



WAILEA ELUA VILLAGE

Resort Oceanfront Condominiums



Association of Apartment Owners Wailea Elua **Rules**

3600 Wailea Alanui Drive Kihei, Hawaii 96753

Telephone: (808) 879-4055 FAX (808) 879-7863

Owner's request, such repairs may be made by the Elua
Maintenance staff at Elua's regular rates.



Guard at the Front Gate at the time of departure.

- 7) The rental agency/direct rental owner shall be responsible for its rental guests' compliance with Elua rules applicable to rental guests. In the event a rental guest refuses to comply with any Rule, the rental agency/direct rental owner shall be notified of the situation and shall instruct the rental guest to abide by the Elua Rules. If the rental guest continues to violate any Rule, the rental agency/direct rental owner shall arrange for the removal of the rental guests from Elua upon the instruction of the General Manager or other AOAOWailea Elua representative .
- 8) Within six (6) hours after the departure of rental guests from the apartment, the rental agency/direct rental owner or designated cleaning service shall ensure that all food left in the apartment is either removed or temporarily stored in the refrigerator or otherwise securely contained until the apartment is comprehensively cleaned and that there exists no potential hazard to the apartment, adjoining apartments, or the common elements.
- 9) Any damages to the common elements by a rental guest shall be repaired or restored and the cost billed to the owner of the apartment in which the rental guest is staying or has stayed. Notice will be given to the rental agent of any such billing for payment by the rental agent, if so authorized by owner.
- 10) Members of the maintenance staff of rental agents or a designated contractor shall have the right to enter apartments handled by the rental agent in order to make necessary repairs. Notice of the nature of repairs to fixtures, appliances, doors, windows, or areas involving leaks or electrical problems shall be promptly reported to the Elua Manager's Office. At the rental agency's or

TABLE OF CONTENTS

Rules Relating to Apartments	3
I. Maintenance of Apartments	
II. Use of Apartments	
III. Smoking Policy	
IV. Garages	
V. Lanais	
VI. Rubbish and Garbage Removal	
VII. Pets	
VIII. Alterations to Apartments	
 Rules Relating Common Area	 10
I. Use of Common Area	
II. Vehicles and Parking Areas	
III. Landscaping	
IV. Pavilion, Pool & Spa	
 Rules Relating to Admission onto Elua Property	 16
 Rules Relating to Apartment Rentals and Rental Agency Operations	 18

ASSOCIATION OF APARTMENT OWNERS WAILEA ELUA

TO: Owners and Prospective Owners of Wailea Elua Apartments:

This booklet contains the Rules applying to Wailea Elua as adopted and amended through this date. These Rules have been adopted in accordance with the Hawaii Condominium Law (Revised Statutes Chapter 541-A), the Elua Horizontal Property Regimes, and Article III, Section 2(e) of the Bylaws of the Association.

A copy of the Rules is delivered to each new Owner at the time of purchase of an Elua apartment. The Rules as adopted or amended thereafter will be available at the General Manager's Office. Nevertheless, the Board believes that a compilation of the Rules in a single, handy booklet would be more convenient for Owners. Copies are also being sent to Rental Agents and are available to Real Estate Brokers active in Elua. Copies will continue to be made available to Escrow Agents handling the closing of an Elua apartment sale, to be delivered to new Owners at close of escrow.

Rules are an integral part of the governance and management of a condominium Association. They serve a number of purposes involving the cohesiveness of the condominium community and the protection of the value of each individual's investment.

Communal living differs significantly from the individualism which can be practiced by Owners of single family homes. As the Hawaii Court of Appeals recently stated:

overnight without prior notice to the rental agency and to the Elua General Manager's Office.

4) Entry of rental guests onto the Elua premises will be permitted if either of the following conditions are met:

a) Upon arrival, the rental guest provides information to the Patrol Guard to complete the registration card at the Front Gate and presents a key to the rented apartment; or

b) If the rental agency/direct rental owner, by prior arrangement, has submitted a completed Registration Card and key in advance to the General Manager's Office, or the Front Gate, the Front Gate Patrol Guard will deliver the key to the rental guest upon presentation of appropriate identification.

