

ASSOCIATION OF APARTMENT OWNERS LUANA KAI

940 S. KIHEI ROAD
KIHEI, HI 96753

Revised 12/04/09

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 hazards 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 Installation of air conditioners, tankless water heaters, or any equipment requiring high energy use must have prior approval of the board. This shall not apply to cook stoves, conventional 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. Owners are responsible for windows and sliding glass doors, they can only be replaced with Board approved replacements.

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.

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 within 24 hours.

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. **Any plants or other articles, which, in the opinion of the Board of Directors, are deemed unsightly, shall be removed from lanais upon request of the board.**

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. Lanais shall not be used for storage of sports and play equipment, surplus cartons, boxes or other types of belongings. Any furniture or other articles, which the Board of Directors deem inappropriate or unsightly shall be removed promptly upon the request of the Board. No cooking is permitted on lanais. Barbecues are located in the fenced area of the pool.

A-15 Kitchen disposals should be utilized for disposing of soft waste.

A-16 All owners or their agents must have copies of House Rules and Pool Rules **visibly** available in apartments so that all occupants can become familiar with said rules. Owners shall observe and adhere to these rules and ensure that all occupants do likewise. The occupant is responsible at all times for the reasonable conduct of his guests.

A-17 Hanging of towels, clothes, laundry, rugs or other objects from lanai railings, clotheslines or racks is prohibited.

A-18 Holiday lights and decorations may be displayed on lanais between Dec. 1 and Jan. 6. Any display or decorations, which in the opinion of the Board, are unsightly or inappropriate shall be removed promptly upon the request of the Board.

A-19 All household garbage must be wrapped or bagged before being placed in the trash dumpsters. Cardboard cartons must be broken down (flattened). **No furniture, appliances or construction debris** may be placed in or around the dumpsters.

A-20 Repairs and/or construction work which would require the making of prolonged or an unusual amount of noise will not be allowed without written notice to the Resident Manager. Any such work must not begin before 8 AM or continue past 5 PM. Such repairs and/or construction work will not be performed on Sundays or Holidays. No major renovation work exceeding four (4) consecutive days shall be done between December 15th and April 15th of any given years. The use of jackhammers, hammer drills or other activities, which produce a similar level of noise, is not allowed without written approval of the Resident Manager. Requests for approval shall be submitted up to one week and less than three days prior to the start of work to permit notification of apartment owners and residents.

A-21 All owners planning extensive renovations such as removal of walls, re-routing of wiring or plumbing or adding devices that demand additional draw of electricity must notify managing agent 30 days prior to any work being initiated and include a copy of the plans and permits. A list of contractors doing the work and an approximate time frame must be provided. The managing agent or Board of Directors may request an on-site inspection at any time during the construction phase. All contractors doing work at Luana Kai must register with the Resident Manager. When remodeling your unit, all debris must be removed from the property and must not be left in or around the dumpsters. The refuse service provided by the Association is for household refuse only.

A-22 Owners of second and third floor units who install hard flooring surfaces such as marble, tile, or hardwood have the burden of minimizing noise therefrom by the use of industry standard insulation layer. In addition, residents shall use carpets and pads on furniture bases where needed.

A-23 All owners who do not reside on Maui are required to inform the Managing Agent of their designated, authorized on island agent per Hawaii Statue 521-43 sub-section F. Such designated Agent to be empowered to ask on owner's behalf, particularly with respect to rentals. Such owners shall file the name, address, and telephone number of the Agent with the Managing Agent.

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, sidewalks or parking areas.

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. All surfboards, boogie boards, sail boards, kayaks, etc. are to be rinsed off at the hose bib on the side of building D or the carwash area by A building before being carried along the walkways, hallways and stairwells.

B-9 All common areas are for the use of owners and registers guests only. Unregistered guests must be accompanied by an owner or registered guest. All persons shall comply with the Resident Manager with respect to matters of personal conduct on the property, including the swimming/spa area. The Resident manager, employees, and/or security personnel are authorized to require any person using the facilities to identify him or herself by name and apartment number and if a guest, to give the name and apartment number of the host occupant and to confirm the physical presence of the host occupant. All owners not residing on property may use the common area facilities only if their unit is unoccupied. They are asked to check in with the Resident Manager/employee and identify themselves and their unit number.

