



AT PRINCEVILLE RESORT

NIHILANI AT PRINCEVILLE RESORT
OWNER AND RESIDENT
HANDBOOK
(INCLUDING HOUSE RULES)

Revised & Approved December 2nd 2017

OWNER AND RESIDENT HANDBOOK

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Section 1 Introduction.

A. What is Nihilani?

Nihilani is a condominium community located in Princeville on the Island of Kauai. It is comprised of thirty-four (34) buildings each containing three (3) condominiums for a total of 102 condominiums. The Association is established pursuant to Hawaii Revised Statutes for the purpose of managing, maintaining, acquiring, constructing, and caring for Nihilani, funds, and any other property held by the Association.

B. How is Nihilani Governed?

Each condominium unit is individually owned together with a percentage undivided interest in the common areas owned together along with all other Owners. Each Owner is a member of the Association of Apartment Owners (AOAO), which is governed by a Board of Directors (BOD). The BOD is comprised of five (5) directors (Owners) who are elected at the annual meeting or appointed by the Board when vacancies occur. The BOD has the authority to make and enforce house rules for the community pursuant to the Bylaws of the Association. The house rules pertain to the condominiums, common, and limited common elements contained within Nihilani. This Handbook and included House Rules; and the AOAO Design Review Process are intended to ensure that our community is maintained at a high standard, to promote harmonious living, and maximum enjoyment. Committees may be established by the President of the BOD to do research and make recommendations for action in the committee's subject area. The BOD holds periodic Board meetings. Meeting time and place is posted in the bulletin board by the mailboxes prior to the meeting. For those Owners who provide the Managing Agent with an e-mail address, a notification is sent via a e-mail. Owners are encouraged to attend or call in (a number is provided in the meeting notice). Only Owners and invited guests (by the BOD) are allowed to attend the Board meetings. For the annual meeting, Owners, proxy holders, and invited guests (by the BOD) may attend. Special meetings may be held at any time upon the call of the President, any two Board members, or upon written request of at least 25 percent of the Owners. If called, notice of the meeting shall be given to all owners of the time and place where the special meeting will be held.

C. What is the Budget?

On an annual basis, the BOD approves an operating budget, which determines the association dues for each condominium. The operating budget is established to pay for expenses related to the operation and ongoing maintenance of the association. Contained within the budget is a reserve fund. The reserve fund is for major maintenance and replacement projects that may occur on a periodic basis such as the painting of the buildings, repaving of the streets, resurfacing the pool or spa, etc. The BOD has the authority, in emergency situations, to levy a special assessment and include it as part of the annual budget.

D. Association Documents each Owner should have.

Each Owner is required to abide by any rules and /or requirements included in this handbook and other governing documents. Therefore, all Owners shall be responsible to read and understand these documents. Any request by an Owner for exemption from compliance with the rules contained in the governing documents for accommodations permitted by law may be presented, in writing, to the Managing Agent or the BOD. The AOA Owner and Resident Handbook along with the Design Review Process supplement the Declaration and Bylaws. The Declaration and Bylaws are incorporated into this document by reference. If there is a conflict, the Declaration is superior to the Bylaws, which are superior to the House Rules. Even if any rule and/or requirement in this handbook are found to be held void and unenforceable, in whole or part, the remainder of the handbook shall remain in full force and effect. In addition, the Princeville at Hanalei Community Association has a master declaration, which governs all of Princeville. The Master Declaration can be obtained by an Owner from the Princeville Association office or their website. Each Owner should have a copy of the following governing documents:

1. The Declaration of Condominium Property Regime of Nihilani at Princeville Resort (and amendments).
2. The By-Laws of the Association of Apartment Owners of Nihilani at Princeville Resort (and amendments).
3. The Owner and Resident Handbook.
4. The Design Review Process.

E. Association Dues.

Each Owner is required on a monthly basis to pay to the Managing Agent the association dues. They are due on the 1st of each month. The BOD has established a policy that states any Owner who fails to pay by the 15th of the payment month will be subject to late fees as determined by the BOD. The BOD will refer any Owner to a collection process and take whatever legal actions necessary if the Owner falls more than 60 days delinquent on their association dues or other fiscal obligations to the association. The Association established a policy that any Owner-occupant who is delinquent for more than 60 days in their association dues as stated above may have their right to use the common elements suspended until the dues are current. If the Owner has a tenant, then the AOA may garnish rents from the tenant until the dues are current.

F. What are Common Elements?

Common Elements (please see Section D. 2 in the Declaration) are those items that are jointly owned and used by all Owners and includes such things as all structural components of the building, gateways, fences, landscaping, driveways, streets, drain lines, gutters, sewer lines, guest parking stalls, pool/spa and any and all apparatus and installations intended for the common use of all Owners, tenants, and visitors.

G. What are Limited Common Elements?

Limited Common Elements (please see Section D.3 in the Declaration) are those common elements that are reserved for use exclusively by an individual Owner and would include such things as a lanai, stairs leading to the entry area and the entry area to the front door, mailbox, exterior area lighting, and other items that are rationally related to less than all the owners. Each Owner is responsible to maintain, repair, replace, and keep clean their respective limited common elements.

H. The Nihilani Management Company.

The AOA's Managing Agent operates under the direction of the BOD. It handles the day-to-day business of the association. The Managing Agent is:

KW Kauai, Keller Williams Realty

2970 Haleko Road, Suite 205

Lihue, Hawaii 96766

Email to: richie@kauaikw.com

Phone: (808) 245-5758

Fax: (808) 245-5360

I. The Site Manager.

The AOA's Site Manager, under the direction of the Managing Agent, handles the maintenance of the project and enforces the house rules contained in this handbook and other governing documents. The Site Manager is:

Travis Bonnell

travis.nihilani@gmail.com

(808) 482-0777

J. Whom to Contact with Questions or Problems.

If an Owner or resident has a problem or question, they can either contact the Managing Agent, Site Manager, or individual Board member (contact information is included in the Newsletter). All problems or questions shall be in writing. In no event will the Managing Agent or Site Manager perform any personal task for an Owner. These tasks include such things as work within a condominium unit, receive packages, hold entry keys, etc. The AOA is not responsible from any loss or damage that may result from any of these tasks.

