

KAI MALU HOUSE RULES

JANUARY 30, 2008

The purpose of these House Rules is to protect all apartment owners and other occupants, tenants and their guests from annoyance and nuisance caused by improper use of the Kai Malu project (the "Project") and also to protect the reputation and desirability of the Project by providing for the maximum enjoyment, comfort, safety and security.

The Board of Directors of the Association (The "Board") shall be responsible for enforcing these House Rules, but such responsibility may be delegated to the Site Manager and/or Managing Agent by the Board. All apartment owners, their families, tenants, guests, employees and any other persons using the Project on their behalf shall be bound by the House Rules and by standards of reasonable conduct whether covered by these House Rules or not.

These House Rules supplement but do not change the obligations of the apartment owners, their families, tenants, guests, employees and any other persons using the Project on their behalf as set forth in the Declaration of Condominium Property Regime ("Declaration") and Bylaws of the Association of Apartment Owners ("Bylaws") pertaining to the Project. In the event of inconsistency, the Declaration and Bylaws will prevail.

GENERAL RULES

1. All owners, tenants and other occupants must file their name address, telephone, and vehicle information with the Site Manager within 24 hours of taking occupancy of an apartment. Site Manager may request updated information from time to time.
2. Each apartment owner shall observe and perform these House Rules and ensure that his/her family, tenants, employees and any other persons using the Project on their behalf observe all House Rules as set forth herein. In the event expenses are incurred due to violations of these House Rules by any such person or persons for whom an apartment owner is responsible, the apartment owner shall pay for such expenses, including reasonable attorney's fees.
3. "Short-term rental" - a transient vacation rental or use in which overnight accommodations are provided in dwelling units to guests for compensation, for periods of less than one hundred eighty (180) days is not permitted.
4. Solicitation or canvassing will not be allowed in the Project at any time. Provided, however, solicitation of proxies or distribution of materials relating to Association business and functions is permitted. Such permitted solicitation and distribution shall occur at a reasonable time, place and manner.

COMMON AREAS

1. Sidewalks, stairways and walkways must not be obstructed or used for any purpose other than ingress and egress.
2. Trashcans/trash may be placed at the end of owner's driveway so as not to obstruct use of driveway, no earlier than 4:00 p.m. of the evening prior to trash pick-up day and must be removed no later than the evening of trash pick-up day. Trash cans must be stored at all other times in owners' garages. If an owner will be out of town during these time periods, then they should take their trash to the receptacles located just at the entrance to the Community Center prior to their leaving.
3. Fireworks of any kind are not permitted anywhere in the Project at any time.

4. Fires other than approved barbeque equipment are not permitted. Charcoal bbq's/hibachis are not permitted.
5. Occupants shall not use any illumination (such as but not limited to, tiki torches, fire pits, etc.) other than approved electrical devices or use, or permit to be brought into the buildings, any containers of flammable oils or fluids such as gasoline, kerosene, naphtha or benzene, or other explosives or other articles deemed extra hazardous to life, limb or property.
6. Skateboards, roller blades and rollers skates are not permitted on any common area.
7. Trailers, campers, boats, or commercial vehicles (including but not limited to any vehicle with a business name, logo, advertisement), other than those servicing a unit during allowable work hours, are not allowed to be parked on driveways, roadways, or guest parking.
8. Approved vehicles must be parked in garages or driveways as to not interfere with the ability of others to utilize same. Owner vehicles should be kept in garage as much as possible. Parking on roadway other than guest parking areas is not permitted and guest parking or common area parking should not be used by owners to store vehicles overnight or for any extended period. Illegally parked vehicles will be fined and may be towed at the owner's expense.
9. Vehicles shall be driven at safe speeds within the Project not to exceed ten (10) miles per hour. All traffic and directional signals will be observed.
10. Common elements (other than those specified for recreational use) shall not be used for recreational activities of any kind. No persons, other than those authorized by the Association, shall enter into the natural drainage culvert or climb on or over any of the boulder walls within the Project. Parents or legal guardians are responsible for the appropriate supervision of minors at all times.

