11, 2005

## **Covenant Sections and Titles - Descriptions**

The following are the current Kahana Ridge Association Covenant Section Numbers and Titles referred to in these House Rules.

Section 3.01 Permitted Uses and Buildings

Section 3.02 No Commercial use

Section 3.03 Vehicles and Parking

Section 3.04 Animals and Pets

Section 3.05 Nuisances

Section 3.06 Maintenance of Structures, Properties and Landscapes

Section 3.07 Hazardous Materials

Section 3.08 Antennas

Section 3.09 Refuse & Building Materials

Section 3.10 Clothes Lines and Tanks

Section 3.11 Exterior Lighting

Section 3.12 Swimming Pools

Section 3.13 Grading

Section 3.14 Construction

Section 3.15 Landscaping, Drainage and Setback Areas

Section 3.16 Signs

Section 3.17 Access Restrictions

Section 3.18 Clarification of "Single Family Residence" Restriction under Section 3.01.

## **Covenant Sections and Enforcement**

### **Section 3.01 Permitted Uses and Buildings – Enforcement**

3.01. Permitted Uses and Buildings. Kahana Ridge is intended to be a high quality, single-family residential community. Each Property shall be used exclusively for single-family residential purposes and such uses and structures customarily appurtenant to a single-family residence. The term "single-family residence" means a residence designed to accommodate no more than one family and its guests. No building shall be erected or permitted to remain on any property other than (a) one detached, single-family dwelling, together with an attached and enclosed private automobile garage for no more than three, nor less than two, automobiles; and (b) structures which are customarily appurtenant to a single-family residence such as (by way of examples only) a fence, dog house or pool. All buildings and structures will comply with all applicable County of Maui codes and regulations and this Declaration. (See 3.18 for clarification)

#### **First Violation Notice Section 3.01**

A letter will be sent to the owner of record describing the violation and requiring either compliance or a written response within seven (7) days or a fine will be imposed.

#### **Second Violation Notice Section 3.01**

A \$250.00 fine will be assessed if no compliance after seven (7) days receipt of the first written notice.

#### **Third Violation Notice Section 3.01**

A Subsequent violation (occurring more than 14 days after the first written notice) of the same infraction shall be assessed a \$750.00 fine.

#### **Subsequent violations Section 3.01**

Each subsequent 14-day period with no compliance of the same infraction will result in an additional \$1500.00 fine.

Board Approval of Section 3.01 – Revised May 12, 2006  
Supersedes Violation Fines System Dated November 11, 2005

## **Section 3.02 No Commercial Use - Enforcement**

3.02 No Commercial Use. No Property shall be used for any commercial, professional or business use, except the following:

(a) Reasonable sales activities on any Property for the purpose of selling such Property, including but not limited to reasonable placement of signs and advertising of the Property for sale subject to any reasonable restrictions for the protection of the subdivision as the Board of Directors or the Association may adopt from time to time; and.

(b) Declarant's activities in connection with the sale of any Properties in the Neighborhood, including but not limited to the construction and operation of a model home or sales office.

### **First Violation Notice Section 3.02**

A letter will be sent to the owner of record describing the violation and requiring either compliance or a written response within seven (7) days or a fine will be imposed.

### **Second Violation Notice Section 3.02**

A \$100.00 fine will be assessed if no compliance after seven (7) days receipt of the first written notice.

### **Third Violation Notice Section 3.02**

A Subsequent violation (occurring more than 14 days after the first written notice) of the same infraction shall be assessed a \$500 fine.

### **Subsequent violations Section 3.02**

A subsequent 14-day period with no compliance of the same infraction will result in a \$500.00 fine.

Board Approval of Section 3.02 - Date– November 11, 2005  
Supercedes Violation Fines System Established May 14, 1999

### **3.03. Vehicles and Parking - Enforcement**

3.03. Vehicles and Parking. Vehicles shall be parked only in the driveway or garage on a Property, and there shall be no parking on any street in the Neighborhood except for temporary parking of vehicles of guests and visitors, subject to such rules and regulations as the Association, through its Board of Directors, may adopt from time to time. For purposes of this section, golf carts, motorcycles, motorbikes, mopeds and other similar machines shall be deemed to be "vehicles" (as well as automobiles and other motor vehicles). No trailers, campers (with or without wheels), mobile homes, recreational vehicles, commercial vehicles, vehicles with commercial writing on their exteriors, trucks with a capacity of greater than one ton, tractors, unregistered vehicles, stored vehicles, inoperable vehicles, boats or boat trailers may be parked or stored on any Property, except in a garage (with doors shut), and except in unusual or special circumstances involving a single, temporary and nonrecurring occasion. Vehicles that become inoperable while on a Property and outside of an enclosed garage must be removed from the property or placed within an enclosed garage within seventy-two hours thereof. For purposes of this Section, a vehicle shall be considered "stored" if it is put up on blocks or covered with a tarpaulin and remains on blocks or so covered for fourteen consecutive days without the prior approval of the Board of Directors of the Association. No repair work may be performed on any vehicle on the Property except within the garage and such work must be completed within 24 hours after it is begun. The foregoing is not, however, intended to prohibit temporary parking of commercial vehicles entering to provide goods or services to the occupants of any Property.

#### **Overnight Parking Enforcement**

Each overnight parking of a vehicle in violation of section 3.03 shall constitute a separate violation subject to citation. Vehicles having more than two (2) citations within a 12-month period shall be towed on the third citation at the expense of the owner. Citations over twelve months old shall be removed from the record.

#### **Rule on Parking Limitations for Guests**

Guests of residents may be allowed to park on the street, but not obstruct emergency vehicle traffic, with a permit, for no more than 5 consecutive days.

#### **Contractor Parking Variances**

Contractors and sub-contractors may be issued a daytime parking permit during the construction/remodeling work being provided by them and their employees. Contractors and their employees shall be immediately available to move their vehicles, should an emergency arise. Failure to respond in an emergency may result in the daytime parking permit being revoked.

Board Approval of Section 3.03 - Date– November 11, 2005  
Supercedes Violation Fines System Established May 14, 1999

#### **Parking Violations Fees (as Printed on "Parking Warning/Violation Form")**

1<sup>st</sup> Notice - No fine if in compliance

2<sup>nd</sup> Notice - \$25.00 fine

3<sup>rd</sup> Notice - \$100.00 fine and towing at owners expense

Each subsequent notice - \$100.00 fine and towing at owners expense

Clarification Only – July 14, 2006

### **3.03. Vehicles and Parking – Auditing Procedures**

#### **Purpose Of Audit**

To establish a procedure for individuals and/or security firms hired to audit or monitor illegal parking and issue citations and/or call for towing or installation of wheel locks within the Kahana Ridge subdivision.

#### **Specific Guidelines and Procedures**

##### Time of Auditing

All audits or monitoring will be done between the hours of 12:01 A.M and 5:00 A.M. with no specific set scheduled hour.

##### Frequency of Audits

Auditing will be done at a minimum of every four days. Auditing will not be done on a daily routine basis, but on a scheduled frequency basis. Such as every 3 or 4 days or every other day basis including weekends as decided by the Board of Directors.

##### Area of Inspection or Auditing

All streets within the Kahana Ridge subdivision, including Hoohui Road and the lower Haul Cane Road.

##### Reported Information Required of Auditors

Reporting malfunctions of street lights, street signs broken and/or in need of repair, trees and shrubbery obstructing traffic views, irrigation systems running, public park problems or damage, and any problems with the issuance of citations.

##### Citation Form and Procedures

The Kahana Ridge “**VEHICLE PARKING VIOLATION NOTICE**” form will be utilized.

##### Vehicle Parking Violation Notice

The “**VEHICLE PARKING VIOLATION NOTICE**” form will be used for all vehicle violations, including the **first**, **second** and **third** violations

The **First Citation** is a warning only, to inform the vehicle owner that such parking is in violation of the Kahana Ridge CC & R's. Note, the number of times the vehicle has been cited is given on the form.

The **Second citation** within the 12 month period from the first citation, is also a warning. This is a warning that the third citation within the last 12 month period, will be cause for the vehicle to be towed or wheel-locked until release charges are paid.

The **Third citation** is given when the vehicle has been towed or wheel-locked. This citation will be left in or on the mail box if the vehicle was towed.

If the vehicle is wheel-locked, a photograph of the vehicle will be taken and florescent notices attached to the vehicle windows. NOTE: Removal of the Wheel-lock may be accompanied by a Maui County Police officer.

### **3.03. Vehicles and Parking – Auditing Procedures – Continued**

#### **Citation Recordation Procedure**

All citations and garage open doors will be recorded on the MS Excel spreadsheet titled **Vehicle Citations list with start and finish dates** after each audit and updated with the new posting date. At the beginning of each month the **Vehicle Citation Annual Worksheet** will eliminate all citations issued 13 months prior, from the worksheet. Copies of all updated worksheets are to be emailed to those firms or persons designated by the President. All worksheets are available, upon request, to all Board members.

#### **Citation Recordation - Removal of Vehicle from Annual Recordation list**

All vehicles cited 13 months or more prior to the current first of the month will be removed from the **Vehicle Citation list**.

#### **Towing Procedures**

The auditing agent will call the designated Towing Service to tow the vehicle. The agent will remain at the vehicle until the towing service arrives and sign the towing services papers.

A time and date stamped photo will be taken of the vehicle in violation and ready to be towed.

The Association is aware that it becomes the responsibility to pay towing costs should the vehicle owner not pay. All charges will be passed onto the property owner for reimbursement to the Association.

#### **Wheel-Lock Application Procedures**

When a wheel lock is used/installed by the auditing person in lieu of towing. The citation will be left on the vehicle under the windshield wiper.

The telephone number and the time period available, of the person or agent designated to remove the wheel-lock will be put on the citation.

A time and date stamped photo will be taken of the vehicle in violation at time of the wheel-locked.

A self-sticking notification form notifying vehicle owner that a Wheel Lock is in place will be posted on the front windshield

#### **Wheel-Lock Application Procedures**

Removal of the wheel-lock by a designated agent will be done after the designated agents removal fee is paid to the designated agent. Fees are at the discretion of the designated agent.

A receipt will be given to the vehicle owner for the removal fees paid to the designated agent.

#### **Third Citation Fines**

When towing or wheel-lock application is not applicable, the Kahana Ridge Association shall fine the Kahana Ridge property owner where the vehicle is known to be parked and/or associated, a parking fine of \$100.00 per incident on or after the third citation and any subsequent incidents.

### **3.03. Vehicles and Parking – Auditing Procedures – Continued**

#### **Illegal Parking of Vehicles on Sidewalks, Common Areas and Vacant Lots**

No towing or wheel-locks will be installed when vehicles are parked in any of the above named circumstances. When photos are taken, the lot or property owner will be fined \$100.00

**Association is not responsible for damages to vehicles either by towing or the installation of a wheel lock.**

Board Approval of Section 3.03 – Date- June 12, 2009  
Supersedes Audit Procedures Written - February 13, 2009

### **3.04. Animals and Pets. - Enforcement**

3.04. Animals and Pets. No more than two common domesticated household pets weighing not more than 65 pounds each shall be permitted on any Property. No other animals shall be permitted in Kahana Ridge, including horses, cows, pigs, chickens or other livestock not normally considered as household pets in residential (non-agricultural) subdivisions. All animals will be confined to the borders of their Owner's Property at all times when out of doors (except when on a leash and accompanied by a person) and shall be controlled so as not to create noise, odors or other nuisance which would disturb any other occupant of the Neighborhood.

#### **First Violation Notice Section 3.04**

A letter will be sent to the owner of record describing the violation and a request for future compliance with Section 3.04.

#### **Second Violation Notice Section 3.04**

A \$100.00 fine will be assessed for a second violation. Any response by the Hawaii Humane Society regarding an animal complaint will be considered a Second Violation of Section 3.04.

#### **Third and Subsequent Violation Notice Section 3.04**

The third, and any subsequent violations, by the same animal owner, of Section 3.04 shall result in the lot owner of record being assessed a \$500 fine. Any response by the Hawaii Humane Society regarding an animal complaint after the Second Violation will be considered a Third Violation of Section 3.04. Any response(s) by the Hawaii Humane Society regarding an animal complaint after the Third Violation will be considered an Additional Violation of Section 3.04.

#### **Additional Informational on Animal Control**

Observed violations may be reported to the Maui Humane Society, as an animal control complaint by calling the Maui Humane Society. An animal control officer will investigate per the Maui County Code Title 6.04.040 Animal Regulations, as amended from time to time, and a written report filed.

Board Approval of Section 3.04 - Date - October 10, 2008  
Supercedes Violation Fines System Established November 11, 2005

### **3.05. Nuisances. - Enforcement**

3.05. Nuisances. No noxious or offensive activity shall be carried on upon any Property, nor shall anything be done on any Property which may be or may become an annoyance or nuisance to any occupants of the Neighborhood, including but not limited to activities which cause unreasonable noise, dust, or odors or unreasonably violate privacy or violate any applicable laws, rules or regulations.

#### **First Violation Notice Section 3.05**

A letter will be sent to the owner of record describing the violation and requiring either compliance or a written response within seven (7) days or a fine will be imposed.

#### **Second Violation Notice Section 3.05**

A \$100.00 fine will be assessed if no compliance after seven (7) days receipt of the first written notice.

#### **Third Violation Notice Section 3.05**

A Subsequent violation (occurring more than 14 days after the first written notice) of the same infraction shall be assessed a \$500 fine.

