

HALE PŌHAKU

House Rules Hale Pohaku AOA

A. Terminology

1. Agents. Any real estate broker, corporation, firm or individual empowered to act on behalf of any apartment owner.
2. Board. The Board of Directors of the Association of Owners.
3. By-Law. The By-laws of the Association of Owners, as amended from time to time.
4. Declaration. The Declaration of Horizontal Property Regime of this condominium project, as it may be amended from time to time.
5. Guest. A person who resides other than at the project and visits the premises for a period of time at the invitation of a resident.
6. Managing Agent. A firm which may be appointed by the Board to manage the project and whose duties are outlined in the By-Laws.
7. Owner. The owner of record of an apartment.

B. Purpose Of Rules

1. Purpose. The purpose of these Rules is to protect all occupants from annoyance and nuisance caused by improper use of the apartments and also to protect the reputation and desirability of the project by providing maximum enjoyment of the premises. These Rules may be amended by this Board as provided in the By-Laws.
2. Authority. The authority and responsibility for enforcing these rules resides with the Board, but it may be delegated to a managing agent. All owners, occupants, tenants and their guests shall be bound by these rules and by standards of reasonable conduct whether covered by these rules or not; provided, however, neither the Board nor the Managing Agent shall be responsible for non-compliance or violation of the rules by Owners, occupants, tenants or their guests.

C. Occupancy

1. Number. Occupancy is limited to not more than two persons per bedroom contained in each apartment, except that this occupancy may be exceeded by members of the immediate family of the owner, tenant or lessee, provided that in no event shall the number of occupants be more than three per bedroom.
2. Use of Apartment. The apartments shall be occupied and used only as private dwellings by the respective owners, their tenants, families, domestic servants and personal guests. The parking spaces may only be used as a parking space for a motor vehicle. The apartments may not be used for any other purpose without the written consent of the Board.
3. Absent Owner. An absent owner, at his expense, should have an agent, friend or maid conduct periodic inspections of his closed apartment and assume responsibility for the contents of the apartment.
4. Children. An apartment owner shall be responsible for the conduct of his children at all times and insure that their behavior is neither offensive to any occupant of the building nor damaging to any portion of the common elements. Children will not be permitted to play in the passageways, or the parking area.
5. Moving. Other than in exceptional circumstances and at the discretion of the Board, ALL moving shall be accomplished between the hours of 8 am and 5 pm.
6. Noise.
 - a. Occupants shall not make or permit their families, or their guests or invitees to make noise, which will unreasonably annoy or interfere with the rights, comfort and convenience of other apartment occupants. Excessive noise or other violations of these Rules should be immediately reported to the Board, which will take appropriate action. Please do not become involved with the violator.
 - b. Hold your front door as to avoid it slamming, due to the wind. When using the service rooms or stairwell, do not allow the doors to slam.
 - c. Radios, TV's, Stereo's, etc., must be played at reduced volume after 10 pm and before 7 am.
 - d. Noise caused by guests arriving or departing at night must be kept at a minimum.
7. Workmen. No workmen will be allowed in the building before 8 am or after 6 pm Monday – Saturday, except in an emergency.
8. Access. The Managing Agent is not required to give access to an apartment or the building without the written permission of an owner or occupant.
9. Record of Occupants. Owners and occupants shall file their name, address, and phone number and signature with the Managing Agent upon purchasing and/or taking occupancy of an apartment, and shall furnish the Board and/or the Managing Agent with such other reasonable information as shall be requested from time to time.

D. Rentals

1. **Notice.** The Board shall be notified, by the Owner or Agent, of the name and duration of stay of any tenant before the tenant is allowed in any apartment.
2. **Conduct.** Residents, non-resident owners or agents who rent, loan or otherwise permit occupancy of their apartments, shall convey a copy of these Rules to the occupant. The Owner shall be responsible for the actions or omission of his agent and tenants.
3. **Conduct of Lessees, Tenants and Guests.** An Owner shall, upon request of the Board or Managing Agent, immediately abate and remove, at his expense, any structure, thing or condition that may exist with regard to the occupancy of his apartment by his tenants or guests contrary to the interest and meaning of these Rules. If the Owner is unable to control the conduct of his tenants or guests, he shall, upon request of the Board or Managing Agent, immediately remove such tenants or guests from the premises without compensation for lost rentals or any other damage resulting there from.
4. **Appointment of Local Agent.** Owners shall be responsible for designating a local agent to represent their interest if their residence is outside of Hawaii or if they will be absent from the apartment for more than thirty (30) days. Such owners shall file with the Board or Managing Agent their out-of-town address and telephone number and the address and telephone number of their agent.