K. The Nihilani Newsletter.

The BOD periodically publishes a Newsletter (usually following a Board meeting) to inform the Owners as to what occurred at the Board meeting and other important things Owners should know. The newsletter is e-mailed to those Owners and their property managers who provide an e-mail address to the Managing Agent. The BOD requests all Owners to provide an e-mail address as this is the quickest and most efficient (reducing the cost to the Association) way for the BOD to communicate with everyone. Upon request, a hard copy is available to any Owner who does not provide an e-mail address to the Managing Agent.

L. Amendment of House Rules.

The BOD is empowered to modify, amend, supplement, and change the House Rules by action of a majority of the BOD at a duly called Board meeting.

Section 2. Owner and Resident Responsibilities

A. General.

Each Owner, members of their family, tenants, visitors, and guests are bound by the rules and requirements contained in this and other governing documents listed in Section 1D. Each person is responsible for their conduct, shall indemnify and hold harmless the AOAO, and shall be responsible for any costs (attorney, damages, loss, etc.) related to or connected with their conduct. Any violation of the House Rules contained in this document should be promptly reported to the Managing Agent or Site Manager.

B. Insurance.

The Association established that each Owner is required to have Condominium (Homeowners) Insurance that covers liability to others and damage to and items contained within their condominium.

C. Reporting Information to the Management Company or Site Manager.

It is the Owner's responsibility to ensure that the Managing Agent has the following current information:

1. The Owner's contact information.
2. The name and contact information of the Owner's (first lien holder) mortgage company.
3. Recorded document indicating evidence of title. If held in trust, copy of trust documentation which shows that they are trustee and/or beneficiary. If the title is held by another non-natural entity (i.e. LLC or Corporation), then a legally enforceable document showing who may act on that entity's behalf.
4. Proof of Condominium (Homeowners) Insurance (provided on an annual basis). A copy of certification of insurance is preferred.
5. The name of the individual(s) residing in the condominium along with their contact information if the individual(s) are not the Owner. A copy of the lease or rental agreement. This excludes those condominiums solely used as short-term vacation rentals.

6. Vehicle information of residents in the condominium.
7. Information for each pet associated with the condominium.
8. Name of rental agent if your condominium is rented on a short term or long-term basis. A copy of the document authorizing the rental agent to act on your behalf.
9. Name, address, and telephone number of the Owner's contact person on Kauai if the Owner does not reside on Kauai and leases or rents their condominium.

D. Conduct.

Each Owner is responsible for the safety and conduct of their family members, tenants, visitors, and guests' ensuring their behavior or action is not a nuisance or offensive to others. Tenants are responsible for their guest's behavior. Criminal conduct of any type or nature is prohibited at Nihilani. Any damages or fines caused by the Owner's family members, tenants, visitors, or guests (of the Owners or tenants) will be the responsibility of the Owner. The BOD recommends that an Owner's rental agreement ensure that the tenant(s) understand his/her responsibilities contained within this handbook. People play at their own risk in Nihilani and, if appropriate, should be supervised.

E. Payment of Association Dues.

Owners are responsible to pay their association dues, late fees (if applicable), and fines (if applicable) in a timely manner and such payments will be applied to the Owner's account in accordance with BOD policy. The BOD may suspend use of the common elements to any Owner-occupant who fails to pay their association dues. Failure to pay association dues will incur a late fee and other legal action as appropriate. Owners are responsible for all costs related to collections.

F. Keys.

Owners are responsible for the pool access key given them by the AOA. The mailbox key is also Owner's responsibility. Any loss of a mailbox key is the responsibility of the Owner for replacement, and to be coordinated with the appropriate locksmith and postal worker to replace. Any costs to replace lost keys will be borne by the Owner.

G. Tenants and Vacation Renters.

Owners are responsible to ensure that their tenant or vacation renter has access to this handbook. Upon written demand, an Owner shall evict any occupant that the BOD determines to be undesirable based on violations of this handbook. Such eviction shall be by the most expeditiously means legally available. The Owner is responsible for any costs associated with such eviction.

H. Signage.

No on-site sign, notice, or advertisement concerning the rental of a condominium is allowed without approval of the BOD. Residents shall not post any advertisement, poster, or other type of signage in Nihilani. Only open house signs by real estate agents are allowed and limited to three (3). One (1) posted at the entrance, one (1) located at the intersection of the entrance and main roadway, and one (1) by the condominium. These signs can only be posted between the hours of 8:00 a.m. and 6:00 p.m.

Section 3. Enforcement of Rules and Regulations.

A. Definition of Fine.

The BOD may issue a written warning and/or assess a fine for violations of the rules and standards set forth in this handbook and other governing documents. The BOD may also impose a suspension of privileges. Any damage caused to any condominium, common, or limited common element is solely the responsibility of the individual(s) causing the damage. All repairs to the common elements shall be at the direction of the Board. If the individual fails to repair the damage to a condominium or appurtenant limited common elements within a reasonable amount of time, then the BOD will make the repair and bill the Owner for any expenses to fix the damage, including any legal and administrative fees. After written notice to the Owner and/or tenant, the Site Manager, Managing Agent, and/or the BOD has the right to enter any condominium or limited common element during reasonable hours to ensure compliance with the rules and requirements in the governing documents listed in Section 1D.

B. Fine Schedule.

First offense of any rule or standard by an Owner, tenant, or vacation renter shall be a written warning (Refer to Appendix 2). The next violation of any rule or standard will incur a \$100 fine. Each subsequent offense will increase the fine by \$50 up to a maximum of \$250. Any Owner can have their fine schedule reset to the \$100 fine level if no violation of the rules is reported over a 2-year period from the last violation. The written warning and/or fine notification will be in writing to the Owner and the tenant or vacation renter will receive a copy if appropriate. Any fine not promptly paid shall be subject to late fees and additional penalties and/or other enforcement remedies. The AOA reserves the right to impose a fine without a warning.