#### **Subsequent violations Section 3.05**

Each subsequent 14-day period with no compliance of the same infraction will result in an additional \$500.00 fine.

#### **Any Violation Where Police Are Summoned For a "Nuisance" Problem**

At the discretion of the Board, a letter may be sent to the owner of record outlining the violation, and all applicable fines may be doubled.

Board Approval of Section 3.05 - Date– November 11, 2005  
Supercedes Violation Fines System Established May 14, 1999

### **3.06. Maintenance of Structures, Properties and Landscaping - Enforcement**

3.06. Maintenance of Structures, Properties and Landscaping. All structures located on each Property shall be kept in attractive condition, in good order and repair, and free from visible deterioration. All grass and vegetation on each Property (whether vacant or improved with a dwelling) will be kept neatly trimmed and hedges and other vegetation pruned. Where any drainage easement or swale traverses a Property, the Owner of said Property will refrain from dumping grass clippings or debris therein and shall keep said easement or swale free of obstructions which would reduce or interfere with its operation as a drainage facility.

Also, the Owner of each Property will maintain the landscaped or planted areas fronting said Property, including the areas between the Property boundary and roadway itself and including the irrigation system and spaces abutting the sidewalk.

#### **Landscape Rule 1**

Landscaping of areas adjacent to the Kahana Ridge contractor maintained area. (Hoohui Road) Owners shall not plant trees or shrubs not being compatible with the existing landscaping. Any bordering plants, planted by the owner, at the edge of the Kahana Ridge contractor maintained area, shall be properly maintained by the lot owner.

#### **Landscape Rule 2**

##### **Vacant Lot Ground Cover Requirements**

Owners of those lots exhibiting water runoff, or exceeding 4% slope and draining towards neighbors lots shall be require to plant a groundcover and to install diversions to prevent soil erosion onto neighboring property (ies). All ground covers shall be maintained and not allowed to grow more than 8 inches in average height.

#### **First Violation Notice Section 3.06**

A letter will be sent to the owner of record describing the violation and requiring either compliance or a written response within seven (7) days or a fine will be imposed.

#### **Second Violation Notice Section 3.06**

A \$100.00 fine will be assessed if no compliance after seven (7) days of receipt of the first written notice.

#### **Third Violation Notice Section 3.06**

A Subsequent violation (occurring more than 14 days after the first written notice) of the same infraction shall be assessed a \$500 fine.

#### **Subsequent violations Section 3.06**

Each subsequent 14-day period with no compliance of the same infraction will result in an additional \$500.00 fine.

Board Approval of Section 3.06 - Date – November 11, 2005  
Supercedes Violation Fines System Established May 14, 1999

### **3.07. Hazardous Materials - Enforcement**

3.07. Hazardous Materials. No Owner shall use, generate, store or dump any hazardous materials on any Property or in any other portion of the Neighborhood. "Hazardous materials" means those materials and substances that are identified as hazardous, toxic or otherwise regulated under applicable federal, state or local environmental laws, rules or regulations.

#### **Rule 1.**

It will be a violation of this covenant to store any chemical listed within the U.S. CFR Title 40 Section 355 Extremely Hazardous Substances (EHS) that has a Reportable Quantity (RQ), when released into the environment, of one (1) pound or less.

#### **First Violation Notice Section 3.07**

A letter will be sent to the owner of record describing the violation and requiring either compliance or a written response within seven (7) days or a fine will be imposed.

#### **Second Violation Notice Section 3.07**

A \$100.00 fine will be assessed if no compliance after seven (7) days of receipt of the first written notice.

#### **Subsequent Violation Notice Section 3.07**

A Subsequent violation (occurring more than 14 days after the first written notice) of the same infraction shall be assessed a \$500 fine. Failure to completely remove and clean up such materials, per applicable state and/or federal regulations, within 14 days will result in legal action at the owners' expense.

Board Approval of Section 3.07 - Date – November 11, 2005  
Supercedes Violation Fines System Established May 14, 1999

### **3.08. Antennas- Enforcement**

3.08. Antennas. No exterior antenna or satellite dish shall be permitted on any Property unless such apparatus is completely enclosed within the dwelling or garage and invisible from other Properties and from roads.

All antennas shall comply with the Federal Regulations within 47 CFR - CHAPTER I - PART 1, Section 1.4000 Restrictions impairing reception of television broadcast signals, direct broadcast satellite services or multichannel multipoint distribution services.

Dish antenna diameter shall not exceed one (1) meter per the above regulations.

#### **Violation Notice Section 3.08**

A letter will be sent to the owner of record describing the violation and requiring either compliance or a written response within seven (7) days or a \$500 fine will be imposed.

Board Approval of Section 3.08 - Date – November 11, 2005  
Supercedes Violation Fines System Established May 14, 1999

### **3.09. Refuse and Building Materials - Enforcement**

3.09. Refuse and Building Materials. All trash, garbage and other waste shall not be kept on any Property except in sanitary containers, stored inside the dwelling or the garage and not visible from any street or other Property. No new or used building materials shall be stored on any Property except during active construction and all construction waste will be removed promptly after construction is complete. No Property shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste.

### **3.10. Clotheslines and Tanks - Enforcement**

3.10. Clotheslines and Tanks. There shall be no exterior clotheslines or fuel storage tanks of any kind (whether above ground or underground) on any Property (except for standard propane tanks which are part of an outdoor barbeque grill).

**SECTION 2. Chapter 196, Hawaii Revised Statutes**, was amended in 2009 by adding a new section allowing clotheslines to be appropriately designated and installed on any single-family residential dwelling or townhouse that the person owns. Any provision in any lease, instrument, or contract contrary to the intent of this section shall be void and unenforceable.

House Rule 3.10 will now allow clotheslines on Kahana Ridge properties that are appropriately designed and not visible from the front or side streets adjacent to the house.

### **3.11. Exterior Lighting - Enforcement**

3.11. Exterior Lighting. All exterior lights shall be appropriately screened so as not to cause any unreasonable glare visible from adjoining Properties or streets.

#### **First Violation Notice Sections 3.09, 3.10, and 3.11**

A letter will be sent to the owner of record describing the violation and requiring either compliance or a written response within seven (7) days or a fine will be imposed.

#### **Second Violation Notice Sections 3.09, 3.10, and 3.11**

A \$100.00 fine will be assessed if no compliance after seven (7) days receipt of the first written notice.

#### **Third Violation Notice Sections 3.09, 3.10, and 3.11**

A Subsequent violation (occurring more than 14 days after the first written notice) of the same infraction shall be assessed a \$500 fine.

#### **Subsequent violations Sections 3.09, 3.10, and 3.11**

Each subsequent 14-day period with no compliance of the same infraction will result in an additional \$500.00 fine.

