

# **ASSOCIATION OF APARTMENT OWNERS**

## **LUANA KAI**

**940 S. KIHAI ROAD**

**KIHAI, HI 96753**

Revised: (12/21/01)

### **PURPOSE**

Condominium living requires each person to respect the needs and rights of others residing in Luana Kai. The primary purpose of the House Rules is to protect all Apartment Owners and other Residents from annoyance, nuisance and hazardous caused by improper use of Luana Kai and to ensure the comfort, safety, security, and quiet enjoyment of all Apartment Owners and all Residents.

These "**House Rules**" represent the revised rules for Luana Kai. They supplement, but do not change, the obligations of owners and tenants contained in official documents and by-laws pertaining to the condominium. They apply specifically to owner-residents and tenants of Luana Kai as well as to members of their families and guests, and shall be enforced by the Board of Directors, Resident Manager or Managing Agent without exception.

These rules have been formally adopted by the Board of Directors and may be changed as they feel appropriate.

These rules serve as a guide to consideration for others and to the application of common sense so as to create a friendly, pleasant and congenial atmosphere.

The Board of Directors has the responsibility to make such other rules from time to time or to amend the following rules as may be deemed needful for the safety, care and cleanliness of the premises and for securing the comfort and convenience of all the occupants of Luana Kai.

Any questions regarding these house rules should be directed to the Managing Agent for explanation or clarification.

### **SECTION A . RULES PERTAINING TO APARTMENTS**

A-1 No awning, shades, Venetian blinds, window guards, dryer vents, radio or television antenna, or any apparatus not common to all apartments shall be attached to or hung from the exterior of the buildings or lanais or protrude through the walls, window or roof thereof, and no notice, advertisement, bill, poster, illumination or other sign shall be inscribed or posted on or about the project, although not visible outside of the project, except such as shall have been approved in writing by the Board of Directors or the Managing Agent or the Resident Manager, which approval may be granted or refused in the sole discretion of the Board of Directors or the Managing Agent or the Resident Manager, nor shall anything be projected from any windows of the building without similar approval

A-2 Air conditioners, stand alone freezers, or any equipment requiring high energy use is prohibited. This shall not apply to cook stoves, water heaters, clothes dryers, dishwashers or refrigerators which are common to all apartments.

A-3 Apartment Maintenance. The repair and maintenance of apartment interiors is the responsibility of the individual owners.

A-4 Nameplates and names, including those affixed to mailboxes, shall be placed only in places and the form approved by the Board.

A-5 All radio, television or other electrical equipment of any kind or nature installed or used in each apartment unit shall fully comply with all rules, regulations, requirements of the public authorities having jurisdiction and the apartment owner alone shall be liable for any damage or injury caused by radio, television or other electrical equipment in such apartment owner's unit.

A-6 All noise from whatever source shall be controlled so same shall not disturb or annoy other residents. All residents shall maintain quiet between the hours of 10:00 pm and 8:00 am daily except on Fridays, Saturdays and nights preceding holidays when quiet hours shall begin at 12:00 midnight.

A-7 Emergencies. If the immediate services of the Police Department, the Fire Department, and Ambulance or Doctor are required, the desired agency or person should be call directly. Any Emergency, particularly such emergency as flooding due to water leaks, fire, theft, etc., should be brought to the attention of the Resident Manager or Managing Agent.

A-8 Neither Managing Agent, Board of Directors nor Resident Manager is responsible for packages or other deliveries left in halls, service lockers, at doors of units or any other undesignated place on premises, nor for any article left with any employee, nor for any personal property placed or left in or about the buildings.

A-9 Potted plants. Potted plants may be placed on private lanais. Porcelain or other suitable containers shall be placed under all flower pots. The watering of plants and the sweeping and mopping of lanais shall be accomplished in such a manner as not to create a nuisance to persons residing in adjacent or lower apartments or to persons on the grounds of the premises. Proper safety precautions must be taken so plants do not fall from lanais.