5) The Front Gate Patrol Guard shall deliver to the rental guest a guest handbook containing a copy of the Elua Rules, information concerning recreational facilities and services available to rental guests, procedures to be followed by rental guests in the case of emergencies, a statement that routine inquiries should be made directly to the rental agency/direct rental owner/other designated owner agent, rather than members of Elua staff, and such other information as may be deemed desirable.

6) At the time of arrival, the Front Gate Patrol Guard shall give the rental guest arriving by vehicle, a decal showing the rental apartment number and date of departure. The rental guest shall be instructed that the decal be placed on the front interior windshield of the driver's side of the car at all times. The decal should be returned to the Patrol

cleaning services. A current consolidated list of rental agencies and apartments for which they have been engaged to handle rentals shall be maintained at the Manager's Office and the Front Gate. Entry into an Elua apartment by rental guests or by members of the rental agency's staff or agents shall be denied if the designated apartment is not on the list as filed.

All Elua owners who rent their apartments must be personally available on Maui, or designate an agent for Owner who is personally available on Maui, to receive, process and respond to all rental guest inquiries and requests for assistance/service in the rental process. The identity of this individual/agency and a local Maui telephone number for the person/entity must be provided in advance to all rental guests.

2) Rental agencies and direct rental owners shall deliver or fax to the Elua manager's office, each day before 2:00 p.m., a list of arrivals and departures for the following day. The report shall include any changes in apartment assignments and departure dates of rental guests.

3) Elua will provide each rental agency and direct rental owner with a supply of Registration Cards which will provide for the inclusion of the following information: name, the number of guests in the rental party (specifying the number of adults), arrival and scheduled departure dates; and space for entry by the Elua Patrol Guard of the make, model, color and license number of the rental guest's vehicle, if any. Registration Cards are retained at the General Manager's Office.

Rental guests may not have any additional guests stay

The uniqueness of the condominium concept of ownership has caused the law to recognize that each Owner must give up some degree of 'freedom of choice he might otherwise enjoy in separate privately owned property'."

The purposes and goals of these Rules are, at the same time, diverse and interrelated: To protect the health and safety of Owners and guests, as well as to protect the rights of Owners and occupants from annoying disturbances, both within the apartment buildings and in the common areas. The Rules also serve to protect the value of each Owner's investment by assuring the structural soundness and safety of the buildings and the desirability of the property, through uniformity and overall continuity of landscaping and design.

The enforcement of these Rules is delegated to the General Manager and Elua's Patrol Staff. It is important to each of us that all Owners, their family, guests and rental guests, follow these Rules. Your cooperation with the Elua Staff is appreciated.

The Board of Directors

Revised January 2013

RULES

RELATING TO APARTMENTS

I. MAINTENANCE OF APARTMENTS

- 1) Each Owner of an apartment shall, at the Owner's expense, keep the apartment and all fixtures and equipment therein in good condition and repair and do such painting and redecorating as may be necessary to maintain the good appearance and condition of the apartment.
- 2) An Owner desiring to remodel or make any alteration to or within an apartment or a limited common element appurtenant to an apartment may be required to obtain prior written approval, up to 90 days in advance, in accordance with the current provisions of the Wailea Elua Renovation Guide.
- 3) The Owner must promptly replace any apartment fixture or appliance, which is defective or unreasonably noisy. In the event of failure to do so, the General Manager is authorized to disconnect the fixture or appliance.
- 4) Any changes in drapes or installation of window blinds are subject to review by the General Manager to assure that the proposed changes are consistent with the standard colors which have been approved for use in the community. Mirrored windows are not permitted.

II. USE OF APARTMENTS

- 1) Apartments shall at all times be used only as permanent

accompanied at all times by the Owner or a licensed real estate agent. Prospective rental guests wishing to view rental units or the Elua facilities must be accompanied at all times by the Owner, an employee of the Owner's designated rental agency, or other designated Owner representative who is preregistered with the General Manager and the Elua Security Staff.