Board Approval of Sections 3.09, and 3.11 - Date – November 11, 2005  
Board Approval of Sections 3.10 - Date – June 11, 2010  
Supercedes Violation Fines System Established May 14, 1999

### **3.12. Swimming Pools - Enforcement**

3.12. Swimming Pools. There shall be no free standing or above-ground swimming pool on any Property, and each swimming pool will be installed with appropriate fencing and landscaping as approved by the Architectural Design Committee under Article 4 below.

### **3.13. Grading - Enforcement**

3.13. Grading. No Owner of any Property will alter the grade or topography of any Property in a manner which would materially increase or change the location or direction of the flow of drainage from the Property to any adjoining Property or to any road.

### **3.14. Construction – Enforcement**

3.14. Construction. Once the construction of any building or structure on a Property has commenced, said building or structure shall be pursued in good faith and with due diligence to completion within the shortest reasonable time and in all events said building or structure and all surrounding grass, planted areas and other landscaping shall be completed not later than one (1) year from the date of commencement.

Final completion date is based on a check of Maui County records showing the following permits “completed”. In addition, the records for the following permits must also show “done” under the “Status Line”. Those permits are: 1 – Building Permit, 2 – Plumbing Permit, 3 – Electrical Permit

The inspection page for the above three permits must each also show “pass” on them.

Landscaping, to be completed, shall be completely planted, including an irrigation system, and all plants and grass growing.

#### **First Violation Notice of Sections 3.12, 3.13, and 3.14**

A letter will be sent to the owner of record describing the violation and requiring either compliance or a written response within seven (7) days or a fine will be imposed.

#### **Second Violation Notice of Sections 3.12, 3.13, and 3.14**

A \$100.00 fine will be assessed if no compliance after seven (7) days receipt of the first written notice.

#### **Third Violation Notice of Sections 3.12, 3.13, and 3.14**

A Subsequent violation (occurring more than 14 days after the first written notice) of the same infraction shall be assessed a \$500 fine.

#### **Subsequent violations of Sections 3.12, 3.13, and 3.14**

Each subsequent 14-day period with no compliance of the same infraction will result in an additional \$500.00 fine.

Board Approval of Sections 3.12, 3.13 – Date - November 11, 2005  
Board Approval of Revised Section 3.14 - Date – October 10, 2008  
Supersedes Violation Fines System Established May 11, 2005

### **3.15. Landscaping Drainage and Setback Areas - Enforcement**

3.15. Landscaping. Drainage and Setback Areas. No buildings or other structures shall be built within (a) any easement area defined in Section 2.03 for use as landscaped area, (b) in any area used for drainage or (c) in any setback area required by law or the 20 foot setback areas required by the County of Maui along the Hui (cane haul) and Hoohui Road frontages of Lots 65,67,68,69,72,73,74,77,78,79 and 82 through 103.

#### **First Violation Notice Section 3.15**

A letter will be sent to the owner of record describing the violation and requiring either compliance or a written response within seven (7) days or a fine will be imposed.

#### **Second Violation Notice Section 3.15**

A \$100.00 fine will be assessed if no compliance after seven (7) days receipt of the first written notice.

#### **Third and Subsequent violations Section 3.15**

Each subsequent violation occurring every 14 days thereafter beginning 14 days after the date of the second violation with no compliance of the same infraction will result in a \$500.00 fine.

### **3.16. Signs - Enforcement**

3.16. Signs. Signs shall be prohibited except (a) Declarant's signs in connection with the construction, promotion and sale of Kahana Ridge, (b) not more than one standard broker's-type "for sale" sign on a Property in connection with resale of said Property and (c) subdivision and road identification signs installed by the Declarant or the Board of Directors of the Association.

#### **First Violation Notice Section 3.16**

A letter will be sent to the owner of record describing the violation and requiring either compliance or a written response within seven (7) days or a fine will be imposed.

#### **Second Violation Notice Section 3.16**

A \$100.00 fine will be assessed if no compliance after seven (7) days receipt of the first written notice.

#### **Third and Subsequent violations Section 3.16**

Each subsequent violation occurring every 14 days thereafter beginning 14 days after the date of the second violation with no compliance of the same infraction will result in a \$500.00 fine.

Board Approval of Sections 3.15, 3.16 – Date – September 15, 2006  
Supercedes Violation Fines System Established November 11, 2005

### **3.17. Access Restrictions – Enforcement Not Applicable**

3.17. Access Restrictions. After full development, all lots within the subdivision have at least one access point. This covenant is no longer applicable and does not require enforcement provisions.

Board Approval of Sections 3.17 - Date– November 11, 2005  
Supercedes Violation Fines System Established May 14, 1999

### **3.18 Clarification of "Single Family Residence" Restriction - Enforcement**

3.18 Clarification of "Single Family Residence" Restriction. While the renting of a dwelling on a Property shall be permitted, the permitted renting shall consist only of the renting of a dwelling in its entirety, and no separate room or rooms within said dwelling may be separately rented. It is the intent of Section 3.01 and this Section that the renting of a dwelling shall be for a period of not less than six months (as required by existing zoning regulations), and shall be rented to a conventional family or consensual family unit which shall occupy the dwelling together in the manner of a conventional family, using central living and kitchen facilities, and not to or unrelated persons who rent individual rooms or who occupy the dwelling in the manner of a rooming house. The purpose, of this restriction is to protect the quality and feeling of the neighborhood as a place for families and their guests and to reduce congestion, excessive numbers of vehicles and frequency of ingress and egress which tend to be found where transient, rooming house, or room-by-room rental activities are conducted.

#### **First Violation Notice Section 3.18**

A letter will be sent to the owner of record describing the violation and requiring either compliance or a written response within seven (7) days or a fine will be imposed.

#### **Second Violation Notice Section 3.18**

A \$250.00 fine will be assessed if no compliance after seven (7) days receipt of the first written notice.

#### **Third Violation Notice Section 3.18**

A Subsequent violation (occurring more than 14 days after the first written notice) of the same infraction shall be assessed a \$750.00 fine.

#### **Subsequent violations Section 3.18**

Each subsequent 14-day period with no compliance of the same infraction will result in an additional \$1500.00 fine.

Board Approval of Section 3.18 Revised – May 12, 2006  
Supercedes Approval of November 11, 2005

## **ARCHITECTURAL CONTROLS – SECTION 4.0** **RULES AND ENFORCEMENT**

### **4.0 ARCHITECTURAL CONTROLS**

**4.03. Composition of Architectural Design Committee.** The Declarant, or any person or persons whom the Declarant in its sole discretion may designate, shall serve as the Architectural Design Committee until the first to occur of the following two dates (the "Termination Date"): (a) the expiration of seven (7) years after the recording of this Declaration in the Bureau of Conveyances of the State of Hawaii, and (b) the date on which the Declarant shall, in its sole discretion, notify the Board of Directors of the Association that the Declarant no longer desires to act in the capacity of the Architectural Design Committee. On the Termination Date, the Architectural Design Committee's functions shall automatically vest in the Board of Directors of the Association who shall thereafter act in all respects as the Architectural Design Committee (unless or until the Association at a regular or special meeting shall vote to discontinue design review requirements altogether).

#### **Rule 1 – 4.03**

The Board of Directors may delegate its function as the Architectural Design Committee to an outside architectural consultant knowledgeable in the field and knowledgeable about the Kahana Ridge Architectural Controls, under the direct supervision of the Board. Such consultant will be paid the prevailing rate for such services. All such fees will be passed on to any Person who has submitted Plans requiring an architect, engineer or design consultant.

Board Approval Date– November 11, 2005

### **4.0 ARCHITECTURAL CONTROLS**

**4.04. Standards and Procedures of the Architectural Design Committee.** All proceedings by the Architectural Design Committee shall be conducted in an orderly manner and a reasonable record of all proceedings shall be maintained.

#### **Rule 1 – 4.04**

The ADC shall maintain written records of all designs reviewed, and a monthly report shall be submitted to the Board of Directors.

Board Approval Date– November 11, 2005

## **ARCHITECTURAL CONTROLS – SECTION 4.0** **RULES AND ENFORCEMENT**

### **4.0 ARCHITECTURAL CONTROLS**

**4.04**, paragraph 3 – “The Architectural Design Committee may in its discretion adopt reasonable rules and regulations to govern its procedures and requirements as it may deem appropriate from time to time.”

#### **Rule 2 – 4.04 paragraph 3**

The ADC shall adopt reasonable rules and regulations, as needed, to govern its procedures and requirements. The Board of Directors shall approve all such rules.

Board Approval Date– November 11, 2005

#### **Rule 3 – 4.04 paragraph 3**

The Association, through its Site Manager, and Section 4.04 paragraph 3, hereby adopts the following enforcement procedures to enforce contractor/owner violations of variances, approved Kahana Ridge Design Committee parameters, and covenants during construction within the Kahana Ridge Subdivision.

Board Approval Date– November 11, 2005

#### **First Violation Notice Rule 3 – 4.04 paragraph 3**

A verbal/written “Stop Work Order” will be given by the Site Manager to the contractor or owner requiring the contractor/owner to stop all work on the project until the declared violation is corrected. No construction work on the specified Kahana Ridge lot will be allowed until the violation has been corrected and approved by the Site Manager.

Board Approval Date– November 11, 2005

#### **Second Violation Notice Rule 3 – 4.04 paragraph 3**

Should work continue in violation of the “Stop Work Order” the owner will be subject to a \$1000.00 per day fine until all work, except that of correcting the violation has been completed.

Board Approval Date– November 11, 2005

### **4.0 ARCHITECTURAL CONTROLS**

**4.06. Variances.** The Architectural Design Committee in its sole discretion may grant variances from the strict requirements of the Design Standards in individual cases if said Committee determines in good faith that (a) strict compliance would result in an undue hardship or would serve no reasonable purpose, and (b) the structure, alteration or addition, or its location, as proposed, complies with the general spirit and intent of the Design Standards and this Declaration. The Architectural Design Committee will give all Owners within the Neighborhood (as listed on the records of the Association) notice of the proposed variance and a reasonable opportunity to be heard (but any failure of said Committee to notify any Owner shall not invalidate any action taken by said Committee).

## **4.0 ARCHITECTURAL CONTROLS**

### **4.06. Variances.**

The preparation, addressing, mailing and distribution of said notice shall be at the expense of the applicant. The Architectural Design Committee's discretion to grant or withhold a variance in any particular case shall be solely within the Committee's discretion, shall be binding on all parties and shall not be appealable, and shall not bind said Committee as precedent in any other case.

#### **Rule 1 – 4.06**

The Architectural Design Committee shall submit all requests for variances to the Board of Directors for final approval.

Board Approval Date– November 11, 2005

## **ARCHITECTURAL DESIGN STANDARDS** **EXHIBIT C - RULES AND ENFORCEMENT**

### **EXHIBIT C**

#### **DESIGN STANDARDS**

##### **A. GENERAL PROVISIONS**

**4.06 Variances.** The Architectural Design Committee may grant variances from time to time to these standards as to anyone or more individual Lots, as provided in Section 4.06 of the Declaration. The approval or disapproval of any Plans by the Architectural Design Committee in any one case shall not be deemed a waiver by the Architectural Design Committee of its right to approve, disapprove, object to or consent to any of the features or elements embodied therein when the same features or elements are embodied in Plans submitted in any other cases.

#### **Rule 1 – 4.06 Variances**

The Architectural Design Committee shall submit all requests for variances to the Board of Directors for final approval.

Board Approval Date– November 11, 2005

### **EXHIBIT C**

#### **DESIGN STANDARDS**

##### **B. SITE IMPROVEMENT STANDARDS – No Implementation**

##### **C. ARCHITECTURAL AND BUILDING STANDARDS**

###### **5. Fences and Walls Policy - Enforcement**

#### **Fence Policy Effective March 9, 2007**

The Board approves of the grandfathering in, as currently approved, all unfinished wood and white vinyl fences within Kahana Ridge as of March 9, 2007.

The Board adopts the following House Rules policy to bring these fences into compliance over time.

# **ARCHITECTURAL DESIGN STANDARDS**

## **EXHIBIT C - RULES AND ENFORCEMENT**

### **EXHIBIT C DESIGN STANDARDS**

#### **C. ARCHITECTURAL AND BUILDING STANDARDS**

Section 5. Fences and Walls Policy - Enforcement

##### **Fence Maintenance Policy Effective March 9, 2007**

At such time that those grandfathered-in fences, not meeting the CC & R's design criteria, require maintenance, or rebuilding, such maintenance or rebuilding shall include bringing those fences into compliance with the CC & R design standards.

Fence maintenance shall include, cleaning of vinyl fences, painting or re-staining finished and unfinished wood, or rebuilding the fence and applying an approved paint or stain color. Vinyl fences must be kept clean and replacement will not be required unless deterioration indicates a need.

After maintenance and/or rebuilding, all unfinished wood fences and new fences must meet the CC & R requirements under Exhibit C Design Standards, ARCHITECTURAL AND BUILDING STANDARDS, Section 5, Fences and Walls.

##### **Enforcement**

First Violation and Subsequent Violations of Section 5, Fences and Walls.

A written letter will be sent to the owner of record describing the violation or non-compliance requiring a written response or action within seven (7) days or a fine will be imposed. Failure to respond, or non-compliance, will result in subsequent fine violations of \$100.00 being assessed, every 14 days after the date of the first written notice and every 14 days after each subsequent notice until compliance is achieved.

Board Approval Date - March 9, 2007

### **EXHIBIT C DESIGN STANDARDS**

#### **D. REQUIREMENT AND PROCEDURES FOR SUBMITTAL AND APPROVAL OF PLANS**

4. Fees. The Architectural Design Committee shall have the right to require payment of a reasonable fee for review of proposed Plans. Until adjusted by the Architectural Design Committee by resolution, such review fee shall be \$200.00 for an initial application and \$50.00 for each additional application by an applicant and submitted with the design review application.