**COMMUNITY CENTER
(Pool Deck Area / Lanai)**

1. An owner or such owner's tenant must register their respective guests to use any part of the Community Center.
2. Smoking is not permitted anywhere in the Community Center facilities. A designated area is available outside the Community Center.
3. The Community Center will be open from 8:00 a.m. and 9:00 p.m. daily.
4. All owners, tenants, or guests are responsible for cleaning up after themselves prior to leaving the premises, and removing all food and drink from the refrigerator.
5. Wheeled vehicles or devices (other than wheeled vehicles or devices relied upon by handicapped persons or infants) will not be permitted in the Community Center.

**SPAS
(Men & Women's Steam & Saunas / Lockers)**

1. The Spas will be open from 8:00 a.m. and 9:00 p.m. daily.
2. Children under the age of twelve (12) are not permitted in the sauna or steam room.
3. Not more than four (4) persons from any one (1) apartment unit shall use the Steam or Sauna at one time.
4. Lockers are for use during stay at Community Center and all articles must be removed upon leaving area. Anything remaining in lockers after hours will be removed by manager.
5. Food or drink is not permitted in the Steam or sauna rooms.
6. For health reasons, persons with infectious or communicable diseases are not permitted in the Spa.

POOL AREA
(Pool deck / Pool / Hot Tub)

1. The Pool Area will be open from 8:00 a.m. and 9:00 p.m. daily.
2. Not more than six (6) guests from any one (1) apartment unit shall use the Pool Area at one time without prior authorization from resident manager or managing agent.
3. Children under the age of twelve (12) are not permitted in the Pool Area unless under direct supervision of parents and/or guardians.
4. Diving, running, excessive splashing, pushing, screaming, shouting, jumping off wall into pool or hot tub, horseplay, pool games such as Marco Polo, or other boisterous conduct, is not permitted in the Pool Area.
5. Parents and/or guardians are responsible for the safety and appropriate conduct of their children.
6. Smoking is not permitted anywhere in the Pool Area. A designated area is available outside the Community Center.
7. Radios and all other audio and visual devices are not permitted unless earphones are used.
8. Cell phones must be put on vibrate/silent mode and all calls must be handled so as NOT to interfere with the enjoyment of the others in the Pool Area.
9. Glassware and other breakable items are NOT permitted in the Pool Area.
10. Food or drink is not allowed in the pool or hot tub.
11. Flotation devices such as inflatable mats, inner tubes, or similar items, as well as swim fins shall not be permitted in the Pool Areas. Swimming aids and flotation devices for exercise and safety reasons may be used if they do not inconvenience or inhibit the safety of others.
12. Appropriate swimwear must be worn at all times. Cut-offs, street clothes, or diapers (other than swim diapers) will not be permitted in the pool or hot tub. Bathing caps or hair bands are recommended for persons with long hair, hairpins are not permitted. Nudity will not be permitted in the Pool Area.
13. Climbing on the railing surrounding the pool and hot tub and lying on or climbing over the infinity edge is not allowed.
14. When people are swimming laps along the outer edge of the pool they should be allowed to do so without interference.

EXERCISE ROOM

1. The Exercise Room will be open from 8:00 a.m. and 9:00 p.m. daily.
2. Shirts and closed-toe shoes must be worn when using exercise equipment.
3. Wet swimwear is not permitted in the exercise room.
4. Children under the age of twelve (12) are not permitted to use the equipment.
5. Food is not allowed in the exercise room.
6. Only unbreakable drink containers are allowed in the exercise room.
7. Radios and all other audio and visual devices are not permitted unless earphones are used.
8. As a courtesy to others please wipe off equipment when finished.
9. In an effort to conserve energy, please turn off the lights, fan, and close doors when you leave.

LANAI**(Covered Area Adjacent to the Barbeque/Kitchen)**

- 1 The reserved use of the Lanai does not include the pool area or any other portion of the Community Center.
- 2 Requests for use should be made to the resident manager or managing agent no earlier than 30 days prior to date of use. Reservation of the lanai shall not be for more than thirty (30) persons at one time. A \$100.00 security deposit is required.
- 3 If food and/or beverages are served while using the Lanai, all trash must be removed to the trash bin located outside the Community Center the same day as the function. The Lanai should be cleaned, left in good condition and all food and beverages should be removed from the refrigerator. Any excessive cleaning costs or damage will be deducted from the deposit. In extreme cases or multiple violations, the Board will have the option to revoke member privileges for association amenities.
- 4 The Lanai may not be reserved on the following holidays: New Year's Eve, New Year's Day, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve, Christmas Day nor for commercial or political functions.
- 5 Reservations will be posted on the billboard located next to the mailboxes.