- 10) In circumstances not covered by the above procedures, the Front Gate Patrol Guard is instructed to contact the General Manager for further instructions.

RULES RELATING TO APARTMENT

RENTALS AND RENTAL AGENCY

OPERATIONS

1) Rental agency" or "Rental agent" includes a person or entity acting on behalf of an Elua apartment owner in obtaining rental guests for a fee or commission and/or in interfacing with rental guests, for any purpose, as the representative of owner. "Direct rental owner" refers to the owner of an apartment in Elua who is actively engaged in owner direct rental of their Elua apartment(s). "Rental guests" include all persons occupying a designated rental apartment during a rental period."

Each agency shall file with the Elua Manager's Office and keep current a listing of Elua apartments for which it has been authorized to rent or supply

-
-
- 3) Owners, Owners' family members, guests and rental guests expecting a visitor should advise the Front Gate in advance of the name of the party and the estimated time of arrival.
 - 4) Owners who wish to be reached by other parties while away from their apartments may provide the Front Gate Patrol Guard with their destination. A log of such entries is maintained by the Patrol Department to assist inquiries to the Gate or to the General Manager's Office in such cases.
 - 5) If a package is to be delivered to an Owner or guest, the Front Gate Patrol Guard will call the apartment to assure that someone is available to accept the package. If there is no one at the apartment and the Office is open, the delivery person will be directed to leave the package at the Office. If the Office is closed, the Front Gate Guard will accept delivery and at the earliest time arrange that it be placed in the Office.
 - 6) Under no circumstances shall a package be left outside an unoccupied apartment. The delivery will be noted in the Patrol's Daily Log.
 - 7) The Front Gate Patrol Guard will identify by name and unit number all foot traffic before being admitted.
 - 8) All vehicles not identified by an Owner car sticker or a visible pass will be stopped. All vehicles entering the Elua premises will be issued an appropriate pass.
 - 9) Prospective purchasers of Elua apartments must be

-
-
- or temporary residences and shall not be used for other purposes. Rental of apartments, directly or through a professional Rental Agency, is permitted, subject to specific Rules Relating to Rental Agency Procedures as may be adopted by the Board of Directors.
 - 2) Advertisements, bills, posters, "for sale" and "open house" signs or other signs may not be posted on or about the premises or in a visible location.
 - 3) No person shall make, cause or permit anything which unreasonably interferes with the rights, comforts or convenience of other occupants, regardless of the hour of the day. Quiet hours are between the hours of 10:00 p.m. and 8:00 a.m. Vacuum cleaners or bathtub spas shall not be operated after 10:00 p.m. or before 8:00 a.m.
 - 4) No hazardous, flammable or explosive material may be brought or maintained in or near the buildings or lanais, except propane barbecue grills.
 - 5) Propane barbecue grills may be used on lanais under the following conditions:
 - a) When in use, the grill must be positioned away from the building and all flammable material.
 - b) A fully charged and operable fire extinguisher shall be kept within 10 feet of the grill.
 - c) All emergency telephone numbers shall be prominently displayed in the vicinity of the telephone.

-
-
- d) Grills must meet specifications approved by the Board of Directors. New and replacement grills must be approved in advance by the General Manager.
 - e) It is the responsibility of the Owner, in the case of Owner's guests, and the Owner's Rental Agent, in the case of rental guests, to assure that the grill is in working order and to familiarize the guest with the operation and use of the grill and the fire extinguisher at the time of occupancy.
 - f) Barbecuing on lanais is only permitted between the hours of 11:00 a.m. to 9:00 p.m.
- 6) If a new apartment door lock is installed by or on behalf of an Owner, or an existing lock is altered, a duplicate key shall be immediately delivered to the General Manager. Any changed key shall be keyed to Elua's Master Key. For emergency purposes, the General Manager shall retain access to all apartments.
 - 7) Nothing shall be allowed, done, or kept in any apartment which would overload or impair the integrity/function of the floors, walls, roof, electrical wiring, plumbing or drains thereof, or which might cause an increase in the premium rates or the cancellation or invalidation of any insurance maintained by or for the Association.
 - 8) Television antennas or other devices or equipment shall not be installed on or through the walls, windows or roof of any apartment, or on a lanai.
 - 9) Owners or their agents shall give written or telephone permission for the General Manager's office to give

swim attire; tables, chairs and other pool and barbecue area furniture are available for this purpose.