A-10 Hazards No occupant shall use or permit to be brought into the buildings or common areas anything deemed extra hazardous to life, limb or property, such as gasoline, kerosene, naphthalene or other combustibles of like nature, nor any gunpowder, fireworks or other explosives. No activity shall be engaged in and no substance introduced into or manufactured within the building which might result in a violation of the law or in the cancellation of the insurance or increase the insurance rates on the building.

A-11 No water beds are permitted.

A-12 No livestock, poultry, rabbits, or other animals whatsoever shall be allowed on kept in any part of the project. Do not feed the birds or stray animals.

---

A-13 Dusting and Sweeping. Garments, rugs, mops or other objects shall not be dusted or shaken from windows or lanais, stairways or fire escape areas of the buildings or cleaned by beating or sweeping on the lanais or any exterior part of the buildings. Dust, rubbish, or litter shall not be swept or thrown from any exterior part of the buildings into any entryway or other parts of the premises. Furthermore, nothing shall be thrown or emptied by occupants or their guests out of windows, doors or off lanais into any part of the building or premises.

A-14 Lanais. Lanais may be furnished appropriately with chairs, lounges, small tables and kept in an orderly manner. No cooking is permitted on lanais. Barbecues are located in the fenced area of the pool.

**A-15 Garbage**

- a. Kitchen disposals should be utilized for disposing of soft waste.
- b. Only cold water should be used when operation disposals

A-16 Guests The occupant is responsible at all times for the reasonable conduct of his guests.

A-17 Do not hang towels or laundry from lanai railings or lanais.

A-18 Long term storage of property on lanais is prohibited.

**SECTION B. COMMON AREAS**

B-1 Soliciting. No soliciting or advertising of goods and services, or religious or political activities shall be permitted on the premises unless approved by the Board of Directors.

B-2 Surfboards, bicycles and related items shall not be left or allowed to stand on any part of the premises, other than within the confines of an apartment or any storage area set aside or assigned for such purposes.

B-3 Bicycles, skateboard, scooters, skates of any kind, or similar sports equipment, are not permitted on walkways or sidewalks.

B-4 Move-in and moving of large items should be coordinated through the Resident Manager. Any damage to the buildings caused by moving of furniture or other personal effect shall be repaired at the expense of the resident causing such damage.

B-5 Protection of Common Areas. Furniture, furnishings and equipment of the common elements have been provided for the safety, comfort and convenience of all residents and guests and, therefore, shall not be altered, extended or removed or transferred to other areas without permission from the Resident Manager.

B-6 Responsibility for Damage. Each apartment owner or tenant shall be held personally responsible for any damage or destruction to any common or limited common element caused by himself, his children, his guests, or any other occupants of his apartment.

\* B-7 Use of Ground, Entry Lanais, Etc. The grounds, walkways, entry lanais, stairways, building entrances, driveways, recreation areas and other similar common elements shall be used strictly for ingress and egress from the parking and apartment areas, and must be at all times kept free from obstructions.

B-8 Pool users shall dry off prior to entering walkways and stairwells; beach users shall shower to remove sand from their bodies before using the walkways and stairwells.

### **SECTION C. GENERAL**

C-1 Keys. If any keys are entrusted by an apartment owner or occupant or by any member of his family or by his agent, servant, employee, licensee or visitor to an employee of the Board of Directors or of the Managing Agent or of the Resident Manager, whether for such apartment owner's or occupant's apartment unit or an automobile, truck or other item of personal property, the acceptance of the key shall be at the sole risk of such apartment owner or occupant and neither the Board of Directors nor the Managing Agent nor the Resident Manager shall be liable for injury, loss or damage of any nature whatsoever, directly or indirectly resulting therefrom or connected therewith.

C-2 Apartment Locks. The Resident Manager will be provided with and retain a passkey to each apartment. If the lock to an apartment is to be changed, the Resident Manager shall be notified, and the new lock shall be of a type that can be opened by the Resident Manager.

C-3 Nothing shall be allowed, done or kept in any apartment unit or common area of the project which would overload or impair the floors, walls or roofs thereof, or cause any increase in the ordinary premium rates or the cancellation or invalidation of any insurance thereon maintained by or for the Association, nor shall any noxious or offensive activity or nuisance be made or suffered thereon.

C-4 Complaints and suggestions regarding the buildings shall be made in writing to the Board of Directors or the Managing Agent.

C-5 Fireworks. There is to be NO shooting of fireworks of any type at anytime, in, from, or around the buildings or common areas except by special permit by the Board of Directors.

C-6 No occupant of the building shall send any employee of the Board of Directors or the Managing Agent on any business.

C-7 All occupants must register with the front desk within 24 hours of arrival on property. Renters and guests will be charged a \$20.00 registration fee by the front desk vendor. This fee does not apply to owners or guests of owners when the owner is present on property, but registration is still required. Information to be supplied may include but shall not be limited to: names of apartment occupants, next of kin or close friends, telephone number(s), physicians and other data that may be necessary in case of emergency.

---

## **SECTION D. PARKING**

D-1 Damage to cars and other objects or common areas shall be the responsibility of the person causing the damage.

D-2 Parking permitted to residents or their guests only, with no assigned spaces. No major repairs to automobiles or motorcycles permitted on the premises. No racing of motors, etc., is permitted.

D-3 Drivers may not leave cars unattended in loading zones, and cars should be promptly removed when the loading is completed.

D-4 No personal items such as lumber, furniture or crates shall be permitted in the parking area.

D-5 Vehicles shall travel at 5-miles per hour speed. Drivers are expected to observe traffic signs for the safety of all.

D-6 No vehicle belonging to a unit owner or to a member of the family or guests, tenants or employee of a unit owner shall be parked in such manner as to impede or prevent ready access to any entrance or to any exit from the buildings by another vehicle or interfere with owners or paying guests.

D-7 Each owner/occupant is entitled to only one parking space for an operating vehicle used regularly during each week. Apartment owners are permitted to park their own vehicles when they are not resident at Luana Kai, but such parking must be previously approved by management or Board of Directors.

D-8 Guest parking is permitted for visitation of less than 12 hours as space is available, but vehicles belonging to guests must be removed to allow parking by owners and paying guests' use if requested.

## **SECTION E. POOL AREA (Revised Dec 12, 2002)**

1. Pool area is open from 8:00 am to 10:00 pm, accessible ONLY with your pool key.
  2. Children under 12 years of age must be supervised by an adult.
  3. The use of small inflatables is permitted in the pool but not in the hot tub. No rafts or large inflatables toys.
  4. Swimmer assisting arm floats or life vests are permitted for non-swimmers in the pool, not in the hot tub.
  5. NO BALLS of any kind are permitted in the fenced pool area.
  6. Masks, swim goggles and snorkels are permitted in the pool, but not in the hot tub.
  7. No boogie boards or swim fins in the pool or hot tub.
-

8. Marco-Polo type games, yelling, running, cannon-balling, climbing over gates and fences is not permitted in the fenced pool area.

9. Radios, CD players and tape decks may only be used with headphones.

10. No cell phones are permitted in the fenced pool area.

11. No diapers. No naked swimming regardless of age. Toddlers must wear swim diapers in the fenced pool area.

12. No glass materials in the fenced pool area.

#### **STATE BOARD OF HEALTH REQUIREMENTS (SECTION 61 - PERSONAL REGULATIONS)**

1. All persons known to be or suspected of being afflicted with an infectious disease, suffering from a cough, cold or sores or wearing band-aids or bandages, shall be excluded from bathing in the pool.

2. Spitting, spouting of water, blowing the nose in the swimming pool shall be prohibited.

3. Pool gates must be locked at all times. Owners and paying guests must insure enforcement.

#### **SECTION F. PUTTING GREEN**

F-1 No chipping in garden area or on the putting green.