NOISE AND NUISANCE

1. Loud and/or disturbing noise such as, but not limited to; radios, TV's, hi-fi's, yelling, etc. will not be tolerated.
2. Owners and/or tenants shall avoid unreasonably excessive noise of any kind at any time and shall not cause or permit any unreasonably disturbing noise or objectionable odors, which interfere with the rights, comforts or convenience of others, to emanate from their apartments. Special consideration for quietness shall be followed between the hours of 10:00 p.m. and 8:00 a.m.
3. The use of profane or abusive language will not be tolerated within the Common Elements. Any person using such language shall leave the common elements of the Project upon the request of the Site Manager or other representative of the Board.
4. Contractors will be permitted on the premises only Monday through Friday, 8:00 a.m. to 5:00 p.m., except in emergencies.

MAINTENANCE

1. Every owner, occupant or guest is to do their part and to use their influence on all members of their household to do their part towards abating unsightliness within the Project to the fullest practical extent.
2. No maintenance employee shall be asked by an owner, occupant, tenant or guest to leave the common elements or to perform any tasks for the owner, occupant, tenant or guest, while performing Association duties. Any comments or requests concerning maintenance issues shall be directed to the Site Manager.

PETS

1. Livestock, poultry, rabbits, or other animals or pets, will not be allowed or kept in any apartment or any other part of the Project. Dogs, cats, fish, tropical birds and other household pets (as determined by the Board) in a reasonable number and size as determined by the Board (but not to exceed a total of two such animals (except aquarium fish) per apartment) may be kept in the apartment.
2. All pets, guide dogs, signal dogs and other animals as allowed above, kept anywhere on the Project must be registered immediately with the Managing Agent. Failure to properly register the animal shall be grounds for ejection of the animal upon notice.

3. No animals shall be kept, bred or used in the Project for any commercial, profit making or money generating purposes.
4. Pets must be kept on leashes or held under the complete control of a capable person at all times when being walked, exercised in the common elements of the Project.
5. No owner shall permit their pet(s) to produce or cause any waste or unsanitary material or condition anywhere on the common elements. Any such waste or unsanitary material or condition shall be immediately removed and properly disposed of by the pet owner or handler.
6. Any pet which, in the sole judgment of the Board, causes a nuisance, unreasonable disturbance or threat to the health or safety of any owner, occupant or guest may be ejected from the Project on the demand of the Managing Agent or resident manager. However, upon assessment of the severity of the nuisance, disturbance or threat caused by such pet, the Board, in its sole discretion, may give the pet's owner an opportunity to remedy the situation short of ejection.

VIOLATIONS

1. All violations of the House Rules and damages to the common elements or common areas should be reported in writing to the Managing Agent or Site Manager.
2. Board Rights
 - a. The Board, Managing Agent, Site Manager or agent, may enter the common elements or areas to survey damages and assess the cost of repair or replacement and any legal fees incurred against the person or persons responsible, including, but not limited to, any apartment owner cause directly or indirectly by his/her family, tenants, employees and any other persons using the Project on their behalf.
 - b. Levy a fine for continued violations of these House Rules at its discretion, after appropriate verbal and/or written notice to the apartment owner. Such fines shall be in an amount from time to time set forth by the Association.

KAI MALU DESIGN RULES

JANUARY 30, 2008

The purpose of these Design Rules is to ensure a uniform appearance within the Kai Malu project (the "Project"), maintain the value of the Owner's Apartment and the Project overall, protect all apartment owners and other occupants, tenants, and their guests from annoyance and nuisance caused by improper use of the Kai Malu project and to protect the reputation and desirability of the Project by providing for the maximum enjoyment, comfort, safety and security of owners and residents.

The Board of Directors of the Association (The "Board") shall be responsible for enforcing these Design Rules, but such responsibility may be delegated to the Site Manager and/or Managing Agent by the Board. All apartment owners, their families, tenants, guests, employees and any other persons using the Project on their behalf shall be bound by the Design Rules.