C. Health and Safety

If the Site Manager determines that the violation endangers the health or safety of the community, then a fine will be issued without a prior written warning.

D. Appeal of Fines.

Only an Owner can appeal any fine to the BOD. Any fine incurred by a tenant or vacation renter has to be appealed through the Owner who has received the fine. The appeal must

be in writing to the Managing Agent within fifteen (15) days of the fine notification. The appeal shall specify why the fine should be decreased or eliminated. The appeal will be heard by the BOD at the next regularly scheduled Board meeting following receipt of the appeal. The Owner may be present to provide any additional information. The Owner shall be notified in writing as to the outcome of the BOD's decision. The BOD's decision is final and may impose additional fines or legal action to ensure compliance.

E. Mediation.

If an Owner is still not in agreement with the BOD's decision, then the issue may be referred to mediation. Both parties shall equally share the cost of mediation. Any issue to be mediated regarding money (e.g., assessments, fines, late fees, etc.) must first be paid in full to the AOA before mediation is to begin. The BOD may require Owners involved in a dispute with one another to go to mediation prior to seeking BOD review or action.

Section 4. Vehicle, Traffic, and Parking

A. Entrance and Exit.

Coming into and exiting of the property, whether by vehicle or other means, shall only be through the main entrance of the property. During emergency situations (i.e. fire, hurricane, etc.) only, other common elements may be used to enter or exit the property. No resident or guest shall block any road, parking stall, auto court, or other common or limited common element.

B. Speed Limit.

Owners, tenants, vacation renters, and guests shall obey the posted speed limits (10 miles per hour) in our community. Drivers shall obey all traffic and directional signs posted.

C. Parking Rules.

Owners, tenants, and vacation renters shall only park their vehicles in their garages. These residents shall not park in guest parking unless expressly authorized to do so by the BOD due to some exceptional circumstance of limited duration. Vehicles shall not park on the grass, street, or turnaround areas. Parking the vehicle in the auto courts is prohibited unless actively unloading items in the vehicle and the driver is available to move the vehicle if necessary for other residents residing in the building. Parking in front of the mailbox area is limited to only fifteen (15) minutes while picking up mail and/or packages. Derelict or abandoned vehicles, as reasonably determined by the BOD, shall not be parked in Nihilani. Parking or other vehicle violations are subject to the fine process as outlined in Section 3 and/or towing.

D. Guest Parking.

Guests of people residing in Nihilani are allowed to park in those stalls designated “guest parking”. The vehicle shall be completely parked within the stall and not protrude onto the street. Guest parking usage shall not exceed six (6) hours per day. Guests may use the Guest Parking stall overnight only one night a week. If guests are staying longer than the six (6) hours or more than one (1) night, then a parking pass must be obtained from the Site Manager. The parking pass must be displayed on the dash when parked and returned to the Site Manager at the end of the guest’s visit. Please refer to Appendix 3, “Permit Parking”.

E. Use of Bikes, Skateboards, Roller blades and Roller skates etc.

Skateboards, bicycles, roller skates, etc. shall not be operated or used within the community. Bicycles may be ridden directly from the condominium out of Nihilani and upon return directly to the condominium. The BOD would, however, recommend that for the person’s safety, bicycles be walked out of and into Nihilani. If the individual(s) chooses to ride into and out of Nihilani, they do so at their own risk and accept all liability for their actions. Mopeds, golf carts, and motorcycles shall only be driven on the paved roads and only into and exiting the property. This does not apply to AOA vehicles used for maintenance of the property.

F. Repairs to Vehicles.

No major repairs to automobiles or other transportation vehicles shall be permitted on any common element, parking area, or auto court. Minor repairs not exceeding 8 hours shall be permitted within the enclosed garage.

G. Washing of Vehicles.

Residents may wash their vehicles only in their auto court. The resident must be present in order to move the vehicle so other residents may enter or exit their garage.

H. Damages.

Damages to cars or garage doors are the sole responsibility of the individual causing the damage. If it cannot be determined who caused the damage to a garage door, the Owner of that condominium must pay to have it repaired.

Section 5. Noise and Nuisances.

A. Noise or Nuisance.

Nuisances of every kind and/or nature are prohibited. Loud and disturbing noises, which unreasonably interfere with the rights, comforts, or convenience of others, shall not be allowed. Operation of vehicles within Nihilani shall not create excessive noise by racing the engine or playing the sound system at a high level. Any smell or odor of any kind,

which unreasonably interferes with the rights, comforts, or convenience of any other individual is prohibited.

B. Deliveries.

Deliveries of any items or objects are permitted only between the hours of 8:00 a.m. to 6:00 p.m. Monday through Saturday.

C. Work on Unit.

Indoor Contractors shall only be permitted to work on the condominiums from 8:00a.m. to 6:00 p.m. Monday through Friday, 9:00 am to 6:00 pm on Saturday, and no work on Sunday. These time restrictions shall not apply in emergency situations (i.e. broken water pipes, no electricity, etc.).

Outdoor Contractors shall abide by the work hours of 8:00 am to 5:00 pm, Monday through Friday and 9:00am to 5:00pm on Saturday.

D. Fireworks.

There shall not be any shooting of guns or use of fireworks of any type within Nihilani.

E. Quiet Time.

Sounds or noise outside a condominium between the hours of 10:00 p.m. and 8:00 a.m. may be presumed to unreasonably interfere with the rights, comfort, and convenience of others and is not allowed.

F. Smoking.

Each Owner may designate their condominium to be “non-smoking”. Any smoking allowed on the lanais may not interfere with the rights of the other people residing in the building.

G. Profane or Abusive Language.

Profane or abusive language is not allowed in any common or limited common areas.

Section 6. Pool, Spa, BBQ, and Pavilion.

