

SYNOPSIS OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

The following is a brief synopsis of the above Covenants, as they pertain to all and any improvements. The complete text, as recorded in the Bureau of Conveyances, State of Hawaii, in Liber 6446, was issued to all property owners at time of purchase.

1. **ARCHITECTURAL COMMITTEE:** Before any building, garage, wall, fence or any other improvement is constructed or maintained upon the lots or any alteration made thereto, a duplicate set of plans and specifications relating to said construction work shall be submitted to the Architectural Committee. (Addressed as above). One set must be the County approved plans, which will be returned (see also item 16).
1. **ARCHITECTURAL COMMITTEE. Certificate of Extension Of the Architectural Committee Of The Leilani Community Association. Liber/Page 23129/783 Recorded May 1, 1989).**
2. **SINGLE FAMILY RESIDENCE:** All lots shall be used for only single family residence, with only one such residence being permitted on any such lot.
3. **GARAGE:** Every residence shall have a minimum of a 2-car garage or a 2-car carport, which shall be considered as part of the residence.
4. **MINIMUM SIZE:** No residence shall be constructed which contains less than 800 square feet of livable ground floor space, exclusive of porches, lanais and garage.
5. **HEIGHT:** No improvement shall be constructed that will exceed 18 ft. in height from the highest point of land within the perimeter of the structure.
5. **HEIGHT. Residences and other structures built on lots must be built so that the highest point in elevation of the structure must be 18 ft. or lower from the highest point of land in elevation on that lot. (No. 92-115 Finds of Fact, Conclusion of Law, Order Granting motion for Partial Summary Judgement; Judgement Recorded June 10, 1993).**
6. **TEMPORARY OR SEPARATE IMPROVEMENTS:** No trailer, mobile home, tent, shack, garage or other outbuilding shall be constructed prior to or during construction of a residence.
7. **NUISANCE:** No noxious or offensive activity shall be carried on upon any of said lots, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.
8. **MATERIALS:** All materials used in the construction of any improvement upon any portion of the lots shall be new materials only except that used decorative or structural materials may be used to enhance the appearance of the improvement.
9. **FOUNDATIONS:** No conventional sub-floor framing shall be exposed from any side of any residence. All sub-floor framing shall be concealed in a manner acceptable to the Architectural Committee.
10. **DRIVEWAYS:** Driveways shall be a minimum of 12 feet wide at the street and shall be paved during or prior to completion of a residence.
10. **DRIVEWAYS. Driveway is area between a lot owner's home and the boundary line adjacent to the roadway, the term "paved" allows the use of any smooth surface. (Civil No. 6865 Findings Of Fact, Conclusions Of Law and Judgement Recorded September 28, 1982).**
11. **ROOFS:** Cedar shakes, cedar shingles, clay tiles, composite materials or metals, shall be among some of the approved roofing materials.
12. **ANIMALS:** Only dogs, cats or other household pets may be kept on any of said lots, provided that they are not kept, bred or maintained for any commercial purpose and are otherwise kept in accordance with the zoning ordinances, rules and regulations otherwise applicable.
13. **SIGNS:** No signs of any kind shall be displayed to the public view on any of said lots except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent; or signs used by a builder to advertise th property during the construction and sales period.
14. **RUBBISHAND TRASH:** None of the lots shall be used or maintained as a dumping ground for discarded or old vehicles, rubbish, trash, garbage or other waste. No such material shall be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean sanitary condition.
15. **ALL CONVEYANCES SUBJECT HERETO:** All deeds, mortgages, agreements of sale, leases, or other conveyances made or delivered by any legal or equitable owner of any lot or interest therein shall be subject to the same covenants, conditions and restrictions as in this Declaration set forth whether expressly contained in such conveyances or not.
16. **BUILDING PERMIT:** No work shall be commenced on the construction of any improvement until such building permit has been obtained from the Building Department of the County of Hawaii as required by law or ordinance.
17. **COMMUNITY ASSOCIATION:** Each owner shall be a member in good standing of the LEILANI COMMUNITY ASSOCIATION, a Hawaii nonprofit corporation, and shall pay all assessments levied and billed according to law. Unpaid assessments shall constitute a lien against subject property, which may be enforced by suit for money judgement or may be foreclosed by the Association in the same manner as a real estate mortgage may be foreclosed.

COVENANTS RUNNING WITH THE LAND. The covenants, conditions and restrictions shall run with the land, and are of record with the Bureau of Conveyances of the State of Hawaii.