These Design Rules supplement but do not change the obligations of the apartment owners, their families, tenants, guests, employees and any other persons using the Project on their behalf as set forth in the Declaration of Condominium Property Regime ("Declaration") and Bylaws of the Association of Apartment Owners ("Bylaws") pertaining to the Project. In the event of inconsistency, the Declaration and Bylaws will prevail.

GENERAL

Nothing shall be allowed in, on or around the Apartments that remain in view of the public unless approved by the Board or Board designated Committee, as so described in the following Rules and Regulations.

1. Except as otherwise permitted by the Declarations or the Bylaws, no alteration or addition to an apartment nor any alteration or additions to the Common Elements may be made without the prior written approval of the Board.
2. All exterior changes, additions or alterations must be submitted and approved prior to work being initiated.
3. Any interior work involving tile work, flooring alterations, alterations to interior walls or structures (note that the common wall cannot be altered in any way), or other major alterations, additions, or changes, or any alteration or addition visible from the exterior of the apartment must be submitted for notification purposes to the Board Committee.
4. All work, whether exterior or interior, must follow the construction rules set forth by the Board including but not limited to hours of operation between 8am and 5pm Monday through Friday.
5. No highly reflective finish, other than glass (which, however, may not be tinted or mirrored), shall be used on the exterior of any building in the Project; provided, however, that a tint in the color and with the reflective value as designated by the Board, may be installed by an apartment owner on the glass located along the perimeter of his apartment with prior written approval of the Committee. If any bubbling or cracking shall occur, the apartment owner shall immediately remove the tint and may replace it in accordance with the foregoing provision.
6. No wind chimes or other similar sound-generating devices shall be installed within the lanais or any other exterior location within the Project.

7. Plants hanging from the building will not be allowed, including from the upstairs lanai railings.
8. No garment, rugs or other objects shall be hung from the lanai, railings, windows or façade of the Project.
9. Except for traditional holiday lights, which may be displayed between Thanksgiving and January 7th only, no temporary or permanent exterior lights shall be installed without prior written approval of the Committee. This includes but is not limited to landscape lights and pool lights.
 - a. Flashing lights are prohibited.
10. Except for traditional holiday decorations, which may be displayed between Thanksgiving and January 7th only, no temporary or permanent exterior artwork or decorations shall be installed without prior written approval of the Committee.
 - a. Decorations and lights must use non-permanent hangers as to not damage façade, doors, etc. with nails holes.
 - b. Freestanding or inflatable decorations are not permitted.
 - c. Exterior decorations that play music are not permitted.
11. No unsightliness within the public view is permitted within the Project. For this purpose, "unsightliness" includes but is not limited to the following: laundry on lines or reels; litter or trash containers except as specially provided; nondecorative gear, equipment, cans, bottles, ladders, trash, boxes, barrels, coolers, etc., stored or stowed in or on walks, entryways, or lanais, etc., or unshaded or improperly shaded lights that created objectionable glare.
12. As per CCR's, approved trash containers are only allowed outside Owner's garage/Apartment the evening before trash pickup and must be returned inside by the end of trash pickup day.
13. No household or commercial supplies, excess items, or similar articles shall be placed outside any Apartment area or in a place where they can be seen from outside any Apartment.
14. All window coverings shall be appropriately installed.
 - a. Exterior appearance of draperies (as seen from the outside by others) shall be white, off white, or beige in color. (Prints, lace, metallic, reflective, etc. fabrics must be lined with white, off white, or beige fabric).
 - b. Wooden shutters, wooden louvered blinds, or wooden roman shades may be white or natural wood stained.
 - c. The exterior appearance of free standing screens, including Shoji screens must be white, off white, beige or wood tone in color.
 - d. Temporary (pleated paper) blinds may be installed for a period of up to 3 months while other window treatments are acquired.
 - e. Any window treatments outside of these guidelines will need written approval of the Board prior to installation. The Board shall have the discretion to withhold the approval of any window coverings that, in the reasonable opinion of the Board, does not promote a uniform appearance within the project.