E. Common Areas, Lanais

1. **Solicitation.** Soliciting of goods, services or religious activities shall not be permitted on the premises by a resident or other persons, except as approved by the Board. (Newspaper, laundry delivery, etc. excepted).
2. **Prohibited Activities.** No activity shall be engaged in and no substance introduced into or manufactured within the building, which might result in violation of the law or may overload or impair the structural integrity of the building or increase in the insurance rate on the buildings within the project. **NO SMOKING on lanais and in common areas.**
3. **Public Ways.** The public sidewalks, lobbies, stairways, driveways and passageways must not be obstructed or used for purposes other than ingress and egress. Items of personal property, including baby carriages, shopping carts, bicycles, shoes, door mats, or plants, shall not be left or allowed to stand in any part of the common elements or parking areas. Items left in violation of this will be removed at the risk and expense of the Owner at the direction of the Board. The parking areas or other common elements shall not be used for recreational activities of any kind. Parents or legal guardians are responsible for the supervision of minors at all times.
4. **Aesthetics.** In order to preserve and enhance the project and its reputation, the following rules will be observed.
 - a. It is intended that the exterior of the building shall present a uniform appearance. To that end, an Owner may not paint or otherwise decorate the walls and ceiling of lanais, without prior approval of the Board on type and color of paint to be used. The Board is authorized to contract for such painting and to make payment from the maintenance fund. No draperies will be permitted which are visible from the exterior of the building, which differ in color from the draperies originally approved for the apartment.
 - b. Textile items, including towels, bathing apparel, clothing, brooms, mops, cartons, laundry lines, or household goods, litter, trash containers, inappropriate, broken, scarred or offensively ugly furniture, plants, equipment, bottles, cans or other items or equipment or furniture shall not be placed, kept or stored on lanais or in passageways or places visible from the outside of the building.
 - c. Installations for electrical power, telephone, television, radio, air conditioning, awnings or any other purpose which shall be visible from or project from, or protrude outside the physical confines of an apartment or be attached in any way to the exterior of the building are prohibited without the prior approval of the Board.
 - d. Nameplates, signs, signals or litter visible outside an apartment shall not be inscribed, placed or exposed on or at any window, door or parking stall unless approved by the Board. "For Sale", "For Rent" and "Open House" signs will be regulated by the Board.
5. **Lanais.** Only appropriate furniture and small plants shall be used on lanais and any unsightly or disturbing items shall be removed upon the request of the Board. Appropriate banners commemorating holidays or festivals may be displayed from lanais only on holidays, except that reasonable Christmas decorations may be displayed during the month of December and the first week of January.
6. **Plants.** All plants shall be placed in containers to prevent the dripping of water or soil onto other apartments of the common elements. Care should be taken in scrubbing lanais so as to prevent water from running down the exterior of the building.
7. **Barbecuing.** No fires or barbecuing will be permitted on any apartment lanai.
8. **Throwing Objects.** Nothing shall be thrown from lanais, windows, entrance balconies, etc. Cigarettes and matches, specifically, are a fire hazard. The throwing of firecrackers from lanais and the explosion of any fireworks anywhere on the ground or within the building is prohibited.
9. **Cigarettes.** Cigarettes shall not be extinguished or thrown in parking areas, corridors, elevators, stairways, sidewalks, ground or other common areas, nor shall cigarettes or other items be thrown from any window, balcony or patio of any apartment.
10. **Hazardous Materials.** Residents shall not use on the premises, or bring on the premises, any hazardous fluids, such as gasoline, kerosene, naphtha, benzene, or any explosives or articles deemed especially hazardous to persons or property. Individual exceptions for small quantities may be arranged with the Board.
11. **Electric, Plumbing.** Electrical and plumbing apparatus, such as toilets and garbage disposals, shall be used only for the purpose for which they were constructed. Sweepings, hair, rubbish, rugs, paper or other substances shall not be thrown into the plumbing

apparatus. ANY damage resulting to the *BUILDING and/or OTHER APARTMENTS* from the misuse by any nature or character whatever, shall be paid for by the resident who caused same.