5. Professional Advice. The Architectural Design Committee may employ the services of an attorney, architect, or civil or structural engineer licensed to practice in the State of Hawaii or any other consultant to render professional advice, and may pay a reasonable compensation for such services, which compensation may be charged to any Person who has submitted Plans requiring review by such attorney, architect, engineer or other consultant. If owner shall specifically so request in advance, the amount of the professional fees will be estimated and agreed to in advance, before the Architectural Design Committee shall incur them at owner's expense.

**EXHIBIT C**  
**DESIGN STANDARDS**  
**D. REQUIREMENT AND PROCEDURES FOR SUBMITTAL AND APPROVAL OF PLANS**

**Rule 1 – 5. Professional Advice**

The Board, or the Architectural Design Committee with Board approval, may employ the services of an attorney, architect, civil or structural engineer licensed to practice in the State of Hawaii, or any other consultant duly qualified to render professional advice or services. Such consultant will be paid the prevailing rate for such services. All such fees will be passed on to any person or owner who has submitted plans requiring the Association to hire an attorney, architect, civil engineer, structural engineer, or design consultant.

Board Approval - Date– November 11, 2005

**ARCHITECTURAL DESIGN STANDARDS**  
**EXHIBIT C - RULES AND ENFORCEMENT**

See  
**DESIGN REVIEW CHECKLIST**

On following Page 25.

**Rule 1 - 4. Fees – Design Review**

The DESIGN REVIEW CHECKLIST Form, next page, shall be completed and submitted with a \$200.00 design review fee, and a construction deposit of \$3000.00 prior to construction.

Board Approval - Date– November 11, 2005

**DESIGN REVIEW CHECKLIST**  
**Provided To Owner and the**  
**ARCHITECTURAL DESIGN COMMITTEE**

Owner(s): \_\_\_\_\_  
(Please Print Names) (Owner Current Address – City, State, Zip Code)

Contractor: \_\_\_\_\_ **Date This Review Package Submitted:** \_\_\_\_\_

KR Marketing Lot No. \_\_\_\_\_ Legal Lot No: \_\_\_\_\_ Tax Map Key (TMK) \_\_\_\_\_

- \_\_\_\_\_ \$200.00 Design review Fee (check made payable to Kahana Ridge Association - include Mkt. Lot No. and TMK No. on check)
- \_\_\_\_\_ \$3,000.00 Construction Bond Deposit Verified (check made payable to Kahana Ridge Association, Inc. - include legal TMK No. for Reference on check)
- \_\_\_\_\_ Application Form – For Design Review – Page 4
- \_\_\_\_\_ Contractor Certificate of Insurance with KRA as Additional Insured – Page 5
- \_\_\_\_\_ Description Summary – Building/Property – Page 6
- \_\_\_\_\_ Construction Rules – Page 7
- \_\_\_\_\_ Contractor’s Intent of Compliance Statement - Page 8
- \_\_\_\_\_ Owner’s Intent of Compliance Statement – Page 9
- \_\_\_\_\_ CC & R’s – Exhibit C – DESIGN STANDARDS – Pages 10 thru 18
- \_\_\_\_\_ House & Plot Plans -Two (2) copies
- \_\_\_\_\_ County Building Permit – One copy submitted prior to ANY grading.
- \_\_\_\_\_ SECTION DRAWING – Finished grade and original grade elevations - Two (2) copies
- \_\_\_\_\_ Exterior wall and trim color samples submitted
- \_\_\_\_\_ Landscape Design and Irrigation plan in detail submitted- Two (2) copies.
- \_\_\_\_\_ Mailbox design details per CC & R’s submitted - Two (2) copies
- \_\_\_\_\_ Drawings submitted for retaining walls, fencing, privacy walls -Two (2) copies.
- \_\_\_\_\_ Copy of Engineer stamped plans for any retaining wall in excess of three feet.

THE COMPLETED DESIGN REVIEW PACKAGE, WITH **ALL** THE ABOVE DOCUMENTS AND PLANS, IS TO BE SUBMITTED TO THE KAHANA RIDGE SITE MANAGER, OR TO DESTINATION MAUI, INC. FOR REVIEW BY THE ARCHITECTURAL DESIGN COMMITTEE.

Construction deposit checks will be placed in a trust fund and filed by Mkt. Lot No. and TMK. All funds will be disclosed in a regular monthly budget report. Construction Bond monies released upon final site inspection by at least one Board Member and Site Manager upon completion of landscaping and fencing.

**DATE RECEIVED BY ADC -**  
\_\_\_\_\_ Signature \_\_\_\_\_

APPROVAL/DISAPPROVAL DUE ON OR BEFORE - \_\_\_\_\_ (Date)

# KAHANA RIDGE

## OWNER MODIFICATION REQUEST FORM

### **SUBMIT TO;**

Kahana Ridge - %Destination Maui, Inc.

**841 Alua Street, Suite. 102**

Wailuku, HI 96793-1483

Phone (808) 244-9021 Fax (808) 243-9883

Date Request Submitted: \_\_\_\_\_ Date Received by S. Mgr/DMI \_\_\_\_\_

Legal Owner (s) \_\_\_\_\_ Lot Number: \_\_\_\_\_

Lot Address: \_\_\_\_\_ Lahaina, HI 96761

Owner Phone (Home) \_\_\_\_\_ Phone (Business/Cell) (\_\_\_\_) \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

E-Mail: \_\_\_\_\_

The above named property owners(s) request action on the following: (Check all that apply)

- \_\_\_\_\_ VARIANCE (To deviate from current CC&Rs)
- \_\_\_\_\_ ADDITION/CONSTRUCTION (All modifications i.e. walls, pool, fencing, repainting, etc.)

A \$50.00 review fee is required for all modifications. Make check payable to Kahana Ridge Inc.

**(Initial here to indicate check is included with application)** \_\_\_\_\_ Check No. \_\_\_\_\_

County Building Permit # \_\_\_\_\_ (Must submit a copy prior to any construction work)

**Must Include** - Drawings, Blue Print, Paint color samples, etc.: Date Provided \_\_\_\_\_

Description of Work to be done: \_\_\_\_\_

\_\_\_\_\_

General Contractor: \_\_\_\_\_ License # \_\_\_\_\_ Expires \_\_\_\_\_

Telephone No. \_\_\_\_\_ Cell No. \_\_\_\_\_

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

Please fill out this form completely and return it with your check and appropriate drawings/samples to Destination Maui, Inc. OR provide to the Kahana Ridge Site Manager for review and approval by the Kahana Ridge Architectural Design Committee.