ENTRANCES

1. Nothing shall be allowed to remain in view at front entrances of Apartments except a reasonable number of shoes, slippers or other footwear, etc., as determined by the Committee.
 - a. Freestanding shelves or other containers for footwear are subject to approval from the Committee.
 - b. Freestanding potted plants, benches, and artwork must be approved by the Committee prior to installation. These must be appropriate in number and scale to the size of the entry. Plant stands are not allowed.
 - c. Colors and materials should be consistent with the existing color scheme of the building and in keeping with the general décor of the project. Reflective materials are not allowed.
 - d. Subject matter of any artwork, sculpture, or furniture must be appropriate and inoffensive as determined by the Committee.
2. Entry doors may not be altered (i.e. peep holes, door knockers, color, screens) without prior approval by the Board. Screen doors for the entry must be of the approved style, make, and color as selected by the Board and cannot be installed without prior Committee approval.
3. Tiling of entry or walkway must be of the approved tile selected by the Board and cannot be installed without prior approval of the Committee.
4. Changing the paint color of the exterior is not allowed.
5. Painting, staining, or changing the color or finish of the concrete elements (sidewalk, driveway, entryway, etc) is not allowed.
6. Garages will be used only for the parking of vehicles and/or boats and the storage of recreational equipment.
 - a. Apartment owners shall keep their garage door closed at all times except as may be necessary for ingress to or egress from their garage or for brief periods while performing tasks that require the garage door to be open.

LANAI & BACKYARD

1. Lanais may be furnished appropriately with typical lanai furniture in keeping with the décor of the project which includes chairs, lounges, and tables which shall be kept in an orderly fashion and maintained in good, clean condition.
2. Any furniture, plants or other articles which, in the opinion of the Committee, are unsightly or not in keeping with the overall décor of the Project, shall be removed from the lanais upon request of the Committee.
3. No more than 4 plants of up to six feet tall are allowed on the lanais or in the pool area of an apartment (4 in total). Additional smaller plants are permitted within limits.
 - a. Ceramic pots of a consistent style should be of colors in keeping with the general color scheme of the project.
 - b. Plants must be kept in healthy and attractive condition.
 - c. Artificial plants must be closely monitored for fading to an unnatural color and replaced should this occur.
 - d. Plants may not in any way block or obscure any neighbors' view.
4. An Apartment owner or occupant may install lanai shades of the style, make, and color designated by the Board with prior written approval of the Committee. In designating the type and color of lanai shade that will be permitted within the Project, the Board will consider and select the types and colors of lanai shades that will promote a uniform appearance within the Project.

5. Free standing screens may be used for decorative purposes within the lanai area however they must be in keeping with the general décor of the project and not used to create a storage area on the lanai, nor obstruct any neighbor's view. Barbeques may not be placed adjacent to free standing screens (or other such items) for safety reasons.
6. Bird baths, bird feeders, and bird houses are not allowed in the Project.
7. Freestanding fountains/water features are not allowed.
8. Landscaping stones or steps may not be installed without prior written approval of the Committee.
9. Fences must be of the approved style and color selected by the Board and cannot be installed without prior written approval of the Committee.
10. No apartment owner or occupant shall make any exterior additions or alterations to the lanai without prior approval of the Board.
 - a. Plans and specifications, including detailed plot plan, finish and materials prepared by a licensed architect is required by the Board.
 - b. Contractor's name, license, and proof of insurance, with AOA named as an additional insured, along with a signed acknowledgement of rules must be furnished to the Board.
 - c. A refundable construction deposit as determined by the Board will be submitted.
11. The addition of Spas, whether in-ground or above ground are not approved.
12. Yard furniture including, but not limited to tables, lounges, etc., must be approved by the Committee. If approved, yard furniture must be moved to the lanai when not in use. Hammocks are not allowed
13. Charcoal barbeques are prohibited within the Project. Outdoor cooking shall be subject to regulation by the Board, shall be permitted only in the common barbeque area at the Community Center and each of the Yard Areas which are Limited Common Elements of the Project and shall be conducted so as not to be offensive to any neighbor. Barbeques shall be stored next to the privacy wall separating the two Yard Areas when not in use.
14. Fires such as but not limited to tiki torches, fire pits, etc., are not allowed.
15. Freestanding storage structures of any kind are not allowed in Yard Area or on lanais. Storage benches on lanais as determined by the Committee to be appropriate may be allowed with prior written Committee approval.
16. No items of personal property, including baby carriages, velocipedes, bicycles, surfboards, recreational toys, kayaks, pool toys, gardening tools, cleaning tools/supplies, packages, boxes or crates shall be left or allowed to stand on any of the Yard Areas or Common Areas, other than within the confines of the Apartment or within designated storage areas. Articles of any kind left in any of the Yard Areas or Common Elements, including without limitation, the parking areas, will be removed at the owner's risk and expense at the direction of the Committee.
17. No children's play equipment (for example, swings, slides, etc., or basketball hoops) shall be installed within the Yard Area or any Common Elements.
18. Textile items, including towels, bedding, bathing apparel, clothing, brooms, mops, yard tools, rubbish containers, cartons etc., shall not be placed on passages or in windows or stored openly so as to be in view from outside the building or from any other apartment or Common Areas.