12. Maintenance of Apartments.

- a. Every Owner from time to time and at all times shall perform promptly all repair, maintenance and alteration work within his apartment, the omission of which would adversely affect any common element or any other apartment, and shall be responsible for all loss and damage caused by his failure to do so.
- b. All repairs and maintenance of internal installations within each apartment such as water, light, gas, power, sewage, telephone, air-conditioning, appliances, sanitation, doors, windows, lamps, and all other fixtures and accessories belonging to such apartment, including interior walls and partitions and the inner decorated or finished surfaces of the perimeter walls, floors, and ceilings of such apartment shall be at the owner's expense.

13. Structural Changes. No structural changes of any type shall be permitted either within or without an apartment without prior written approval and consent of the Board of Directors.

14. Maintenance Employees.

- a. The maintenance employees will use every effort to police the grounds effectively. Nonetheless, these employees are not available on a 24-hour daily basis and much of their work time must be devoted to maintenance and repair. Accordingly, and in the common interest, every occupant is to do his or her part and to use his influence on all members of his household to do their part towards abating unsightliness within the project to the fullest practical extent.
- b. Maintenance employees of the Association are under the sole direction of the Board. During the prescribed hours of work they shall in no case be diverted to the private business or employment of any owner, occupant or guest. No employee shall be asked by an owner to leave the common elements.
- c. The Managing Agent, if any, shall not be responsible for personal property or deliveries left in halls, service lockers, parking lot, lobby, at doors of apartments or any other place on the premises, nor for any article left with any employee.

15. Fire Equipment.

- a. Anyone found tampering with the fire fighting equipment will be subject to criminal charges and liable for all costs involved in repairs, replacements, or damages caused to the building or personal property.

F. Refuse

1. Use of Trash Chutes. All garbage deposited in the trash cans must be wrapped.
2. Pet Trash. (sand, litter paper, etc.) – MUST be wrapped with extra care.

G. Swimming Pool

1. Hours. Swimming is permitted during the hours established by the Board of Directors from time to time.
2. Risk. Residents and their guests use the swimming pool at their own risk. Guests must be accompanied by a resident adult who is responsible for his/her guests.
3. Minors. Occupants under the age of 16 shall be permitted to entertain guests in the pool or poolside area only when their guests are under the poolside supervision of a parent of the minor occupant.
4. Children. Children under the age of 14 years are not permitted in the pool or the pool area unless accompanied by a RESPONSIBLE RESIDENT ADULT.
5. Attire. Swimming is not allowed in other than proper swimming apparel. Hairpins, bobby pins and hair rollers can clog and mar the pool and MUST be removed before swimming.
6. Contaminants. All suntan oil, ointment and sand must be removed from body and attire before entering the pool. No user may enter the water without first having showered.
7. Prohibited Conduct. Running, pushing or shoving around the pool area is not allowed. Jumping into the pool from any part of the building, walls or railings surrounding the pool area is prohibited. Boisterous and loud conduct, unusual splashing, radios at loud volume in the pool area, is prohibited.
8. Prohibited Equipment. Swim fins, face masks, rafts, large toys, surfboards, or other equipment are not permitted in the pool or pool area.
9. Pets. Pets are NOT allowed in the pool or pool area.
10. Glasses. The use of glassware, bottles, ceramics, chinaware, or other breakables in the pool area should be avoided. Paper cups, plates, and serviettes must be deposited in the trash bin provided for that purpose, after use.
11. Removal of Personal Effects. Towels, mats, caps, and other personal belongings shall be removed from the pool area when the owner leaves.
12. Furnishings. Pool furniture is not to be removed from its immediate area, nor is other furniture to be placed in the pool area.
13. Pool System. Persons using the pool shall not tamper or interfere with any part of the swimming pool or lighting apparatus, or electrical and plumbing devices in or about the pool area.

