

ASSOCIATION PROPERTY RULES
WAINANI ESTATES HOMEOWNERS' ASSOCIATION

Adopted: October 22, 2013

As homeowners and residents of Wainani Estates, we all enjoy the peacefulness and serenity that living in this beautiful community offers. We also share the responsibility of adhering to reasonable and mutually agreed upon guidelines established to ensure the quality of life we cherish here. It is therefore important that every owner in Wainani Estates understand and abide by these rules of neighborly conduct.

A. Pets

1. Consistent with Article 15, Section 15.4 (c) of the Declaration, any pet that is not within the boundary of a resident's property must be controlled by the owner at all times. Any pet that is not within the boundary of the resident's property must be on a leash at all times, unless the handler qualifies for an exemption under the Americans with Disabilities Act of 1990.

2. Pet owners are responsible for immediately removing any waste deposited by their pet(s) on the common area or another owner's property.

3. Barking dogs that annoy the neighbors in the sub-division "shall be deemed an annoyance or nuisance" and are prohibited by the Declaration. Continuous barking at any time for more than ten (10) continuous minutes shall be deemed such an annoyance or nuisance.

4. Feeding or sheltering feral mammals anywhere within the subdivision, including on individual lots or in any residence, is prohibited.

5. Consistent with Article 15, Section 15.4 (c) of the Declaration, No animals shall be kept, bred or raised within the project for commercial purposes.

B. Vehicle Control

1. All automobiles must be parked on paved driveway areas located within the boundaries of an Owner's lot. All on-street vehicular parking shall be permitted along only one side (the side nearest the sidewalks) of each Private Road, excluding Koi Koi Street extension where no on-street parking shall be permitted. The one exception is construction/service vehicles during regular construction/service hours.

2. Boats or watercraft of any kind, trailers or recreational vehicles (including mobile homes) may only be parked, placed, or stored on a Lot inside a fully enclosed garage, which is consistent with Article 15, Section 15.4 (j) of the Declaration.

3. No truck of more than one ton capacity shall be kept, placed, or maintained upon any lot in such a manner that such truck is visible from the adjoining streets or neighboring properties.

4. The posted speed limits must be followed at all times while driving within the subdivision. Please be aware of small children, pets, and pedestrians and slow down whenever necessary.

C. Noise Abatement and other activities

1. No exterior speakers, horns, whistles, bells, or other sound devices except security devices used exclusively to protect the security of the lot and improvements thereon, shall be placed or used on any lot or common area, which is unnaturally loud or annoying, excepting construction and construction-related activities as stated in paragraph “D” below.

2. Quiet hours in the subdivision – 10.00 pm to 7:00 am – are strictly enforced. However, any noise causing a disturbance to the neighborhood or neighboring lots at any time will be in violation of these Rules.

3. Fireworks, Etc. No gunpowder, fireworks, or other explosives shall be permitted to be used or set off at any time at Wainani Estates.

D. Construction and Construction Related Activities

1. Contractors' Conduct. The Owners of each Lot assume full responsibility for the conduct of each of their contractors, whose conduct must conform to the standards of the Project Documents. These Association Property Rules state standards that the Association will enforce on its own. Contractors remain obligated to comply with Hawaii construction laws and noise regulations which may create additional obligations.

2. Construction, material delivery, equipment delivery or other construction-related activities of any kind is not permitted by outside labor on Sundays, Holidays Observed, nor before 7:00 am or after 5:00 pm on weekdays, nor before 9 a.m. or after 5:00 pm on Saturdays. Holidays

Observed refer to those sanctioned holidays listed attached to these Rules.

3. Construction Noise: Heavy construction noise, including all earthmoving equipment, electric saws, hammering, etc. are only allowed during the following hours: Monday through Friday 8:00 a.m. to 5:00 p.m.; and Saturdays 9:00 a.m. to 5:00 p.m. No construction work or noise is allowed on the Holidays Observed.

4. Radio use by construction crews is limited: No excessively loud music or radios are allowed on construction sites at any time. Normal radios with volume moderated for consideration of neighbors is allowed during the following hours only: Monday through Friday 8:00 a.m. to 5:00 p.m., and Saturdays 9:00 a.m. to 5:00 p.m. No construction work or radios is allowed on the Holidays Observed.

5. No dogs are permitted on any construction sites.

6. Construction Dust: Contractors are required to take appropriate dust control measures, including watering soil during earth moving or disturbing activities. But it is still strongly recommended that homeowners keep their windows closed when earth disturbing activities take place.

7. Owners should be aware of potential automatic fines for contractors working or violating noise restrictions on these prohibited days and times (see attached list of Holidays Observed) excepting emergency repairs (e.g., roofs, plumbing, electrical, but excluding pools, spas or irrigation systems where such repairs are essential to avoid leaks or structural damage to the pool/spa, irrigation systems, the home or adjacent homes).

E. All Lots, Including Vacant Lots

All lots, including vacant lots, must be kept free of trash and rubbish. Grass or other ground cover must be kept in a “trim and healthy condition”. The definition of “trim” for a vacant lot is less than 12" in height. Owners have the responsibility of maintaining their own property within these guidelines or the Association may have the required maintenance done at the owner’s expense.

F. Notice of Rules

Owners are required to ensure their tenants, visitors, guests,

contractors, service vendors, etc. are familiar with and abide by these rules.

For safety reasons and to assure compliance with these Association Rules, Owners and Occupants are required to direct and control the activities of all persons under the age of 16 years using the

Common Areas through such Owners and Occupants. Owners will be responsible for violations of these Association Rules and for damage caused by anyone using the Common Areas through such Owners or through Occupants of their Dwelling Unit, whether the Owners are present or not. For safety reasons, all persons under the age of 16 years must be accompanied by an Adult Owner or Occupant at all times.

G. Violations of DCC&R Rules

Violations of DCC&R Rules should be reported on the “DCC&R Violation Report Form,” which is appended to this document or available from our Managing Agent. The form should be completed and submitted to our Managing Agent. Violations of these Rules are subject to, may be addressed per, the Wainani Estates Homeowners’ Association “Fine Enforcement Policy,” adopted concurrently with these Rules.

H. Miscellaneous

These Association Rules are adopted pursuant to authority provided in Section 5.7 of the Wainani Estates Declaration. These Rules supplement the Wainani Estates Declaration of Covenants, Conditions, Restrictions and Easements, and other Project Documents as may be amended from time to time.

Inapplicability to the Developer. Unless the Developer specifically subjects itself to one or more of these Rules, these Rules shall not apply to the Developer and the Developer shall not be obligated to observe, perform or enforce any of these Rules.

**Holidays Observed at
Wainani Estates
for Construction Purposes**

New Year's Day

Dr. Martin Luther King, Jr.'s Birthday

President's Day (aka Washington's Birthday)

Memorial Day

Independence Day (July 4th)

Labor Day

Veteran's Day

Thanksgiving Day

Christmas Day

Wainani Estates Homeowners' Association
c/o Hawiiana Management Company
74-5620 Palani Road; Suite 215
Kailua-Kona, HI 96740
DCC&R Violation Report

Date of Notice to Wainani Estates Homeowners' Association Board of Directors:

Your Name: _____

Your House or Lot#: _____

Reference # of Decl. of CCR&E or Association Property Rules Violation:

(Found in your Governing Documents)

House or Lot # of Violation: _____

If you have spoken with the Owner of House/Lot about this situation, please document the DATE & TIME here:

Summary of Violation: