

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.

- 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).
- SINGLE FAMILY RESIDENCE:** All lots shall be used for only single family residence, with only one such residence being permitted on any such lot.
- 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.
- 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.
- 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).
- 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.
- 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.
- 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.
- 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.
- 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).
- ROOFS:** Cedar shakes, cedar shingles, clay tiles, composite materials or metals, shall be among some of the approved roofing materials.
- 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.
- 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.
- RUBBISH AND 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.
- 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.
- 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.
- 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
Pahoa, 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

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A MESSAGE FROM THE PRESIDENT

By Al Dettweiler

Aloha to all Association members:

Another year has passed and your Association has been busy keeping this community clean and beautiful for all its members to enjoy. Our maintenance crew is always busy cleaning up and doing general repairs to keep the community looking well.

We once again have our general election in March, and as of this writing we only have 6 members willing to sit on our board. Our By-Laws gives the board the flexibility to have as few as three board members, however, this association has always tried to have the maximum members of 7. The more community members we have on the board, the better representation we have for all of Leilani. As most of this community knows, I've been on this board for many years and for the most part have enjoyed being part of what Leilani is. We should all be proud of this association as I am. I can recall when my wife Barbara and I first moved to Leilani, it was nice and quiet and had paved roads and also an Association office. We also had an old tractor which is now in the Smithsonian, I think, and one used Chevy El Camino. The Boards, over the years have made vast improvements to the roads. All 25 miles have been repaved, we put a rock wall around the front, a gate at the front entrance and a 4 foot fencing along the 400 foot parking area. We also now have a 2006 Mazda pickup truck and two tractors. One tractor is dedicated to trimming back the forest from encroaching on our roads. The other tractor has a front loader with a scraper and also has a mower to mow along the 5 ft. right of way along our community roads. These are just a few of the things your board has been able to accomplish since 1993.

There are now plans been drawing up for an outside restroom, shower and possible kitchen. The kitchen is questionable, depending upon finding some grant money to pay for both the bathroom and the kitchen. I will be working on getting grant money as soon as we can get a cost estimate. We also are in the process of replacing the outside community toilet floor with tile which was donated by Wymond Wilds.

If you want to be part of the future of Leilani, contact one of your board members.

LENDING LIBRARY

by J. Robbins

Our upstart library continues to grow as more and more residents are sharing paperback books, hardback books, puzzles and DVD's (yes, movies) with others. Mahalo for your kindness. Approximately 300-350 books are now available for your reading pleasure. A wide variety of authors illustrate the diversity of backgrounds of individuals calling Leilani Estates home.

Want to help. Bring by the center anything you feel would be of interest to other residents. You'll be pleasantly surprised. Remember our library is available during the morning hours whereas the public library is only available after school hours.

We also have available reading materials concerning "water tanks," "coqui frog" control, and various other topics.

GENERAL MEMBERSHIP MEETING

Leilani Community Association will hold the General Membership Meeting on **Saturday, March 15, 2008**, at 2:00 p.m. at the Rec Center, 13-3441 Moku Street. All members are welcome and encouraged to attend.

ENRIVONMENTAL REPORT

By Mark Hauanio

Another year draws to an end and working to control the Coqui's was quite an experience. The County provided a grant of \$5,000. After receiving the grant, that took care of chemicals, PPE and water. We were able to spray peoples lots whoever wanted their lots sprayed. We used Hydrated Lime with the 400 Gal sprayer and the 1-1/2 fire hose. (It really worked). If you didn't contain them properly, those critters were right back within two weeks.

The Miconia Plant continued to spread rapidly throughout Leilani. If you see these purple plants, cut it down or pull it out. If you don't know what to do, call your Miconia hotline. Another bush that is spreading is the Buffalo Grass, also called Razor Grass, Fire Grass or Gene Grass.

Albizza trees are being a problem, also damaging our roadways and properties.

Trash throughout Leilani Estates is getting bad. If you care about the rubbish along our streets, come on out and give us a helping hand or call 960-5250 for further details. Thank you to those people who helped out in the past and present.

ANIMAL CONTROL

By Richard J. Robbins

For years the Board of Directors has sent letters to animal owners concerning violations of the Hawaii County Leash Law. Recently the BOD took its own initiative and passed a "zero tolerance" type law concerning this issue. Basically, you are required to leash your pets at all times when leaving your property. No resident should allow dogs to run freely along streets in Leilani Estates.

Due to the number of complaints received, we have had to report violations of such to both the Humane Society and the Police Department. Unfortunately, residents found that continued disrespect for said laws resulted in fines being levied by the proper agencies.

While reporting violations to the authorities is not the first choice of community members, we would be remiss in not protecting the rights of other residents. Please continue to cooperate and making living in our piece of paradise a little more enjoyable.

VOLUNTEERS NEEDED

By Al Dettweiler

One of many concerns that I had since moving here is the lack of road infrastructure here in the Puna district. As most of you know, Highway 130 is the roadway for emergency vehicles to come into Puna. If there were an earthquake or hurricane that would take down a few utility poles or other unfortunate incidents, the route would become impassable.