ADDRESS SERVICE REQUESTED

Leilani Community Association
P.O. Box 361
Paoha, Hawaii 96778



Leilani Community Association

NEWSLETTER

LEILANI HALE LOA, 13-3441 MOKU STREET, P.O. BOX 361, PAHOA, HAWAII 96778, PHONE/FAX (808) 965-9555
E-mail: Lca@hawaii.rr.com • Website: www.leilaniestates.org

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A MESSAGE FROM THE PRESIDENT

By Al Dettweiler

Aloha Association members,

Another year gone by. Here we are in 2010 and hoping that this new decade will be better then the past one. At this past month's board meeting, a Leilani resident, Ken Long addressed the board with regard to the excessive cost of home owners insurance. The main cause of these excessive costs is due to the insurance using the Hawaii County Civil Defense lava flow hazard map. As you may or may not know Leilani Estates is located in lava zone 1 the highest hazard level. Since we only have 2 insurance company's willing to cover home owners here in Leilani, they have total control of the price of coverage for Leilani, The cost is from \$500.00 to \$800.00 a year above the cost of the same size property in lava zone 3. Mr. Long felt that this was totally unreasonable and he and several members of the Puna community are taking steps to see if this unfair practice can be corrected. He has contacted some County and State officials and has asked if our Association would help to support his efforts. The Association will keep you informed and if any member would like to help support Mr. Long by writing to our public officials please call the office or E-mail to Lca@hawaii.rr.com.

Our Community Emergency Response Team (CERT) is well on its way to being fully operational and has had a few meetings to organize and set up the necessary SOP for our community. Please read Richard Willings article.

Our community Park has become a big attraction of late. The association has made many improvements in the park and more residents are now using the park on a regular basis. That's the good news, however we have some members of the community that are vandalizing the park grounds and the new rest rooms. So the board has installed 4 Video cameras to monitor the activities in the community park and long house.

The board has had many complaints about some members in the community driving noisy and unregistered vehicles. There are complaints of vehicles driving on the right of ways and tearing up the lawn doing donuts, and peeling out and making excessive noise. Please, if you see anyone one doing any damage please report it to the office and also report it to the police, and if you can get a license number, also report it to neighborhood watch.

I would also like to bring to your attention that the Leilani CC&R #7 Nuisance. "No noxious or offensive activity shall be carried upon any of said lots, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood". When you became a member of this community you agreed to follow the CC&Rs. Please note ALL the CC&R's on the last page.

ENVIRONMENTAL REPORT

By Mark Hauanio

There are still invasive plants growing out of control in Leilani Estates which are killing our native plants. For example Miconia, Glory Bush, Albizzia trees and Razor Grass which can create a problem for the lot owners.

Property owners are responsible to eliminate these bad plants, or you can call Invasive Hotline. We no longer have volunteers to help up root these plants.

GENERAL MEMBERSHIP MEETING

Leilani Community Association will hold the General Membership Meeting on **Saturday, March 20, 2010**, at 2:00 p.m. at the Rec Center, 13-3441 Moku Street. All members are encouraged to attend.

SECRETARY'S REPORT

By Wymond Wilds

The Association office is open Monday, Tuesday, Thursday, and Friday from 7:00 a.m. till 12:00 p.m. Hawaiian time. The office is occasionally closed on other days and holidays.

There are media services available to you, the resident. We have telephone 808-965-9555, FAX (same number), copier, and a library. Bring books to share and take books to enjoy. No fees.

Should you wish to do research or just familiarize yourself about Leilani, the office has minutes, Association and County codes, and maps available for your perusal. TMK & File Plan Maps are available to locate your parcel. The large maps in the main meeting room depicts telephone pole numbers adjacent to all lots.

Any and all complains to be made concerning Leilani **MUST** be filed on a complaint form located in the main meeting room. The Board of Directors can not take any action without an official complaint being filed by the complaintant.

The Long house Meeting Room and the pavilion are available to LCA property owners free of charge. Member must be in good standing with the Association. A security deposit refundable after inspection, is required to ensure no damages are incurred and is cleaned property. Please request use of these facilities through the office clerk to select and confirm dates of use.

Those using the park area, the outside access to restroom facilities is open from 7:00 a.m. to 7:00 p.m. Please take advantage of your park and facilities it offers.

WARNING: 2010 Census Cautions from the Better Business Bureau

With the U.S. Census process beginning, the Better Business Bureau (BBB) advises people to be cooperative, but cautious, so as not to become a victim of fraud or identity theft. The first phase of the 2010 U.S. Census is under way as workers have begun verifying the addresses of households across the country. Eventually, more than 140,000 U.S. Census workers will count every person in the United States and will gather information about every person living at each address including name, age, gender, race, and other relevant data.

The big question is - how do you tell the

difference between a U.S. Census worker and a con artist? BBB offers the following advice:

****** If a U.S. Census worker knocks on your door, they will have a badge, a handheld device, a Census Bureau canvas bag, and a confidentiality notice. Ask to see their identification and their badge before answering their questions. However, you should never invite anyone you don't know into your home.

****** Census workers are currently only knocking on doors to verify address information. Do not give your Social Security number, credit card or banking information to anyone, even if they claim they need it for the U.S. Census.

