

Princeville at Hanalei Community Association

~ Spring 2005 ~

President's Message

John Gordon, President

As most of you know, the sale of the Princeville Corporation is progressing. It is anticipated that the closing will be in March, 2005. Your Board had a productive and informative meeting on 1/20/05 with the potential new owners, (Jeff Stone, representatives of Morgan Stanley and others). The Board plans to work as closely with the new owners as we always have with the current owners.

The Starwood project on Wyllie Road has finished their public hearings with the County Planning Commission and work is expected to start later this year. We will continue to work with them to minimize the community impact of this major project. The project is expected to last five years; however, the plan is to complete most of the site preparation at the start of the project. This will minimize the long-term effects that would otherwise occur if the site work was completed incrementally during the full life of the project.

While the overall crime rate in Princeville is low, unfortunately we do have occasional vandalism. Often, the result is the destruction of privately owned and/or common area property due to careless vehicular traffic.

This year, Princeville has experienced very wet weather, and careless vehicular traffic has left deep ruts in green areas that requires repair. While I do not understand this driving practice, I realize it happens. If you should see this type of vandalism occurring, please report it to Patrol immediately. If possible, get a license number. Under the new KPD Chief, K.C. Lum, we have been getting improved cooperation and good police support. KPD has also helped with our efforts to reduce the vandalism to our safety barriers on Ka Haku Road. However, damaged barriers continues to be a problem. The barriers are a very important safety feature, and

are there to prevent people from parking in the walk/jog path (which forces pedestrians onto the road). Patrol is actively monitoring the situation.

I also kindly remind everyone that the new miniature bikes and scooters are not permitted on the public areas in Princeville—and this includes the walk/jog paths. In fact, there are no motorized vehicles allowed on the walk/jog paths. Except for golf carts, all vehicles operated on the roads in Princeville must be licensed.

One of my favorite subjects! I have observed that most of my fellow dog walkers are doing a good job of picking up after their pets. However, I was asked by one of our members to mention again that our rules require all dogs be on a leash when off the owner's property, And also, that the dog walkers pick up after their dogs. This will go a long way in reducing the pesky dog flies that can spoil our outdoor experience in Princeville.

Your Association has also been following the legislative session this year. We have been in contact with Representative Mina Morita on several issues that

<p align="center">2004 / 2005 PHCA Board of Directors</p> <p align="center">John Gordon, President</p> <p align="center">Robert Doyle, Vice President</p> <p align="center">Gertrude Long, Secretary</p> <p align="center">Tom Bartlett, Treasurer</p> <p align="center">Ruth Marvin, Director at Large</p>

could impact our Association. One Bill that would have placed many restrictions on associations such as ours, has been held. That means that Bill is dead for now. There is a lot of ongoing activity regarding the re-codification of condominium association rules, and our mutli-family associations have been alerted about this.

Currently, several properties are being offered in Princeville under a "Fractional Ownership Plan". We are aware of two single-family homes and one condominium unit that are being marketed under these plans. Fractional Ownership is similar to timeshares in several respects; however, under Hawaii State law, properties are not considered to be timeshares if they have six or less owners with ownership increments of 60 days or greater.

Timeshares are not legal in single family homes on Kauai; yet, fractional ownership is legal. Princeville Community Association is concerned about the management of these units as there is apparently no legal requirement for such management as is the case with rental units (see Insert). Accordingly, the Board is looking at modifying our rules to require:

"In the case of any Fractional Ownership Plan, the Fractional Interest Owners must hire or appoint a manager for the payment of common assessments, maintenance of the Lot, maintenance of insurance, payment of real property taxes and other property management functions. The man-

ager must be located in the County of Kauai and must be licensed as real estate broker or salesperson or a Fractional Interest Owner. The manager must give annual notice to the Association management office of the Fractional Ownership Plan, the number, names and addresses of Fractional Interest Owners, including the names, mailing addresses and telephone numbers of the manager and the designated person who is authorized to vote for the Fractional Interest Owners under such Fractional Ownership Plan."

The rules will also provide guidance on voting procedures, as well as requiring the Association to be provided copies of the fractional ownership documents providing for the operation of the Fractional Ownership Plan, and any changes made to such plans. These requirements primarily apply only to single family homes since condominium associations have regulatory authority over their units.

Finally, I want to thank all those who have helped support the Princeville Community Association and its operation. This includes the hard working volunteers who serve on our Community Design Committee, the other Board members and certainly our General Manager, Rohit Mehta, and his dedicated staff. If you want to verify our Association's performance, compare our assessments to other similar organizations. We continue to be very cost effective and efficient.

Information of Interest!