B-10 Use of BBQ's, chairs and tables in the pool area is on a first come first serve basis. All owners and guests are encouraged to be considerate of others and limit their use of equipment to a reasonable time. Owners or registered guests hosting groups of more than 6 non-registered guests (including children) at the Pool/BBQ area are required to submit a request to the Resident Manager or Front Desk Vendor 3 working days prior to the event. No BBQ's, tables, or chairs can be reserved or used exclusively for any event. Groups may be required to furnish their own tables and chairs. The decision to allow the event shall be within the Resident Manager or Front Desk Vendor's sole discretion and shall not be unreasonably withheld.

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 AOA or its employees will not hold individual unit keys.

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 any time, 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, including owners, must register with the front desk within 12 hours of arrival on property and obtain parking permits. 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 for owners, residents and registered guests only, with no assigned parking spaces. A fee of Five Dollars will be charged for each permit, to be issued by the Board's designee, Resident Manager / Front Desk Vendor, at the time of registration. Parking permit shall be displayed appropriately on vehicle at all times while on property. No tag will be issued to a non-registered guest/resident. All vehicles must have current license and stickers. Any vehicle not displaying appropriate parking permit may be towed at owner's expense.

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 park in a manner as to utilize only one park space. Continued violation of this rule will result in the vehicle being towed. 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. Approved vehicles will be given a permit to display. Unapproved stored vehicles may be towed at the owner's expense.

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.

D-9 No major repairs to automobiles or motorcycles permitted on the premises. No racing of motors, etc., is permitted.

D-10 No parking of commercial vehicles (over 6500 GVW) or oversized vehicles is permitted between the hours of 5 PM and 8 AM without approval of the Board of Directors or Managing Agent.

D-11 Violators of the parking regulations set forth in this document may have their vehicles towed at their expense; If the violator is a guest of an owner, the owner shall be held responsible for payment of any fines or related charges not paid by the violator.

SECTION E. POOL AREA

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. Foam fun noodles may be used in the pool **as floatation devices only**. No slapping of noodles. **No** noodles 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.
13. No food in or around the edges of the pool or hot tub.

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.

LAUNA KAI HOUSE RULES
(condensed, dated March 7, 2008)

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, including owners, must register with the office within 12 hours of arrival and obtain parking permits. Any vehicle not displaying the appropriate permit may be towed at owner's expense. Park so as to utilize one space only.
2. All noise from any source shall be controlled so as not to disturb or annoy others at all times. QUIET HOURS: 10:00 PM until 8:00 AM. EXTREME QUIET when using all walkways, stairs and lanais.
3. Pool/Hot Tub hours are 8:00 AM until 10:00 PM. All POOL RULES must be observed. Pool gates must be kept closed and locked. NO GLASS items of any kind are permitted inside the pool/BBQ area.
4. Bicycles, skateboards, scooters, skates of any type or similar equipment, are NOT permitted on walkways, sidewalks, or parking areas.
5. Hanging of towels, clothes, laundry, rugs or other objects from lanai railings, clotheslines, racks, or hooks is prohibited. No sports equipment, boxes, or other belongings are to be stored on lanais.
6. Sweeping, shaking, or throwing anything from the lanais is prohibited.
7. BBQ's are located in the fenced pool area for your use. NO cooking is permitted on lanais.
8. NO ANIMAL of any kind whatsoever shall be allowed or kept in any part of the project. DO NOT FEED the birds or any stray animals.
9. Construction hours 8:00 AM to 5:00 PM. (Not allowed on Sundays or holidays, see complete House Rules and contact the Resident Manager).
10. Beach users shall shower to remove sand from their bodies and sports equipment before entering walkways and stairways. Use carwash area near A-building for rinsing sports equipment and rinse area near D-building and pool for removing sand from feet.
11. The pool area is for registered owners and registered guests. Permission must be obtained when hosting non-registered guests and large groups. (Submit request to the Resident Manager). The Resident Manager, employees and/or security personnel are authorized to require any person using the facilities to identify self by name and apartment number or host occupant.
12. Furnishings and equipment in the common areas shall NOT be removed or relocated.
13. NO CHIPPING in the garden area or on putting green. An adult must accompany children under 12 when using the putting green. No climbing on trees or running on walkways is permitted.
14. There shall be NO shooting of FIREWORKS or any type at any time, in, from, or around the buildings, or common area of Luana Kai.