V. BARBECUE AREAS

- 1) The two barbecue areas are available to Owners, guests and renters for personal use. Request for the reservation of barbecue grills may be made at the General Manager's Office. Reservations are limited to the Upper Barbecue. Barbecues at the Lower Pool may not be reserved. Barbecues may not be reserved on Holidays.
- 2) The barbecue grills and area may not be used for any commercial purpose. Music, entertainment and/or sponsored activity is not permitted, unless approved by the General Manager.

RULES RELATING TO ADMISSION ONTO ELUA PROPERTY

- 1) Owners must advise the General Manager's Office in advance of their estimated time of arrival in Elua. Owners should also advise the General Manager's Office of the names, date of arrival and length of stay of their family and nonguests who will be occupying the apartment in the Owner's absence.
- 2) Rental agents/direct rental owners must advise the General Manager's office, with one business day's prior notice, of the names and arrival and departure dates of rental guests in accordance with the Rules Relating To Apartment Rental and Rental Agency Operations hereinafter provided.

-
-
- 5) Any child requiring diapers must wear a swim diaper or protective plastic pants.
 - 6) Bathers are requested not to enter the pool with suntan oil, ointments, hairpins or other small objects. Individuals returning from the beach shall shower off sand and saltwater before entering the pool or Pavilion area.
 - 7) Proper swimming apparel shall be worn at all times.
 - 8) Radios and cassettes in the Pavilion pool, upper pool and barbecue areas are permitted only if ear or headphones are used so that the sound is inaudible except to the individual user.
 - 9) Scuba or snorkel equipment, inner tubes, swim fins, toys or other inappropriate equipment are not allowed in the pool. However, small children may use small tubes or water wings for safety purposes, if accompanied in the pool by an adult. Life preservers and other safety equipment shall only be used in case of emergency.
 - 10) Pool furniture and equipment shall not be removed from the pool area. Lounges and chairs shall be covered with towels if suntan lotions, oils or ointments are being used. Glassware, bottles and other breakable items may not be used on or in the vicinity of a pool deck.
 - 11) Upholstered Pavilion furniture is not to be used while eating or while wet or while dressed in

keys to guests, renters, suppliers or contractors.

- 10) Owners and occupants are required to make requests on maintenance matters to the General Manager or Manager's Office and not directly to Elua maintenance personnel.
- 11) Each Owner is responsible for the acts and conduct of family members, guests, agents, contractors and renters occupying the Owner's apartment.
- 12) All apartments must have operational telephone service provided through a hardwired land line with the phone number provided to Elua management and security.
- 13) The rules and procedures applicable to rental use of Elua apartments are set forth herein in the sections entitled "Rules Relating to Admission onto Elua Property " and "Rules Relating To Apartment Rentals and Rental Agency Operations".

III. NO SMOKING POLICY

- 1) Effective July 1, 2013, Wailea Elua instituted a no smoking policy for all common areas of the property.
- 2) Owners are free to prohibit, or permit smoking in their apartment and/or lanai.
- 3) Anybody smoking on a lanai may be asked to stop if their smoke is disturbing a neighboring lanai.

IV. GARAGES

- 1) Parking stalls are common elements, except garages appurtenant to Apartments, which are limited common elements. Parking stalls and garages may be used solely for the parking of private passenger vehicles. A change in the stated use of garages and parking stalls requires the consent of 75% of the Owners.
- 2) Parking stalls other than garages are unassigned.
- 3) Garages may be leased to other Owners for their intended purpose, i.e., the parking of private passenger vehicles. Garages may not be rented to non-Owners or used for any commercial purpose.