**Modification - Approved** \_\_\_\_\_ **Disapproved** \_\_\_\_\_ **by ADC Reason -** \_\_\_\_\_  
Date \_\_\_\_\_ Initial \_\_\_\_\_ Date \_\_\_\_\_ Initial \_\_\_\_\_ Date \_\_\_\_\_ Initial \_\_\_\_\_

## **Rule 2 - 4. Fees - Modifications**

The **OWNER MODIFICATION REQUEST FORM** (above) designed for Construction modifications, including paint color approval, shall be completed and submitted with a **\$50.00 design review fee**.

Board Approval of fee – November 11, 2005

# **ADMINISTRATIVE RULES AND POLICIES**

## **1 - Conflict of Interest**

A conflict of interest is generally defined as an activity or relationship with another organization or individual, that in others judgement, may result in questionable business ethics or compromise a board or staff member's loyalty to the Kahana Ridge Home Owners Association.

A board and/or any staff member should avoid activities that directly conflict with the interests of the Kahana Ridge Home Owners Association.

Board Approval Date– November 11, 2005

## **2 - Violation Appeal Process**

House rule violation notices and/or fines may be appealed by the owner, in writing, to the Kahana Ridge Board of Directors, c/property Management Company, within fourteen (14) days of receiving (USPS Return Receipt Date) the violation notice. Written appeals shall be taken up at the next Board of Directors meeting following the date of receiving the written appeal.

The Board's decision on appeals is final, and the owner will be notified in writing of the Board's decision. Appeals must be sent to:

The Property Management Company  
Kahana Ridge Account Manager  
Address to be furnished

Board Approval Date– November 11, 2005

## **3 – Collection of Delinquent Fines and/or Monthly Assessments**

Monthly assessments are defined as those assessments derived from and including maintenance fees, special assessments, reserve funds and services, such as lot mowing or other services.

All monthly assessment payments are due on the 1st of month upon receipt of invoice. A \$40 late charge will be assessed on the 16<sup>th</sup> day after receipt of the billing. Per Article XI .3 of the By-Laws. Failure to make timely payment of assessments may result in interest penalties on all delinquent assessments at the rate of 1-1/2% per month from the assessment due date.

All assessments shall be deemed late if not received by the 15th of the month or the first business day thereafter. All accounts for which a payment has not been received and/or who are in arrears an amount equal to or in excess of one month's assessment amount shall have the \$40 late charge added to their balance due.

Failure to pay all amounts due will result in the following collection protocol being taken by the Association with an end result of possibly being a lien on the property and foreclosure.

**Kahana Ridge Association, Inc**  
**Policy on Collection of Delinquent Accounts**

**Effective FEBRUARY 12, 2010**

**Collection Flow Chart For Non-Payment**

**No Payment Received – Step 1**

**16 Days after the First-of-the-Month payment is due (15 Days Overdue)**  
A statement is mailed by DMI with the \$40 late fee assessed.



**No Payment Received – Step 2**

**46 Days From The First-of-Month Due Date (46 Days Overdue)**  
A second statement is mailed by DMI with another \$40 late fee assessed.  
Form Letter included with statement. CC: KR President, Treasurer, Site Mgr.



**No Payment Received – Step 3**

**76 Days From Original First-of-Month Due Date (76 Days Overdue)**  
A “Demand Letter” sent by attorney demanding payment within 30 days  
and possible future court action if not paid



**No Payment Received – Step 4**

**30 Days From Date of Demand Letter – Kahana Ridge BOD decides**  
**to either:**  
1) **File a Lawsuit** to establish the right of the Association to be paid  
**OR 2)** turns over the debt to a **Collection Agency**



**Step 5**

**If turned over to Collection Agency – No further legal Action**  
**If lawsuit is filed,** attorney takes the judgment resulting from the suit and either  
files an ex-parte attachment to record the judgment or proceeds to  
**file a lien on the property.**

Board Approval Date – February 12, 2010  
Supercedes: 3A - Delinquency Fines on Monthly Assessments June 8, 2007

# **ADMINISTRATIVE RULES AND POLICIES (Continued)**

## **4 - Priority Payment of Assessments**

The Board of Directors of the Association is empowered under Chapter 421-J, *Planned Community Association*, of the Hawaii Revised Statutes, to collect from the monthly assessments, fines, late fees, attorney's fees and other expenses incurred in connection with the collection of delinquent assessments.

The application of the receipt of monies when payment, if made for less than the full amount owing to the Association, will be applied in the following order:

1. Attorney's fees;
2. Fines;
3. Late Fees;
4. Expenses;
5. Common area assessments (i.e. maintenance fees, replacement reserve assessments and special assessments).

Any Owner "directed payments" made by an Owner under the above conditions, shall be ignored for purposes of this policy.

"Directed payments" are instructions, whether verbal or written, from the Owner directing that the partial payment shall be applied to only a certain part (e.g. maintenance fees) of the outstanding balance owed to the Association.

Such acceptance and application of payments shall not be construed as a waiver of any rights the Association shall have against such Owner for any and all outstanding amounts due and owed to the Association. At its sole discretion, the Association may refuse acceptance of any payment which may be insufficient to satisfy all amounts due and owing to the Association.

Board Adopted and Approval Date – June 8, 2007

## **5 - Reimbursements - Mileage**

Board members or other authorized persons using their private vehicle in the service of the Association for a specific job or project may be eligible for mileage reimbursement. Mileage shall be approved on the "Mileage Reimbursement Form", by the Board President or Vice President, prior to being paid.

Reimbursement shall be at the current U.S. government allowed tax rate for each business mile traveled on behalf of the Kahana Ridge Association.

Board Approval Date– November 11, 2005

## **6 - Reimbursements – Materials and/or supplies**

Materials or supplies, in amounts less than \$500.00, purchased for and to be used by Kahana Ridge Home Owners Association work may be reimbursed from the Association funds when a receipt is provided within 60 days of the expenditure, and approved by the President and/or Treasurer. There will be no reimbursement of any expenses after 60 days of the expenditure without full Board approval.

Board Approval Date– November 11, 2005

## **ADMINISTRATIVE RULES AND POLICIES (Continued)**

### **7 - Construction Deposits**

Construction deposits are for the purpose of offsetting any damage to common elements, and/or fines for failure to adhere to the Kahana Ridge Covenants and/or Architectural Design standards during construction.

Board Approval Date– November 11, 2005

### **8 - Refunds of Deposits**

All refunded deposits, including construction deposits, or architectural review deposits, in total, or portions thereof, shall be made after the initial recommendation of a Board member or by the Site Manager, and submitted to the Board of Directors for final approval.

Board Approval Date– November 11, 2005

### **9 - Quotations For Work Or Supplies To Be Provided To The Association**

A Kahana Ridge Board Member, Kahana Ridge Site Manager, or the specific Kahana Ridge Committee Chairperson seeking a quotation should make every attempt to obtain three (3) contractor quotations for all Kahana Ridge projects. Failure to obtain three (3) quotations must be noted on the project and the names of all those contractors sought after listed.