United States Postal Service Home Mail Delivery

The U.S. Post Office has requested that Princeville homeowners who receive mail delivery at their residence be aware and cautioned to keep their walkways and driveways clean for the safety of the mail carrier.

According to Iris, Postmistress at the Kilauea Post Office, it is the homeowner's responsibility to ensure safe passage for the mail carrier while delivering mail to their property.

The USPS cautions homeowners to have their walkways and driveways clear of debris and mold by power-washing on a regular basis to avoid possible injury.

Recycling At Prince Albert Park

Each Friday, at 8:00a.m. until Noon, Garden Isle Disposal Mobile Redemption is at Prince Albert Park to assist you with your plastic, glass and aluminum containers.

All items you bring to Prince Albert Park must be stamped HI 5. Please remember to not crush any of the cans, as they will not be redeemable if you do! Unmarked plastic, glass and aluminum containers must be taken to the Hanalei Transfer Station.

If you have questions or comments regarding the Garden Isle Disposal Mobile Redemption recycling effort, please call Steve Kauai at 245-2372.

Princeville Patrol Notes

M. Chandler, Patrol Supervisor

Traffic: According to KPD's Sgt. Oliveira, the Kauai Police have been monitoring traffic and speeders more often in Princeville, especially on Ka Haku Road. Patrol also monitors traffic; and usage of our Speed Alert Trailer at various locations appears to help slow traffic. We ask that drivers adhere to posted speed limits to ensure safe driving practices in Princeville.

Motorized Vehicles/Scooters/Skateboarding:

Per the PHCA Rules, the operator (driver) of any motorized vehicle operated on any Princeville road, Common Area or other property within Princeville owned by the Association must be in possession of a valid driver's license when the vehicle is operated. The operation of such vehicle shall at all times be conducted in a safe and prudent manner. The only motorized vehicles that may be so operated are:

(i) Those vehicles registered for operation on the public highways in accordance with the Hawaii law, including the Hawaii Highway Safety Act and ordinances of the County of Kauai,

(ii) Golf carts, and

(iii) Electric/battery-powered wheelchairs, electric –powered carts, and similar equipment designed for and used by person with disabilities.

Per the County of Kauai and PHCA, skateboarding is not allowed, except within the confines of your own property. If you are found skateboarding by Patrol, you will receive a CRN and may be fined.

Firearms: Per the County of Kauai, all guns must be registered and used on a firing range only! For obvious safety reasons, firearms are not allowed to be used on any property in Princeville. Children are not allowed to fire pellet or BB guns without an adult present; and only on your own property.

Fireworks: Per the County of Kauai, any type of fireworks is allowed ONLY on New Year's Eve / Day and the Fourth of July holidays. Fireworks may only be used at specific hours on those days. Fireworks that are allowed must be purchased from a licensed vendor. No other fireworks will be allowed.

Please make every effort to ensure your property (or your tenants) are in compliance with the covenants and rules.

Many Mahalos for your cooperation!



Community Design Committee

K. Blake, Administrator CDC

As everyone can clearly see, construction in Princeville has not slowed down! Currently there are three multi-family projects in progress, the Bali Hai Villas on Peipelani Loop, and Plantations and Nihilani on the two adjacent lots on Peipelani Loop and Kahaku Road.

Starwood, Owner of Lot-25 located at the end of Wyllie Road has completed the first step in the Community Design Committee's (CDC) review process, received conceptual approval by the CDC of their design concept, and completed their public hearings with the County Planning Commission. Currently, further developed plans are being prepared to submit to the CDC some time this Spring.

In the past four years, an average of 38 new homes per year have been submitted and received final approval by the CDC. We are also seeing a large increase in remodel / renovation plans for older homes.

We know its never easy living near a construction site, and the forbearance of the residents in Princeville is greatly appreciated by all the staff and volunteers at the PHCA and CDC.

Warning! Sago Palm Infestation: It has been reported that in the past several weeks many Sago palms in Princeville have been turning yellow and brown, and become encrusted with a white substance.

This problem has been identified as an insect called Asian Cycad Scale. The Scale insects suck the juices out of the leaves of the Sago palm, and if left untreated, they will eventually kill the palm. CDC Administrator has been obliged to approve the removal of several of these beautiful (and expensive) palms for this reason.

Fortunately, if caught in time there is a cure! A horticultural oil spray such as Neem Oil (from Ace or Home Depot), if applied at 7-10 day intervals at least 4 times to the Sago will kill the insects. If the homeowner takes the time right away to do these treatments, it should rid your Sago of the insect and avoid having the wind carry and spread the insect to your neighbor's Sago palms.

FAQ FAQ FAQ

Frequently Asked Questions

Q: Must I have CDC approval to remove trees from my property??