V. LANAIS

- 1) Lanais may be furnished with appropriate lanai furniture only, which includes chairs, lounges, tables and decorative items. Lanai furniture temporarily placed on common areas must be returned to lanais when not in use and by dusk. Lanai furniture is not to be covered when not in use.
- 2) No changes in the lighting fixtures or screens may be made without the approval of the General Manager. No blinds, shades or awnings shall be installed on lanais without the written permission of the Board of Directors, except for types and colors of blinds previously approved by the Board may be installed with the advance permission of the General Manager. Blinds must be maintained in good condition and shall be removed or

- 2) The Board permits Owners to supplement Elua's landscaping by the use of planters and proper drain pans on their lanais. Upon request, at Owner's cost, the Elua Maintenance staff will install an irrigation system.
- 3) Stone walls around lower floor apartments and railings around upper floor lanais are common elements. Changes or improvements thereto may be made only with the Board's prior approval and at Owner's expense.

IV. PAVILION, POOLS & SPA AREA

- 1) Pavilion pool hours are from 8:00 a.m. to 10:00 p.m. Hours for upper pool and spa are from 7:00 a.m. to 9:00 p.m. Use of the pools by Owners, guests and renters is at their own risk. There are no lifeguards on duty. Quiet hours at the lower pool are from 4:00 p.m. to 6:00 p.m. daily.
- 2) Admittance to the pools and pool hours will be regulated at the discretion of the Board and the General Manager.
- 3) Hours for paddle courts and putting green are from 8:00 a.m. to 6:00 p.m.
- 4) Running, playing of games, such as "Marco Polo", or excessive noise in or around the pool area is not permitted. No "horseplay" is allowed in the pool or surrounding area. Parents or other responsible adults shall properly supervise minors.

which will not constitute a noise annoyance to occupants of Elua.

- 2) Parking areas shall be used solely for the parking of private, normal-size passenger vehicles. Boats, trailers, motorcycles, motorbikes, trucks, buses, and activity vans are not allowed on the premises, except panel or other vehicles required by contractors or suppliers rendering repair or other services to an Owner's apartment or the AOA. Bicycles must be kept inside apartments or stored unobtrusively on lanais.
- 3) Owners and occupants shall advise the Front Gate in advance of the arrival of guests or visitors and of service or large delivery trucks.
- 4) Bicycles shall be operated only on paved driveways and not on pathways or other common areas. Use of rollerblades, roller skates and skateboards or similar devices are not permitted at any time on the Elua premises.
- 5) Parking areas shall not be used for any mechanical work on vehicles except in cases of emergency.

III. LANDSCAPING

- 1) If an Owner wishes to propose changes in landscaping, the Owner should submit the request to the General Manager, in writing, if requested by the Manager. The request will be considered by the General Manager, the Landscape Committee and the Board according to procedures set by the Board.

replaced when in poor condition.

- 3) Towels, bathing suits or other objects shall not be hung on lanai railings or walls, on stairways and landings, or in common areas. Lanais and stair landings may not be used for storage purposes.
- 4) Barbequing on lanais is only permitted between the hours of 11:00 a.m. and 9:00 p.m.. Only propane or electric grills are allowed. Charcoal or other wood-fired grills are not allowed on Elua premises. Grills in barbecue areas may be reserved by Owners and guests at the General Manager's office.
- 5) All plants on lanais shall be placed in containers meeting specifications determined by the General Manager so as to prevent the dripping of water or soil onto other apartments or the common elements.

VI. RUBBISH AND GARBAGE REMOVAL

- 1) All trash shall be deposited in the designated trash areas on the premises. Garbage shall be thoroughly drained and put in paper or plastic bags, which shall be tied or closed.
- 2) To assist in Maui's environmental programs, guests and owners are encouraged to utilize the available recycling receptacles located in the designated trash areas.

VII. PETS

- 1) A total of not more than two (2) dogs, cats and other household pets of reasonable size may be kept only by Owner(s) while in residence in their respective apartments, but shall not be kept, used, or bred therein for

any commercial purpose. Dogs are not allowed on Common Elements except in transit and carried or on a leash.