A. Operating Hours.

The pool, spa, BBQ, and pavilion area is provided for the exclusive use of the residents and their guests. Owners who are not residing in Nihilani do not have rights to use these facilities as they have given these rights to their tenants or vacation renters except when they are staying in their condominium. The pool, spa, BBQ, and pavilion area is open between the hours of 9:00 a.m. to 9:00 p.m. Any resident or their guest entering or remaining in this area after the facility is closed will automatically receive a \$100 fine. The entrance gate must be closed and shall not be left or held open for any reason.

B. Guests of Residents.

Residents are allowed up to six (6) guests. Guests (not residing with the Owner) must be accompanied by the resident at all times. Any resident who gives their keys to unaccompanied guests will be subject to the fine process and the unaccompanied guests will be asked to leave.

C. Reserve for Gathering.

A resident may reserve the use of these facilities for a gathering for more than six (6) outside guests but not to exceed fifteen (15). The gathering cannot exceed more than four (4) hours. The Site Manager has a form, which must be submitted at least five (5) days prior to the gathering along with a deposit. The deposit will be returned if no damages occur or additional cleaning is needed. The resident is responsible for the total cost of damages and/or cleaning. The resident is responsible for the behavior of their guests and shall ensure that all rules are followed. The Site Manager has the authority to end the gathering early for an unruly gathering or a violation of the rules. Use of the facilities by other residents is permitted during the gathering.

D. Safety.

There is no lifeguard at the pool or spa areas. People using these facilities do so at their own risk and assumes all liability for any injury. No one is allowed in the pool unless they are a competent swimmer or are accompanied by a competent swimmer, who will be responsible for their conduct and safety. Inflatable swim aids or vests are allowed. Anyone susceptible to extreme heat and those suffering from heart disease, diabetes, high or low blood pressure, or any other chronic health problems should not enter the spa except under the advice of a physician.

E. Pool Attire.

Normal bathing attire is required when using the pool and/or spa. All persons who may be incontinent must wear clean waterproof diapers or other leak proof protective clothing to be allowed in the pool and/or spa. The Site Manager shall be notified immediately if any human waste or vomit gets into the pool or spa. Any items (such as bobbie pins or hair pins) worn by the user, which could clog the drains, shall be removed before entering the pool and/or spa.

F. Items not allowed in Pool/ Spa/ Pavilion Area.

Glassware or other breakable items are not allowed in the pool or spa areas. Drinks must be in unbreakable containers. Radios and other audio devices are not permitted in these facilities unless earphones are used. Animals are not allowed in these facilities unless the individual pursuant to the law needs a service animal. The service animal may not go into the pool or spa. Rolling toys or other wheeled vehicles (bicycles, skate boards, etc.) are not allowed in these facilities. Devices needed by persons for mobility or baby carriages/strollers are allowed. Inflatable mats, inner tubes, boogie boards, balls or toys of similar nature are not allowed in the pool and/or spa.

G. Persons/Animals not allowed in Pool and/or Spa.

Individuals with a disease or other conditions generally accepted by the medical community as being transmitted through casual contact are not allowed to use these facilities. Individuals wearing bandages or who have open wounds shall not use the pool and spa.

H. Pool Conduct.

The following conduct is not allowed in these facilities:

1. Intoxicated people will be asked to leave these facilities.
2. Profane or abusive language.
3. Jumping off the waterfall or rock walls.
4. Diving into the pool.
5. No jumping in the spa or other horseplay.
6. Marco Polo or other similar games that create loud noises.
7. Yelling or screaming.
8. Running on the pool or spa decks.
9. Smoking.
10. Swimming or playing in the spa.

The BOD understands that in a diverse community the only fair way and without prejudice in enforcing the pool rules will be for everyone to compromise. Therefore for clarification purposes, while occasional loud noises will happen, continual yelling, screaming, and excessive noises will not be allowed. The BOD understands that afternoons or on weekends noise may be louder; however, every effort should be made to prevent ongoing/continual yelling, screaming, or noise. The BOD has set aside 6:00 p.m. and after as “quiet time”. Any loud noises will not be tolerated during that time. The Site Manager, the Managing Agent and the BOD have the sole right to determine if the pool/spa conduct is objectionable. The Managing Agent, Site Manager, or BOD has the authority to close the pool at any time, on the basis of reasonable concern.

I. Furniture.

Furniture in these areas shall be used in a usual and customary manner and shall not be removed.

J. BBQs

Individuals using the BBQs do so at their own risk. The grills shall be cleaned, the propane timer shut off after using the BBQs and food and/or trash removed after use.

Section 7. Condominium Use and Appearance.

A. Coverings.

Owners shall not change the color or tint the windows. Window covering shall be earth tones, white or off white. If using draperies, the exterior side must not be patterned and in earth tones, white or off white. Owners cannot use materials not intended for window coverings, including such items as sheets, blankets, newspaper, cardboard, etc. Owners may not install any awnings, screens louvers or other similar objects on the lanais, except those approved through the design review process. Lanai drop blinds must be earth tones, white or off white, uniform in appearance, and well maintained. Torn, worn, or frayed window/lanai door screens shall be removed and replaced.

B. Lanais

Owners shall not enclose or modify the lanai unless approved through the design review process. When resurfacing the upper floors of the lanai or upper entry, Owners shall use the same specialized paint and color that was originally used unless an alternate is approved through the design review process. Owners must get approval through the design review process before resurfacing the upper lanai or upper entry. Ground floor lanais/entries may be resurfaced with tile or stone, only earth tones colors are permitted, and Owners must have prior approval through the design review process. All materials used for ground floor lanai/entry must be manufactured for outdoor use. Painting or staining is not allowed for the upper or lower entryways or lanai floors.