F-2 No children under 12 years old allowed on the putting green unless accompanied by an adult.

Violations of House Rules shall result in a warning by management of the Board of Directors in first time offenses unless the act is determined to be serious, then permanent action shall be taken causing removal of the problem whether it be a vehicle, guest, article or whatever. Any damage, loss of income or extra expense shall be billed to the owner of the unit causing such, whether by themselves or their guests, paying or not.

Long term rentals shall be defined as a rental for a period of three months or longer to the same party or parties. All such rentals are subject to prior approval by the Managing Agent to make sure house rules will be adhered to.

#### **HOUSE RULES** (condensed)

The following rules have been adopted to provide the maximum enjoyment for those owning, living, or visiting the Luana Kai Resort. The intent and purpose of these House Rules is to protect all residents and their guests from annoyance and inconvenience caused by improper use of the premises.

---

1. All occupants must register with the front desk within 24 hrs. of arrival. Renters and guests will be charged a \$20.00 registration fee by the front desk vendor. This fee does not apply to owners or guests of owners when the owner is present, but registration is still required.

2. Quiet Hours: 10:00pm until 8:00am daily except on Friday and Saturday and nights preceding holidays when quiet hours shall begin at 12:00 midnight.

3. Bicycles, skateboards, scooters, skates of any kind, or similar sports equipment, are not permitted on walkways or sidewalks.

4. Do not feed the birds or any stray animals.

5. No cooking is permitted on lanais. Barbecues are located in the fenced pool area for your use.

6. Do not hang towels or laundry from lanai railings or lanais.

7. Sweeping, shaking, or throwing anything from the lanais is prohibited.

8. All pool rules must be observed. Pool/Hot Tub hours are 8:00am to 10:00pm.

9. Putting Green: No chipping in the garden area or on putting green. Children under 12 must be accompanied by an adult.

10. Pool users shall dry off prior to entering walkways and stairwells; beach users shall shower to remove sand from their bodies before entering the walkways and stairwells.

---



Hawaiiana Management Company, Ltd.  
Kahului Office Center  
140 Hoohana Street, Suite 210  
Kahului, Maui, Hawaii 96732  
Tel: (808) 270-3218  
Fax: (808) 873-7423  
Internet: [www.hmcmgt.com](http://www.hmcmgt.com)

January 5, 2010

To: All Owners

From: Bill Dix

Re: Amendment to House Rule Section C-2

This is to advise you that the Board of Directors of Luana Kai, on the advice from legal and insurance experts, amended House Rule C-2 at their regularly scheduled meeting on December 4, 2009.

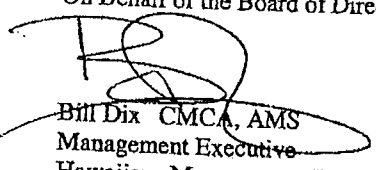
Rule C-2 read as follows - Apartment Locks. The Resident Manager will be provided with and retain a passkey to each apartment. If the lock to an apartment is to be changed, the Resident Manager shall be notified, and the new lock shall be of a type that can be opened by the Resident Manager.

**House Rule C-2 has been amended to read - Apartment Locks - The AOA or its employees will not hold individual unit keys.**

If you have individual unit keys held by the AOA or its employees (Resident Manager) please arrange to have them picked up by you or your on island agent by March 1, 2010. Any keys in the AOA possession after that date will be destroyed.

As a reminder, Hawaii Statute requires any owner not residing on the island where the property is located is to designate an "on island agent" and supply that information for emergency contact purposes. In an effort to update the contact log I have included the contact form to be filled out. Even if you have filled this out in the past, please do so again and return it via mail, fax or email.

Sincerely,  
On Behalf of the Board of Directors,

  
Bill Dix CMCA, AMS  
Management Executive  
Hawaiiana Management Company, Ltd.

Email [billd@hmcmgt.com](mailto:billd@hmcmgt.com)