- 2) Any pet causing a nuisance or unreasonable disturbance shall be promptly and permanently removed from Elua upon demand by the Board of Directors or General Manager.
- 3) All pets, regardless of type, must be registered with the General Manager on the date of arrival.
- 4) Pet owners are responsible for the immediate cleanup after their pets. Any failure is both a nuisance and an unreasonable disturbance under paragraph 2 above.
- 5) Bird feeders are allowed only when located where the birds will not cause a mess or disturbance to neighbors.
- 6) Barking dogs are both a nuisance and an unreasonable disturbance and will not be tolerated.
- 7) The General Manager is authorized to take appropriate measures to protect the health of Elua residents and guests as well as to protect the common elements and Elua's ambiance from any adverse consequences resulting from the presence of pets in Elua.

VIII. RULES RELATING TO ALTERATIONS TO APARTMENTS/RULES FOR CONTRACTORS

i. Hitting or kicking of balls or other objects, pitching balls to batters, choosing up sides or teams for sporting activity competition, etc.;

j. Playing tag, hide and seek, or other variants, such as designating someone as "it" to chase after others;

k. The use of electronic or mechanical noise emitting devices such as "whistling" balls, "clacking" bats, whistles, sirens, toy guns, or other such devices;

l. Yelling, screaming, or cheering;

m. Hitting any kind of ball, birdie, or other object, with any kind of bat, stick, paddle, racket, etc. EXCEPT for the use of a tennis, badminton, or paddleball racket in the Paddleball Court;

n. Using golf clubs for any purpose, except for the use of putters on Elua's practice putting green.

These rules shall be enforced by the Patrol Staff under the directions of the General Manager according to the policies of the Board.

II. VEHICLES AND PARKING AREAS

- 1) Vehicles shall be operated within Elua premises at a speed not exceeding ten (10) mph and at a sound level

Paddleball, persons wishing to play Paddleball always have priority of use over any other use of this facility.

2. THE FOLLOWING ACTIVITIES ARE PROHIBITED ANYWHERE WITHIN ANY OF THE COMMON AREAS OF ELUA:

- a. Business, commercial, political and/or religious activities which can legally be restricted by ELUA consistent with existing county, state and federal law;
- b. The use or possession of fireworks (except on Ulua Beach, if legally permitted on the beach);
- c. Storage of equipment or personal belongings;
- d. Bicycle riding on other than paved driveways;
- e. The use of tricycles, skateboards, Segways, peddle-cars, pogo sticks, razor scooters, roller blades, roller skates, and/or similar devices;
- f. Playing or climbing in the planters, flower beds, hedges, bushes, trees and/or structures in Elua ;
- g. Kite flying;
- h. Playing or practicing team or group sport games such as baseball, football, soccer, volleyball, lacrosse, basketball, etc., or use of any of the following: goal lines, markers, goals, nets, boundary lines, baseball bases, etc.;

- 1) All of the rules relating to alterations of apartments and rules for contractors are set forth in the “WAILEA ELUA RENOVATION GUIDE” which shall, from time to time, be revised and amended by the Elua Board of Directors.
- 2) All of the rules set forth in the “WAILEA ELUA RENOVATION GUIDE” are incorporated into this statement of the “WAILEA ELUA RULES” by this reference as though fully set forth in this Rule booklet. Owners and Contractors are referred to the “WAILEA ELUA RENOVATION GUIDE” for the statement of all Elua rules applicable to apartment alterations and Contractors.

RULES RELATING TO COMMON AREA

I. USE OF COMMON AREA

1. The following play activities are welcomed and encouraged within the confines of the Paddleball Court, which shall be open for use between the hours of 8:00 a.m. and 6:00 p.m. daily.

- a. Playing Paddleball;
- b. Playing Tennis or Badminton;
- c. Playing catch with a tennis ball, nerf ball or beach ball;

NOTE: As the Paddleball Court is purposely built for