Residents may not hang clothing, towels, rugs, or anything else from lanais, the condominium exterior, or common areas. Only outdoor furniture made for such purpose is permitted on lanais and must be kept in good condition and in an orderly manner. The furniture should enhance the appearance of the condominium with the color and style blending decoratively with the surroundings. Refrigerators/freezers shall not be located on lanais/entries but are allowed in garages. When cleaning lanais, dust, rubbish, or litter shall not be swept or thrown onto the common areas. If an Owner is hosing off an upper lanai or entry area, they shall coordinate with their neighbor to ensure no harm or damages will occur. Only electric BBQs are permitted on lanais. No other form of cooking that produces a flame is allowed on the lanai. Barbequing is only allowed between the hours of 9:00a.m. to 9:00 p.m.

C. Antennas.

Any request to install an exterior antenna or satellite dish must meet the standards included in the policy established by the BOD and approved through the design review process. The policy established by the Board must meet all federal, state and Princeville Community Association (PCA) requirements.

D. Screen Doors.

Exterior screen doors are allowed but first must be approved through the design review process prior to installation. The screen door color shall closely match the siding or trim, be uniform in appearance, and well maintained.

E. Potted Plants on Lanais.

Potted plants are allowed on entries, and/or lanais. Owners are fiscally responsible for any repair, construction, or renovation to correct any damage caused by the plants. Porcelain or other suitable containers shall be placed under potted plants, when appropriate.

F. Garage Doors.

The garage door of each residence shall remain closed unless the resident is present and working on a temporary project or driving in/out. The garage door may be left open leaving no larger than a one (1) foot opening at the bottom of the door to allow ventilation into the condominium. When repairing or replacing garage doors, Owners must get approval through the design review process. Garage doors shall be uniform in appearance and color. Garages shall be primarily used for parking of vehicles and are not allowed to be used for an office, recreation room, or an additional living space. Storage in the garage is secondary and shall not cause the resident to park their vehicle in an unauthorized space in Nihilani.

G. Entries.

Entries and lanais shall be kept clean, neat, uncluttered, and sanitary. These areas shall not be used for storage, and items such as toys, boxes, containers, surfboards, boogie boards, etc. shall not be stored in either place.

H. Recreational Activities in Common Areas.

Recreational sports or camping is not allowed in any common areas such as parking/grass areas, streets, auto courts, or on lanais.

I. Owner Planting.

Owners are not allowed to plant plants, trees, shrubs, etc. without the approval of the BOD. The BOD can require the resident to remove any unauthorized plants.

J. Lighting.

Owners may use portable solar lighting only on the ground floor lanai or entry, subject to approval through the design review process. Owners are responsible for the maintenance of any outside lighting. Owners shall only use bulbs that do not cause a glare, which would disturb neighboring residents. The AOA is responsible for the maintenance of the auto court lighting in each end condominium.

K. Sewer System.

Owners are responsible for any damages caused by the resident improperly disposing items through the sewer system that will cause a blockage and would include such items as cooking grease, toys, diapers, feminine hygiene products, plastic wrappers, etc.

L. Signs.

No signs, lettering, or decorative items shall be attached to the entry or lanais without approval through the design review process. Reasonable holiday decorations shall be exempt from this rule but shall be removed within 5 days following the holiday.

M. Awnings and Air-Conditioning Unit.

No awnings, air conditioning unit, or other such projections shall be attached to the condominium walls, windows, or exterior doors without approval through the design review process.

N. Commercial or Business Activity.

Commercial and/or business activities shall not be carried out in or out of any Condominium unit. The BOD may allow such commercial or business activities in a condominium if such activities are not detectable by sight, sounds, or smells from outside the condominium and does not have business traffic coming in or out of Nihilani. The owner shall; assume all liability for conducting such activities; be covered by liability insurance; ensure that the activities not impact the Association's insurance; and shall hold the AOAO harmless.

O. Pest Control.

Owners are responsible for any pest control within their condominium, including entries, garages, and lanais.

P. Repairs to Condominium.

Any repairs to the condominium such as plumbing or electrical shall be done by a contractor licensed by the State of Hawaii for that specific purpose. Plumbing and electrical systems that serve more than one condominium are common elements and therefore, any alterations to these systems require approval through the design review process. Owners are responsible for any damages this work may cause to another condominium within the Building and/or common element. Nothing shall be allowed, done, or kept in any condominium, which would overload or impair the floors, walls, roofs, or affect the insurance maintained by the Association.

Q. Soundproofing.

An Owner may add soundproofing to their condominium walls, floors, or ceiling. Before the soundproofing is added, the Owner shall get approval through the design review process.

R. Solar Panels.

Any installation of solar panels must meet the standards included in the policy established by the BOD and approved through the design review process. The policy established by the Board must meet all federal, state, county, and Princeville requirements.

Section 8. Making Changes to Common and/or Limited Common Elements.

A. What is the Design Review Process?

Owners shall not alter, modify, or make structural changes to any condominium, common or limited common element without approval through the design review process. The design review process is outlined in another document (AOAO Design Review Process), which by reference, is made a part of and incorporated into this handbook, and therefore is one of the governing documents. The BOD shall establish a Design Review Committee (DRC), which will be responsible for reviewing any request made by an Owner. Any cost related to the DRC's analysis will be borne by the Owner making the request and may include costs (i.e. attorney, engineers, architects, contractors, etc.) to ensure the viability of the request, with the exception of requests to install solar panel devices. Please refer to Appendix 4, "Design Review Process".

B. Why have a Design Review Process?

The DRC shall use such standards as contained in this handbook and other governing documents to ensure the change will not affect the structure of the building, not cause any damage, and are consistent with the harmonious appearance throughout Nihilani.

C. Violations.

Any Owner making any change to their condominium, common or limited common elements without approval is subject to any costs required to undoing the change. Once the request is approved, the Owner is responsible for any injury, damages, or loss caused by the requested change.

Section 9. Pets.

A. Household Pets.

Except as otherwise allowed by law, a maximum of two common household pets, including no more than one (1) dog, may be kept in a condominium. Any animal(s) required by the Owner, tenant, or vacation renter that exceeds these requirements must be approved by the BOD. The BOD must approve all other pets. Pets will not be allowed if they cause damage to any common or limited common element and/ or unreasonably disturb the rights, convenience, or comfort of residents in Nihilani. Pets and premises shall be kept free of odor, fleas, ticks, and other such pests. The BOD shall have the right to

have Owners remove pets from Nihilani that are dangerous, abusive, or inconsistent with the rules set forth in this section.