We here in Puna have limited resources for emergency responses so it is up to us, the community, to have some members of our community that would like to volunteer to be part of the C.E.R.T. team here in Leilani. We are looking for 20 or more people that are willing to spend 30 hours of their time to be trained as a certified CERT responder. The training may be on consecutive Saturdays or may be on an evening weekday. This would depend upon the availability of the Hilo Emergency Response Team and what would fit their schedules.

In 1985, the City of Los Angeles Fire Department (LAPD) developed a program for the citizens to be training in basic skills of disaster survival and rescue skills that would improve the ability for community members to survive until a trained emergency team arrives. They will also be used during that emergency to aid emergency responders.

I have been through most of the program and have learned about Disaster Preparedness, Fire Safety, Disaster Medical Operation, Light Search and Rescue and Disaster Psychology. Even if you never have to respond to an emergency, the training will help you survive a disaster and maybe your neighbor.

If you want to volunteer, please call me at 965-6607 or Wymond at 965-0841 or the Association office at 965-9555.

ANNUAL BALLOT

By Al Dettweiler

The ballot for the Board of Directors 2008-2009 is enclosed with the newsletter. We would appreciate if only the ballot go inside the return envelope provided. If you put your check for the annual lot assessment with the ballot, it will not be opened until the meeting This gives our volunteers counting and opening the ballots extra work. We appreciate your cooperation.

FINANCIAL PICTURE

By Richard J. Robbins

Your community association continued to run in the "black." Although this past year has been one that has seen oil drive prices of all necessary items through the roof, your Board of Directors has managed to be prudent in maintaining the level of services throughout the community.

However, rising costs has caused the BOD to increase annual dues (yearly assessment) to \$75.00 per lot. This is only an increase of \$6.00 over the previous amount. This will add a little over \$12,000 to the operating budget for next year (\$6.00 x 2036 lots).

We, the BOD, are still making every effort to collect monies due. The foreclosure process is still being utilized and unfortunately, the legal system seems to be our only recourse against some property owners.

Projects under consideration by the BOD for the coming year will be the addition of bathroom facilities at the pavilion. also, we are most hopeful that improvements will continue to be made to our playground and recreation area.

As your Treasurer, I would like to express my gratitude to all the residents for their confidence in the members of the board. We are your neighbors and will continue to serve you to the best of our abilities.

ROAD SAFETY

By Trish Broley

Our quiet roads and parks-like setting are inviting to those who enjoy a mosey around the neighborhood on foot, by peddle, or motorized vehicle. Unfortunately, there are many driveways where visibility of oncoming traffic of any type is somewhat limited by the beautiful foliage we are out enjoying. If at all possible, drivers need to approach streets from driveways slowly and with caution. I have witnessed several near misses between bicyclist or pedestrian and existing vehicles due to the driver pulling out onto the roadways before being able to clearly see any approaching traffic. If you are the property owner/renter/visitor, please make sure you can see both directions of the road from the edge of your driveway apron while in the driver's seat of your vehicle. If you are unable to see clearly, perhaps some of the foliage needs to be trimmed back. Our community association

attempts to keep the roadsides clear, but in the event of mailboxes or paper tubes, the plant life may be left encroaching into your view of traffic. On the other foot, or wheel as it may be, bicyclists and pedestrians need to follow the same rules of the road as a bicyclist or pedestrian in town does. RIDE OR WALK ON THE APPROPRIATE SIDE OF THE ROAD. Do not ride your bike against the flow of traffic just because there is no traffic. Someone may be exiting their driveway and will automatically be looking to the left as they pull up to the street, even if they can see clearly in both directions. Pedestrians should stay to the left and walk against the flow of traffic. This enables you, the walker, to clearly see any vehicles approaching you. Being cautious and following simple rules of traffic benefits everyone by creating a safer environment.

THE NEIGHBORHOOD WATCH

By Roberta Hole

Leilani Estaters has been fairly quite crimewise lately. There was only one burglary in the month of October, according to the last report from our Community Policing Officer. It has remained quiet since.

The Watch has been granted funds by the County Council to buy new magnets, t-shirts and to supply other needs of the Watch.

The next community cookout/potluck will be in February. We need some volunteers to take over some of the work involved i.e. shopping, setup, serving, cleanup, etc. If interested, please call Roberta at 965-0330.

Wymond Wilds and Roberta Hole have been working on getting all the Watch information up to date and on paper. There are still a number of vacancies in the day watch for which we need volunteers. If you are interested, call Roberta.

We are looking for some reliable person who has time and energy, and is interested in taking over the Coordinator position with the Watch, which will be open as of July 1, 2008. There will be nominations of interested parties at the May meeting. If you are interested please speak to a member of the Watch. If more than one name is presented, there will be an election at the June meeting. For the new coordinator, there will be a complete file of important information, and a lot of help from those now in charge. We want this Watch to continue to be the best on the island, and that takes work.