A: Yes! Any and all changes, revisions and/or additions that affect the exterior of Princeville properties require review and approval prior to the work being done. For minor changes to an Owner's property such as tree removal, landscaping, paint, roofing, etc., simply call the office to schedule a site visit by the Administrator CDC. Under most circumstances, the Owner will be informed right away if the change is approved.

Q: Does playground equipment on an Owner's property require CDC Approval?

A: Yes! As Princeville continues to grow and more families with children reside in the community, there is also an increase in playground equipment being located in yards. Owners and their tenants should be aware of the following CDC Rules, Recreational-Playground Equipment, Basketball Goals and Hoops;

- ? Recreational and playground equipment will be considered based on location, style, material and color.
- ? Skateboard ramps are NOT allowed.
- ? Recreational and playground equipment are not to be located in the front of the property.
- ? No basketball goals or hoops or fixed sports apparatus are to be attached to any residence, or garage, or be erected in any front area.
- ? Goals may be placed in rear (back) yards subject to setback and easement restrictions. Colors are not to be bright, fluores-

cent or offensive.

- ? Use of such *equipment must not be allowed to become a noise nuisance to adjoining properties.*

Q: Is Princeville at Hanalei Community Association (PHCA) part of Princeville Corporation and Princeville Community Association II?

A: No! PHCA is YOUR Community association! PHCA maintains the common areas, including roads, parks, walk/jog paths, enforcement of the Protective Covenants and Rules, as well as manages the financials for your Association. Princeville Corporation is a separate entity as is Princeville Community Association II. For information about Princeville Corporation, call: 808-826-3040; and for information about Princeville Association II, call 808-821-2122.

"Fowl" Solutions

To help residents resolve the chicken and rooster problem humanely, the Board of Directors suggests one the following three solutions:

- 1) Contact M&D Trapping, 651-0311 who will trap the offending fowl for a fee (approximately \$10 per chicken) and humanely remove them from your premises.
- 2) Purchase your own Haveaheart trap and attempt to catch the birds.
- 3) Call the Humane Society at 654-1011 for a rental trap (refundable deposit \$25).

All costs for bird removal are at your expense. If the birds are on another Owner's property, be sure to have that owner's permission to trap the birds on his/her property. No matter what you choose to do, please DO NOT feed the wild chickens and roosters. Feeding them increases the level of bird activity in your area and creates a bothersome noise problem for your neighbors. Mahalo for your cooperation!

Princeville at Hanalei Community Association (PHCA)
Location: Makai Golf Course Clubhouse, Poolside
Mailing: PO Box 223277, Princeville, HI 96722
Office: (808) 826-6687 — FAX: (808) 826-5554
Patrol: (808) 826-6181
Website: pcaonline.org
e-mail: pcainfo@pcaonline.org

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**MODIFICATION TO THE PRINCEVILLE AT HANAIEI (PHCA) RULES
DATED AUGUST 19, 2004.**

The following modifications to the PHCA Rules were adopted by the Board of Directors on 2/17/05.

Insert as subsection F and G to Section I entitled "SPECIAL TERMS". Change old subsection letters F,G,H,I, and J to H,I,J,K, and L respectively.

F. "Fractional Ownership Plan" shall refer to any fractional ownership plan or agreement, or a similar program, in which use or occupancy of a Residence circulates for periods of sixty days or more among different owners, whether they are tenants in common, stockholders, members or beneficiaries of a trust.

G. "Fractional Interest Owner" shall refer to any owner or holder of an interest in a Fractional Ownership Plan.

Add as subsection D to the end of Section VII:

D. Fractional Ownership Plans

In the case of any Fractional Ownership Plan, the Fractional Interest Owners must hire or appoint a manager for the payment of common assessments, maintenance of the Lot, maintenance of insurance, payment of real property taxes and other property management functions. The manager must be located in the County of Kauai and must be licensed as real estate broker or salesperson or a Fractional Interest Owner. The manager must give annual notice to the Association management office of the Fractional Ownership Plan, the number, names and addresses of Fractional Interest Owners, including the names, mailing addresses and telephone numbers of the manager and the designated person who is authorized to vote for the Fractional Interest Owners under such Fractional Ownership Plan. The vote, in person or by proxy, of that designated person will be deemed to be exercised on behalf of all of the Fractional Interest Owners, unless the Association is given written notice that less than a majority of the Fractional Interest Owners agree on how the vote should be cast. In such event, the vote of such designated person will not be counted unless the majority of Fractional Interest Owners, voting in person or by proxy, agree and confirm in writing how the vote should be cast. The manager must also file with the Association management office copies of the fractional ownership documents providing for the operation of the Fractional Ownership Plan and any changes made to such plan.

Time sharing, as defined under Hawaii law, is currently prohibited in single-family residences on Kauai.