B. Leash Requirements.

All dogs must be kept on a leash and not allowed to run loose. Any cats that are allowed to roam through the common elements must be spayed or neutered unless under the constant and immediate control of the pet's Owner.

C. Animal Droppings.

Owners are responsible to pick up any solid waste from their pet and immediately dispose of it.

D. Feeding.

Feeding of all pets shall be within the owner's condominium and not on a common or limited common element.

E. Feral Animals.

Owners shall not feed or offer food to any feral animals or to leave food unsecured in a manner that makes the food available to feral animals. Feral animals include, but are not limited to, cats, pigs, chickens, dogs, etc...

F. Licensing.

All pets must be licensed and inoculated as may be required by law.

G. Damage or Harm caused by Pets.

Any damage or harm to a condominium, to a common or limited common element, or to anyone in Nihilani caused by the pet is the sole responsibility of the Owner of the condominium in which it resides. The Owner shall carry liability insurance to cover potential claims. Owners shall indemnify and hold harmless the AOA from any cost associated with any incident with their pet.

H. Pets, Service Animals, and Reasonable Accommodations.

Notwithstanding any other provision herein, persons entitled by law to request reasonable accommodations with respect to certain animals may request such reasonable accommodations, in compliance with applicable law, and the Association shall make such reasonable accommodations as are required by law.

Section 10. Disposal of Trash and Recyclables.

A. Trash Enclosures.

All trash shall be bagged and secured. Trash shall be placed in the containers within the trash enclosures and not left outside of enclosures. Residents are responsible to clean up any spillage or litter created from the disposal of trash and/or recyclables.

B. Restrictions.

Due to the noise, trash and/or recyclables shall not be deposited in the trash enclosures before 8:00 a.m. or after 9:00 p.m. Any toxic, hazardous or flammable waste, or other such materials shall not be placed in the trash containers. Bulky or large items shall not be placed in the trash enclosures. Construction debris of all kinds is prohibited in the trash containers. Any items not allowed in the trash containers or that do not fit are the responsibility of the resident to take to the transfer station.

C. Recyclables.

All cardboard shall be broken down and placed neatly in the trash enclosure slot set aside for this material. It is encouraged for all recyclables to be deposited in the containers labeled for this purpose. Residents shall follow the instructions on the containers as to what is allowed or not allowed.

Appendix 1
House Rules “Short List”

VACATION RENTERS

HOUSE RULES ~ SHORT LIST

Welcome to Nihilani! We hope your stay here is enjoyable. As residents, you are required to follow the same “House Rules” as full-time residents. As a courtesy, we have compiled a short list of the rules that vacation renters will most likely encounter during their stay. Please note that this short list does not exempt you from the other rules required of our residents.

Condominium living requires each resident to have appropriate respect for the needs and rights of others living in Nihilani. Each person must act in accordance with standards of reasonable conduct whether or not covered by the House Rules. Thank you in advance for your cooperation. If you have any questions during your stay, please contact our site manager, Travis Bonnell, at 808-482-0777.

PARKING/VEHICLES:

- A. All vehicles are to be parked within their garage. No parking is allowed in the auto courts, streets or grass area. Garage doors must be kept closed except when entering, exiting, or unloading.**
- B. Guest parking areas are strictly for guests to Nihilani. The parking in front of the pool/mailboxes is limited to 15 minutes only for residents to pick up their mail. Please see the site manager if you need a parking exception.**
- C. Please abide by the speed limit within Nihilani, being 10 miles per hour.**

HOUSING UNITS / NIHILANI GROUNDS:

- A. No recreational sports in common areas, streets, or auto courts.**
- B. Skateboards, bicycles, roller skates, roller blades, etc. shall not be ridden within Nihilani. Bicycles can only be ridden directly from your condo to the exit and upon return directly back to your condo. Given the narrowness of the streets, the Board recommends that, for your safety, bicycles be walked out and into Nihilani.**
- C. The owner of a condo may designate it as non-smoking. Smoking on the lanais shall not interfere with the rights of others living in your building. There is no smoking within the pool/spa area.**
- D. Loud and disturbing noises are not allowed. Quiet time in all of Princeville, including Nihilani, is from 10:00 p.m. to 8:00 a.m.**

POOL & SPA FACILITY:

- A. Pool hours are 9:00 a.m. to 9:00 p.m. People in the pool after 9:00 p.m., when it closes, will be removed and the owner of your unit where the person is staying will be fined.**
- B. Quiet time in the pool/spa is 6:00 p.m. to 9:00 p.m. Any loud noise is not allowed.**
- C. There is no lifeguard at the pool or spa areas. Any person using these facilities does so at their own risk and assumes all liability for any injury. Younger persons without adult supervision must be water safe.**
- D. Do not open the pool gate for others. If they reside here, then they should have a key. Please keep the pool gate closed.**
- E. Glassware or other breakable items are not allowed in the pool/spa area.**
- F. Inflatable mats, inner tubes, boogie boards, balls or toys of similar nature, etc. are not allowed in the pool/spa. Swim aids or vests for non-swimmers are allowed.**
- G. The spa is for relaxation only.**
- H. The following activities are not allowed in the pool/spa area: jumping off rocks/waterfall; intoxicated people, profane language; diving in pool; Marco Polo or other games that create loud noise; yelling and screaming; and running on pool/spa deck or walkways. We understand young people get excited and occasionally yell or scream but constant yelling and screaming is not allowed.**
- I. Owners shall not feed or offer food to any feral animals or to leave food unsecured in a manner that makes the food available to feral animals. Feral animals include, but are not limited to, cats, pigs, chickens, dogs, etc...**
- J. Do not hang swimwear, clothing, or towels off of lanai.**

TRASH RECEPTACLES:

- A. All trash must be bagged and secured. Cardboard boxes must be broken down and placed neatly in trash enclosure slot. Recyclables (glass and plastic only) in labeled trash cans. Hours of disposal are from 8:00 a.m. to 9:00 p.m.**

Appendix 2
House Rule Violation Form.