EXTERIOR AESTHETICS

1. Any exterior door screen, lanai shades, and awnings for the second floor lanais must be of the approved color, materials, and size as selected by the Board and cannot be installed without prior written approval of the Committee.
2. Umbrellas on the upper lanai are not allowed.

ENFORCEMENT AND PENALTIES

1. Owners are responsible for ensuring compliance with these Design Rules, regardless of whether they are residing in their unit or have tenants in place.
2. Notice of an infraction of the Design Rules will be issued by the Site Manager with instructions and a timeframe for rectifying the infraction. First time, minor infractions, which are generally defined to include, but not limited to alterations or additions to the Apartment or other area of the Project that are not permanent will not result in a penalty assessed against the owner. Subsequent, similar minor infractions, failure to correct minor infractions within the specified time frame to the Board's satisfaction, or major infractions of the Design Rules will be assessed penalties up to and including monetary fines and appropriate legal action.
3. The Design Committee will have the authority to approve owners' requests that mirror previous requests approved by the Board.

KAI MALU ENFORCEMENT OF THE RULES POLICY AND PROCEDURE

Any complaint regarding a violation of the Kai Malu declaration, by-laws and rules and regulations (governing documents) must be submitted in writing to the Site Manager. The violation will then be confirmed by either the appropriate Rules Committee or the Site Manager.

1. Violation Notice & Fines

- a) After a violation of the Kai Malu governing documents has been confirmed, a "notice letter" will immediately be generated by the Managing Company (or Site Manager) to the violating owner specifically stating that:
- b) the owner is being notified of the specified violation;
- c) specific action as described in the letter needs to be taken by the owner to cure the violation;
- d) the owner has seventeen (17) days after the date of the "notice letter" to either cure the violation or request an appeal;
- e) if the violation is not cured or appealed within 17 days after the date of the "notice letter", that the owner will immediately be assessed an initial fine of not less than \$50 per infraction;
- f) if the owner takes no action within 24 hours of the expiration of the 17 days, then this will result in the violation being considered a recurring violation and the owner will be assessed an additional fine of \$50 per day until infraction is resolved.
- g) **NOTE:** If an owner is violating the construction hours of operation or noise rules, they will be notified to cease immediately by the Site Manager or Board Member, or a fine will be imposed without further notification. If an owner is violating the Community Center rules, they will be notified of the need for immediate compliance by the Site Manager or Board Member, or they will be asked to leave the Community Center immediately and a fine will be imposed without further notification. Owners will receive a notice letter of any fine that is to be assessed for violation of construction hours, noise or Community Center rules.

2. Appeals of Violation

- a) If the owner wishes to appeal, then the owner shall submit a written statement within 17 days of the date of the "notice letter" to the Site Manager;
- b) the owner or a spokesperson for the owner may then appear at the next scheduled meeting.

3. Fine Schedule

- a) the minimum initial fine for any violation shall be \$50 except for the following:
 - i. rental less than six months (180 days) shall be \$200 a day;
 - ii. working outside allowed Construction hours shall be \$500 per occurrence;
 - iii. creating an unreasonable noise disturbance will range from \$50 to \$200;
 - iv. repeated violations of parking on the street, the noise or Community Center rules will increase by \$50 with each reoccurrence;
 - v. structural alteration or addition to a unit or common element without Board approval shall range from \$50 to \$5,000.
- b) a violation that continues beyond the 17 days of the initial "notice letter" shall incur an additional fine of not less than \$50 a day thereafter until resolved;
- c) the Board, at its discretion and with notice to all owners, may increase the fine schedule.
- d) The Board may also take additional actions as necessary to bring the property into compliance.