REMEMBER, NO MATTER WHAT THEY ASK; YOU REALLY ONLY NEED TO TELL THEM HOW MANY PEOPLE LIVE AT YOUR ADDRESS.

While the Census Bureau might ask for basic financial information, such as a salary range, **YOU DON'T HAVE TO ANSWER ANYTHING AT ALL ABOUT YOUR FINANCIAL SITUATION.** The Census Bureau will not ask for Social Security, bank account, or credit card numbers, nor will employees solicit donations. Anyone asking for that information is **NOT** with the Census Bureau. **AND REMEMBER, THE CENSUS BUREAU HAS DECIDED NOT TO WORK WITH ACORN ON GATHERING THIS INFORMATION.** No Acorn worker should approach you saying he/she is with the Census Bureau.

Eventually, Census workers may contact you by telephone, mail, or in person at home. However, the Census Bureau will not contact you by E-mail, so be on the lookout for email scams impersonating the Census.

Never click on a link or open any attachments in an email that are supposedly from the U.S. Census Bureau.

PLEASE SHARE THIS INFO WITH FAMILY AND FRIENDS.

TRASH CLEAN UP REPORT

By Mark Hauanio

This past November 21, 2009 Leilani Estates had their last trash cleanup for the year. Thank you to all who came out to help and clean our subdivision. We were also treated to a pancake breakfast for those who stayed afterwards.

TREASURER'S REPORT

By Richard Robbins

Due to the expected increase in legal fees for the coming year, I requested that the board raise the assessment (dues) for 2010-2011. I personally have voted over the last 9 years against any increase for property owners. Unfortunately, the cost of maintaining the "covenants" will increase this coming year.

I anticipate utilizing the legal system to solve several ongoing problems ~ non-conforming property owners and non-paying property owners. Many of our residences choose to live in Leilani Estates because of the rules (covenants) protecting our property values. I, as an elected director for the association, will not allow the disrespect, defiance and outright disregard for said covenants. With the help of the other directors we will move forward using the legal avenues available to us to solve the issues at hand.

Hopefully, the majority of the residents will approve of this line of action. It is most unfortunate that a few can cause so many problems. I know I choose Leilani because of the protection afforded to us by the covenants. Many of us didn't want to live next to pigs, chickens, goats, junk vehicles, tents and shacks. We wanted to live on paved roads; have mail and newspapers delivered to our doors; be afforded the choice of cable services; and of course, have a well maintained common area that our children, grandchildren, or even ourselves can utilize.

Please help us maintain your piece of paradise by joining the Neighborhood Watch Program. Come to council meetings and share your views with those you have chosen to protect the property values of all residents.

DELINQUENT LOT ASSESSMENTS

by Richard Robbins

We have sent notices to land owners who are delinquent more than 2 years with their assessment payments, that liens will be filed.

We are also working on owners who are seriously delinquent with assessments to possibly begin foreclosure.

Lien fee charge is \$300 per lien. Foreclosures begin at \$2,500.

Please pay your late assessments to avoid any of these noted fees that we really do not want to assess you. We are willing to work with all land owners, please call our office if you have any questions or concerns.

HELP FOR HOME OWNERS

By Richard Robbins

Due to the economy the Board of Directors has decided to create a fund to help property owners meet the covenant which specially requires a driveway apron be installed. The number of residences without such brought about the idea. Rational thinking by the board concluded that "going to court" to enforce the covenant would be extremely costly for both the home owner and association.

Home owners will be able to satisfy the covenant by notifying the board they would like to participate in the program. The board will cover all expenses for the installation and the home owner will repay the cost over the period of one year.

The fund will replenish itself when home Owners repay the sum. A lien for the entire cost will be placed against said property if the property owner fails to meet their financial obligation.

We are most hopeful that all home owners needing a driveway apron will participate in the program. Failure to install a driveway within a reasonable time after moving into a home can result in court action.

Neighborhood Watch

by Rich Willing

With this new 2010 year I would like to extend a huge mahalo to all of you that have participated in our Neighborhood Watch efforts over the past year and to remind all residents that we need everyone's help to make Leilani a safer, friendlier place to live!

Our Neighborhood Watch volunteers are an extension of the Leilani Community Emergency Response Team (CERT) that will be training hard in 2010 to be prepared to assist our community in the event of an emergency. Part of the CERT training will be to 'know your neighbor' -- to create a registry of every home in Leilani based on emergency needs and capabilities from resident CPR/first aid training and size of catchment tanks available, to whether anyone in the household currently requires mobility assistance, so we will be visiting you to kick off this effort.

To become a WATCH volunteer (a trained observer) does not require much time and can be done by car, on foot, or by bicycle, so please come to our monthly meetings the last Tuesday of each month at 7 pm to get involved in your community. Neighborhood Watch contact is: leilaniwatch@live.com