HOUSE RULES VIOLATION

WARNING

- Owner Notified
- Resident Notified
- Agent Notified

FINE

- Owner Notified
- Resident Notified
- Agent Notified

NOTE: Owners who receive a fine may contest it if desired. To contest a fine or assessment, you must first pay it and then submit a written correspondence to the Board via the Managing Agent contesting the charge.

Date: _____

Occupant's Name: _____

Apartment No.: _____

Name of Project: _____

VIOLATION:

COMMENTS OR ACTION TAKEN:

Witnesses: _____

Reported by: _____

_____ Phone No.: _____

You have been notified that you are in violation of the By-laws or House Rules of the Association of Apartment Owners of _____ . Violations that effect the health, safety or peace of Tenants must be corrected immediately. All other violations must be corrected as soon as possible, but in no event greater than twenty-four (24) hours from Notice of Violation.

A Fine of _____ may be imposed for any uncorrected violation. All fines imposed shall be paid within (15) days from Notice of Violation and are payable to the Association.

KW KAUAI
2970 Haleko Road, Suite 205, Lihue, Hawaii 96766
(808) 245-5758

white copy - KW Kauai Owner's File ♦ yellow copy - Tenant ♦ pink copy - Rental Agent ♦ goldenrod copy - Owner

Appendix #3
Reserve Parking Permit Guidelines

The Site Manager is responsible for the administration of this process. The Site Manager should use their discretion but utilize these guidelines in making a decision to issue the permit. The Site Manager shall document all approvals and keep a record of the unit number, dates, person's name, etc.

1. This is not for guests of current residents who are staying with residents. The Owner's Handbook already deals with this issue and the Site Manager is allowed to issue a parking pass (short term only) and guests can park (if available) next to the unit they are staying in.
2. Any permit issued for the reserve parking shall be short term only (up to 14 days).
3. Examples for which vacationers would be issued a Reserve Parking Pass and directed to park in the reserve stalls are:
 - More than 2 cars in a rental unit. Owners and Rental Agents must be aware this is the exception and not the general rule. Please try to ensure only 2 cars are associated with each rental.
 - 2 cars in a rental unit and the owner has a car parked in the garage.
 - Extraordinary one-time reason for a vacation renter; still must be short term.
4. The vacationer must park in the Reserve Parking stalls only. Site Manager will issue a Reserve Parking Pass, which will be displayed on the front dashboard.
5. Given the limited stalls, it is a first come, first serve basis. Owners and/or rental agents shall submit their request for a parking space to the Site Manager by email or phone. The request must be submitted up to two months in advance of the vacationer's arrival, to let the Site Manager know if the above situations are going to occur and the dates. The Site Manager will not accept requests for a parking stall beyond two months.

6. If a parking stall is available, the Site Manager will reserve the stall for the owner/rental agent and confirm with the owner/rental agent that the stall is reserved. If the stall is not available, then the owner/rental agent has to ask vacationers to park the vehicle off property.

7. Vacationer must contact the Site Manager (see below) upon arrival at Nihilani. At that time the Site Manager will issue a Reserve Parking pass

8. If vacationer arrives late in the day (after 9:00 p.m. H.S.T.) the vacationer should park in the Guest Parking stall for that night and contact the Site Manager the next day for a Reserve Parking pass.

The Site Manager (Travis Bonnell) can be contacted at the following:

a. Phone: (808) 482-0777

b. Email: travis.nihilani@gmail.com

Mahalo,

Board of Directors

Appendix 4 Design Review Process



ASSOCIATION OF APARTMENT

OWNERS NIHILANI AT PRINCEVILLE

RESORT

DESIGN REVIEW PROCESS

(Revised and Approved)

REVISED: June 2014

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Section 1. Introduction

The purpose of the design review process is to assure all Owners that any alteration, modification, or structural change to any common or limited common element will insure harmonious aesthetic relationships between condos, buildings, and their sites. Since each Owner is a part of the NAOOCO, the Owners therefore, surrenders their freedom of expression in altering or improving their condo(s) and have agreed to conform to the rules and requirements of the governing documents. The BOD will establish a design review committee (DRC) whose primary purpose is to protect the visual character and structure of the Nihilani community and therefore, the economic interests of all Owners. The DRC will review Owner requests and assess the soundness of the proposal, compliance with the rules and requirements of the governing documents, and the request will not impact the structural integrity of the building, or cause any damage. The BOD will appoint at a minimum, three (3) members to the DRC. The DRC will be equitable, objective, and consistent with the procedures it utilizes to analyze the Owner's request keeping in mind the needs of the community as a whole and those of the individual Owner. The DRC should take into consideration any new and different designs and materials. Any costs required to review the Owner's request will be solely borne by the Owner. The DRC will have the authority to approve Owner requests, however, the requests still have to be ratified by the BOD before any work can commence. Any work done to a common or limited common element prior to or without DRC and BOD approval will require the Owner to correct, relocate, or remove the change at Owner's expense. The Owner will be solely liable for any approved (and unapproved) change to their condo, a common or limited common element. The approval in no way holds the NAOOCO responsible for the quality of the work being done. The Owner will hold harmless the NAOOCO for any injury, damages or loss resulting from the work being done in the Owner's condo and as it relates to any other condo in the building, common element, or limited common element. Should the alteration require an increased cost of maintenance to the NAOOCO, the Owner will be charged these costs.

Section 2. Application Process

Request Form

The first step in the application process is for the Owner to fill out the request form. The form is attached to these procedures. Any additional copies of the form can be requested through the managing agent or the DRC Chairperson. The Owner will submit to the DRC Chairperson a completed form along with any supporting documentation that ensures the soundness of the request against the rules and requirements in the governing documents.