#### **Contractor Provided Qualifications**

Name of Contractor

State of Hawaii Contractor License Number and Type

State License expiration date

Contractors Insurance Company and policy number

Amount of Liability Insurance carried

Certificate of Insurance indicating Workers Compensation Insurance

Board Approval Date– November 11, 2005

### **10 - Quotation Evaluation and Approval**

Quotations will be reviewed by the committee or board member requesting the proposal and compared with one another. The committee or board member will recommend a contractor, with justification, to the full board for approval, and a recommended start date for the project or work.

Board Approval Date– November 11, 2005

### **11 - Emergency Work Requests**

Three quotations will be sought, where possible, even in emergencies, unless “time-is-of-the-essence” due to the safety or health of the community or individual owners.

A written record of all quotations must be kept on file at Property Management Company. The person accepting the quotation for the emergency work must write up the verbal quotations. The following information must be submitted in writing to the Board for the record: The emergency problem (brief description), Date and Time of occurrence, Contractor(s) quoting, Contractor Selected and justification, The Hourly Rate or Job Amount estimated, The actual billed amount

Board Approval Date– November 11, 2005

# ADMINISTRATIVE RULES AND POLICIES (Continued)

## **12 – Construction Work Hours and Holidays**

Hours of contractor construction operations shall be limited to between 7:00 a.m. to 6:00 p.m., Monday through Saturday. Mandatory, no construction holidays are as follows:

New Years Day  
Memorial Day  
Independence Day (4<sup>th</sup> of July)  
Labor Day  
Thanksgiving Day  
Christmas Day

Board Approval Date– February 26, 2004

## **13 – Traffic Rules**

“It shall be a violation of Administrative Rules to exceed any posted speed limit, as well as to violate any of the traffic laws of the County of Maui or State of Hawaii within the Kahana Ridge Subdivision.”

A first violation will be a written letter to the Kahana Ridge property owner where the vehicle is known to park. Additional violations by the same vehicle are \$100 per violation to the owner.

Board Adoption Date– July 14, 2006

## **14 - Rules for Off-Island Owner Rentals**

The Association finds it necessary for the safety and health of neighboring residents and for the purpose of emergency notifications to have on file, in the Property Management Company office, the name, address and telephone number of the owner’s local on-island (Maui) rental agent.

Name of Maui Resident Property Manager  
Address of the Property Manager  
Telephone Number(s) of the Property Manager

**Failure to provide this information** within fourteen days of notification from the Property Management Company shall be grounds for a fine of \$100.00 and another \$100.00 fine for every fourteen day period thereafter that this information is not provided to the Association’s Property Management Company.

Board Adoption Date– November 17, 2006

## ADMINISTRATIVE RULES AND POLICIES (Continued)

### **House Rule 15 - Rules Regarding Distribution of Homeowners Names & Addresses**

Kahana Ridge Association Policy per HRS §421J the Hawaii Planned Community law, under section §HRS 421J-8, Membership List states *“The association shall use good faith efforts to keep an accurate and current list of the names and addresses of association members. If the list is not provided directly to members, the association shall develop **a reasonable procedure** by which owners may solicit votes or proxies or provide information to other owners with respect to association matters. The board may require members to furnish the association with an affidavit stating that the use of the list is requested in good faith for the protection of the association, its members, or both.”*

### **Procedure**

The Association’s procedure will be to provide the owners wishing to solicit votes, proxies, or to provide information to other owners with respect to association matters with a free mailing, when included with one of the **Annual Meeting Notification** announcements sent either 50 days or 30 days prior to the Annual Meeting. The Management Company must have sufficient notice to provide this service.

### **Requests For Owners Address List**

Requests for the homeowners address list must be in writing on the **Owner Address Request Form**, with verifiable identification as noted on the form.

At least two (2) Board members must sign the **Owner Address Request Form** prior to the distribution of the owner address list.

The requested owner address list is not to be used for the solicitation of money, used for any commercial purpose, be sold or furnished to others for any of the above purposes, or be published in whole or part to the general public.

**Violation of the above House Rule shall result in a fine of no less that \$2000.00**

Board Approval Date– October 8, 2010  
Supersedes Board Adoption Date– June 11, 2010

### **16 - Rules on Reproduction of Structural Plans**


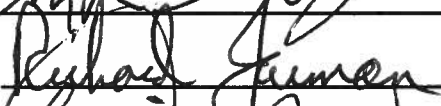
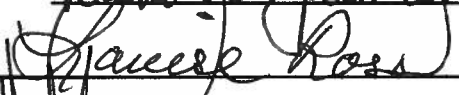

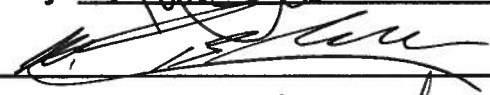
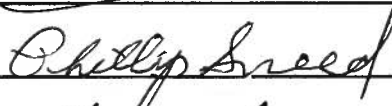

Owners requesting copies of their specific building structural plans will be furnished those plans, if available, from the Kahana Ridge files and on a CD, not paper copies. It will be the requesting owner’s responsibility to reproduce the plans from the CD. A charge for creating this CD, and the making of a duplicate CD copy for the Kahana Ridge files will be \$75.00, including tax, payable in advance. The Kahana Ridge Site Manager will coordinate the request.

Board Adoption Date– June 13, 2008

**SIGNATURE PAGE  
FOR  
October 8, 2010 REVISION OF THE**

**“HOUSE RULES - COVENANT ENFORCEMENT and ADMINISTRATIVE RULES”**

The following members of the Kahana Ridge Association, Inc. Board of Directors, in attendance at the October 8, 2010, 12:00 Noon Board meeting, have approved the attached HOUSE RULES COVENANT ENFORCEMENT and ADMINISTRATIVE RULES as presented in pages 1 through 33 of this document titled “KR HOUSE RULES – COVENANT ENFORCEMENT and ADMINISTRATIVE RULES MANUAL” adopted October 8, 2010 with the file name “KR HOUSE RULES Effective 100810.doc and .pdf” dated October 8, 2010 and approved by the following members of the Kahana Ridge Association, Inc. Board of Directors attending the October 8, 2010 Board Meeting.

Don R. Gerbig, President		Signed <u>10-17-10</u>
Richard Jarman, Vice President		Signed <u>10/27/10</u>
Louise Ross, Treasurer		Signed <u>10/21/10</u>
Mark Lightfoot, Secretary		Signed <u>10/17/10</u>
Jeff Blayer, Member		Signed <u>10/17/10</u>
Phillip Sneed, Member		Signed <u>10-17-10</u>
Stanley Zajac, Member		Signed <u>10-17-10</u>

Board Approved in Minutes of October 8, 2010  
Supersedes Policy dated June 11, 2010