14. Health Requirements. The Board of Health requirements will be strictly observed:
 - a. All persons known to be or suspected of being afflicted with infectious disease, suffering from a cough, cold, or sores, or wearing bands or bandages, shall be excluded from bathing in the swimming pool.
 - b. Spitting, spouting of water and blowing the nose in the swimming pool are strictly prohibited.
15. ALL persons shall comply with the requests of the Managing Agent in respect to matters of personal conduct in and about the pool and terrace area. Anyone violating the above rules may be asked by the Managing Agent to leave the pool or adjacent area.

H. Pets

1. Pets NOT Permitted. In order to maintain the project in the best condition and protect its' value, pets shall not be permitted to be kept on the premises.
2. Visitors. Visiting pets shall not be allowed on the premises.

I. Parking Areas

1. Space Reserved. Each apartment has the exclusive right to use an appurtenant parking space and residents must not use any other parking space at any time without prior permission of the owner or resident who has the right to use such other stall.
2. Loading Areas. No cars may be parked or left unattended at the lobby entrance loading area or in the entry driveway.
3. Tenants' Parking. The apartment owner shall advise the Manager in writing of the type of vehicle and license number being used by his lessee or tenant.
4. Workmen and Deliveries. When workmen are performing work on an apartment, or if the owner orders deliveries of any kind, the owner shall advise them to use his parking stall or park on the street.
5. Method of Parking. Automobiles shall be centered in parking spaces so as to prevent crowding of adjacent spaces and/or blocking of passages.
6. Guests Parking. It is the responsibility of the apartment owners to inform their guests not to park in vacant spaces, other than guest parking facilities, unless arrangements have been made for such use.
7. Violations. Cars of violators of parking regulations shall be towed away at their expense. If the violator is a *lessee, tenant or guest* of an owner, the owner shall be held responsible for payment of the towing charge.
8. Washing Cars, etc. Owners washing, cleaning, or polishing cars on the premises shall clean the area thoroughly before leaving and at no time use any space other than their own for such purposes. Car washing must be performed in a manner such that no water spilling occurs.
9. Repairs, Storage. Extensive repairs of a motor vehicle, boat, surfboard or other equipment and storage of property shall not be permitted in the parking stalls.

J. Violations Of These Rules

1. Observance of Rules. Each owner shall observe and perform these Rules and ensure that his lessees, tenants, licensees and invitees also observe and perform these Rules. Owners will be responsible for their lessees' or guests' observances of all Rules as set forth herein. In the event expenses are incurred due to violations of Rules of lessees, guests, or licensees, the owner shall be responsible for payment of same, including reasonable attorney's fees.
2. Reporting Violations and Damages.
 - a. All corrective actions regarding violations of the Rules and damages to the common elements or common areas will be enforced by the Board and should be reported promptly to the Board or the Managing Agent.
 - b. Damages to common elements or common areas shall be surveyed by the Board or the Managing Agent at the direction of the Board and the cost of repair or replacement and any legal fees incurred may be assessed by the Board against the person or persons responsible, including assessments against owners or occupants for damages cause directly or indirectly by their guests.
3. The Violation of Any House Rules, Adopted by the Association of Apartment Owners of HALE POHAKU, Shall Give The Board Of Directors Or Its Agent The Right To:
 - a. ENTER THE APARTMENT IN WHICH, OR AS TO WHICH, SUCH VIOLATION OR BREACH EXISTS AND TO SUMMARILY ABATE AND REMOVE, AT THE EXPENSE OF THE DEFAULTING APARTMENT OWNER, ANY STRUCTURE, THING OR CONDITION THAT MAY EXIST THEREIN CONTRARY TO THE INTENT AND MEANING OF THE PROVISIONS HEREOF AND THE BOARD OF DIRECTORS OR THE MANAGING AGENT SHALL NOT THEREBY BE DEEMED GUILTY IN ANY MANNER OF TRESPASS; AND/OR
 - b. TO ENJOIN, ABATE OR REMEDY BY APPROPRIATE LEGAL PROCEEDINGS, EITHER AT LAW OR IN EQUITY, THE CONTINUANCE OF ANY SUCH BREACH, AND ALL COSTS THEREOF, INCLUDING ATTORNEY'S FEES, SHALL BE BORNE BY THE DEFAULTING APARTMENT OWNER.

K. Amendments

1. Amendment. These Rules may be amended only by the Board of Directors at a duly called Meeting.