Review of Request

The DRC will, within sixty (60) days of receiving the request, analyze the proposal, may confer with the Owner requesting the change, and either approve or deny the request. The DRC may retain professionals (legal, architectural, engineers, etc.) in their analysis of the request, with the Owner making the request, being responsible for this cost. The DRC in reviewing the request will take into consideration conformance with governing documents, compliance with licensing or code requirements, validity of concept, relation to the surrounding environment, design compatibility, location and impact on Nihilani, scale, color, materials, workmanship, and timing. Any approval or denial by the DRC of an Owner's request will then be forwarded to the BOD for their ratification and agreement. The request will be heard at the next scheduled board meeting. The Owner may be present any additional information to the BOD before they take action. The Owner will be notified in writing as to the result of their request. The Owner may have to sign an Assumption of Risk and Financial Responsibility form prior to starting work on an approved application. This document is required if the change could result in damage, leakage, or other problems, including any adjoining condo. The assumed risk transfers to any future owners. The DRC will be responsible for retaining a copy of the signed documents. The Owner is responsible for retaining a copy of these forms and providing them to any future buyer.

Starting Work

The Owner will have thirty (30) days to commence in the requested work once approval is granted. After the thirty (30) days, the approval is removed and a new application is required. The Owner may request a reasonable extension to the DRC. When the work is being done, the Owner is required to follow the rules and requirements contained in the governing documents regarding work hours, noise, etc.

Appeal

The Owner may appeal to the BOD any denial by the DRC or the BOD. The procedure to be followed is the same as appealing a fine as outlined in the Homeowner and Resident Handbook, Section 3.

Section 3. Compliance

Compliance with the rules and requirements in this document as well as the other governing documents is mandatory. Work started and not completed within the approved DRC timeline will be deemed not in compliance and therefore a violation of this process. Work that does not conform to the approved application and approval will be deemed not in compliance. The Owner shall notify the DRC Chairperson within 30 days of completion of the approved work.

The DRC shall inspect the work to ensure it is in compliance with the approved application.

Any Owner who is found to be in non-compliance with this process or resultant work may result in the Owner having to remove, relocate, or modify the change, at the Owner's expense, as determined by the DRC and BOD, to substantially the same condition as existed before the change. If the Owner fails to comply with the DRC and BOD decision, then the Owner shall be responsible for any costs that the NAOCO will incur to ensure an Owner's compliance with this process and could include such costs as legal fees, court fees, and construction costs (if the NAOCO has to make the change)

Section 4. Design Requirements

It is not possible to cover each and every design issue that may arise. In general, an Owner may not alter a common or limited common element without the NAOCO approval. Even though an Owner owns his/her condo exclusively, the Owner may still be limited in the types of changes which can be made. Most changes can be approved by the DRC and BOD, however Section R.1. of the Declaration, states that construction of buildings and structures, any material changes to Nihilani, jeopardizes the soundness or safety of the property, reduces the value of it, or impairs anyone's easement rights, will require two-thirds majority of Owners to agree (change in law from when declaration was developed) and all directly affected owners. If an owner has any question whether the work to be done is covered by this process and the governing documents, then they should consult with the DRC before work is commenced to ensure they are not found to be out of compliance. If the BOD has not developed a policy to cover an alteration or change, then the Owner's request shall be on hold until the BOD has addressed the issue and revised the governing documents as appropriate. The BOD is still developing policies regarding the installation of antennas, and solar paneling. Consequently until those policies are finalized, any requests regarding these subject matters will be deferred.

The design standards are contained under the specific subject in the Owner and Resident Handbook. Please refer to that governing document before completing the design review application.

All materials used shall be fungus and termite free. The materials shall not be used or secondhand. Owners shall keep all areas clean during periods of construction. Materials shall not be stored as to block or partially block access areas. No construction materials or equipment shall be stored in any area visible from adjoining streets or buildings. The Owner is responsible for the disposing of all construction waste and debris and keeping the common areas surrounding his/her apartment free of waste and debris at all times. There is no disposing of these materials in Nihilani trash containers. They must be taken off property and properly disposed.

APPLICATION FOR DESIGN REVIEW

NIHILANI AOA	
APPLICATION FOR DESIGN REVIEW	
OWNER NAME:	
CONDO ADDRESS:	
E-MAIL ADDRESS:	
PHONE:	
FAX:	
MAILING ADDRESS (IF DIFFERENT THAN CONDO ADDRESS):	
PROPOSED START DATE:	
PROPOSED COMPLETION DATE:	
GENERAL DESCRIPTION OF PROPOSED WORK (INCLUDE ANY PLANS, SPECIFICATIONS INCLUDING THE NATURE, KIND, SHAPE, COLOR, DIMENSIONS, MATERIALS, AND LOCATION):	
<i>If more room is needed, please attach additional pages.</i>	
OWNER SIGNATURE/DATE:	

S i g n a t u r e *D a t e*

By signing this document, Owner understands and agrees to the following if approved:

1. All proposed changes must conform to building codes, if applicable.
2. Owner accepts complete responsibility for the upkeep and maintenance of these improvements including any necessary repairs to the exterior of the building, other structures, and/or common and limited common elements as a result of these changes.
3. Any and all expenses incurred by the NAOCo as a result of this request will be charged to the Owner.
4. Owner may be required to obtain a building permit, if applicable.
5. The obligations of this request will carry forward to any future Owners or heirs.
6. No work will be performed by an unlicensed contractor except as approved by the DRC. Owner will personally verify the contractor is licensed in Hawaii and obtain a copy of the contractor's current certificate of liability insurance.
7. Agree to sign the Assumption of Risk and Financial Responsibility Form, if applicable, before work is started.

DRC/BOD ACTION:	
-----------------	--

DRC CHAIRPERSON SIGNATURE: _____

S i g n a t u r e *D a t e*

BOD PRESIDENT SIGNATURE: _____

S i g n a t u r e *D a t e*