



# 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 Association Members,

There has been a building boom here in Leilani the past two years, that is good news and bad, the increase of larger homes increases the overall appraisal value of Leilani. We have increased association members and we have met some of our new neighbors. The association is always looking for new members to help with our Neighborhood Watch (NW) program. We are also looking for new members for our CERT (Community Emergency Response Team). If you would like to help out call the community office at 965-9555.

With the increase in population in Leilani we now are having more community related problems. The housing bubble has created more problems due to many speculation houses being built and then the sudden fall of the economy. This made many homes difficult or impossible to sell, as a result, many of these homes are now being rented and many of the home owners do not live here in Leilani. As a result we have renters that are not showing respect for our community by the way they speed around Leilani with loud muffles and peeling rubber. Also many complaints about loud music at all hours of the day and night. And then we still have the dog issues with barking dogs and failing to follow the leash law.

The Association Board has a limited ability to control community behavior since the only way we can enforce our CC&Rs is by taking legal action against the land owner. This costs your association up front legal cost. The association has limited resources for legal action. The foreclosure process that the association has in place passes all the legal cost back to the land owner. As far as complaints to the community

office about above issues, please file a complaint form at the community office. Also most important please call the Police and report all community issues. We as a board cannot act on any community problems without a paper trail. So please take the time and file all your complaints in writing. Calling the office is not good enough - we need it in writing, as I said before we have to use the legal system to take any legal action, that requires documented events. We as a board have no legal authority to Police the community. Also report break-in's and thefts to the NW, Richard Willings keeps a record of all of these events. But keep in mind that the NW is not the police they are volunteers and have no legal authority. We in Leilani are proud of our NW as it is known on this island as the best there is. Mahalo to our watch members.

### ***2009-2010 ELECTION RESULTS*** ***FROM THE OFFICE***

The new Board of Directors are: Officers - President Al Dettweiler. Vice President Mark Hauanio. Treasurer Richard Robbins. Secretary Wymond Wilds, Directors - Vern Rice and John Vurich.

Normally seven members are placed on the Board of Directors but only six were nominated. Richard Willing was nominated and seated on the Board of Directors at the April 2 board meeting.

### ***GENERAL MEMBERSHIP*** ***MEETING***

Leilani Community Association will hold the General Membership Meeting on **Saturday, September 19, 2009**, at 2:00 p.m. at the Rec Center, 13-3441 Moku Street. All members are encouraged to attend.

## **TREASURER'S REPORT**

*By Richard J. Robbins*

Aloha and mahalo to all property owners and especially residents. I don't have to tell you these are trying times for all of us. I would personally like to ask each and every one of you for your cooperation.

In examining the outstanding debt owed by property owners it is very evident that the economy is causing problems for some people. In the last newsletter I asked that you notify the office to make arrangements to pay something - anything on your account. We, the board, would like to work with you if possible.

While the legal system is not our first choice, it is our only choice when cooperation is not received. You must remember the association has monthly bills to meet and constant expenses that coincide with the upkeep of the subdivision. It is totally unexplainable for someone to owe LCA thousands of dollars when you consider dues are currently \$75.00 and were even less in previous years.

Unfortunately, we, the board members, are left with little recourse but to utilize the court system to collect these monies. This results in further financial hardship on individual property owners and the association as well. Legal costs for "foreclosure proceedings" is currently in the area of \$7500.00 which the association must pay to file for collection of the debt. Therefore, not only does the owner lose said property but at current prices would lose most of their investment.

Please if you have an outstanding debt owed on property owned by yourself contact us in the near future. This association was formed to protect property owners not to help take away a future home site or retirement dream.

## **LEILANI CERT**

*By George Kelly, Team Leader*

Aloha Everyone,

Just a few notes to let everyone know what's going on with the Leilani CERT Team this month. We did receive some supplies for our team from the Civil Defense. Thanks to those who had to go to Kona to pick them up. Also several of our members have completed the ICS 100, ICS 200, and ICS 700 courses and have been asked to participate in classes

on the 27th, 28th and 29th on ICS 400. Good luck to Steve, George, Rich and Ross.

Several of the members and members of the community participated and completed the CPR classes held at the community center. Many thanks to AI Dettweiler for all his work getting those classes set up. Leilani continues to become a healthier and safer place to live.

There will be a CERT barbecue which will include all the Puna CERT'S. I will let everyone know as more information comes in.

Remember you can contact us at [\*\*leilanicert@live.com\*\*](mailto:leilanicert@live.com) if you have any questions or would like to join our CERT team.

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## **NEIGHBORHOOD WATCH**

*By Rich Willing*

Our Neighborhood Watch patrol continues to be very active and strong, but with the downturn in the economy we have been hit with multiple burglaries, thefts, and vandalism of vacant homes over the past six months. Non-resident owners can no longer leave their homes empty and unattended for long periods of time without inviting trouble - our place in paradise has changed.

Our Leilani Watch is now part of a larger 'Puna Watch' where we can share and learn crime deterrence from the area-wide police staff and neighboring Watch organizations, so we expect this to benefit everyone in the future.

We have a monthly meeting the last Tuesday night of each month that includes an update and discussion of the previous month's crime statistics from our local policing officers for both Leilani and the larger Puna district as well as open discussion on how we can address the nuisance issues that we face daily. Come join us!

We put out a monthly newsletter that presents some of our issued and upcoming events that we would like everyone to receive via email, so please send us your contact info - [\*\*leilaniwatch@live.com\*\*](mailto:leilaniwatch@live.com).

We need EVERYONE that lives in Leilani Estates to be a volunteer member of our Watch patrol to help us keep our community safe. An hour a week or an hour a month is all it takes to help us out and give back a little to your community!

## ***HAVE YOU NOTICED?***

*By Richard Robbins*

Have you noticed how hard your Board members are working to improve the facilities at the community center? Have you noticed how much has been added to the playground area?

New picnic (covered) benches have been constructed and distributed throughout the park area. Several items have been added to the playground for the children including a "tether ball" game. The pavilion has undergone a facelift to restore the integrity the metal supports and painting of such is underway.

Our library continues to grow thanks to the donations of books, puzzles, dvd's. etc. from residents. A big "mahalo" to our volunteers who manage to keep our books stacked on the shelves and in alphabetical order by author's name.

A new sign will grace our entrance off Highway 130. Several residents have commented and asked that some form of reflective materials be utilized. The project has received Board approval and will hopefully soon be in place.

The Board has also been working on ideas to make Leilani Avenue a must safer roadway through the community. New warning signs have been added - brush clearing has taken place and we are hopeful that the number of accidents occurring on the curve before Maile Street will decrease. Also, the Board is hopeful the county (Leilani Avenue is a county road) will also consider our proposal to install "round-a-bouts" at several intersections on Leilani Avenue. This idea could would greatly reduce the "speeding" on Leilani as well as decrease the amount of traffic traveling through the subdivision as people would no longer utilize it as a "short cut" to the Hot Pond, Beaches and boat dock at Pohoiki.

## ***LEASH LAW***

*By Al Dettweiler*

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.

### **RESOLUTION**

No dog or dogs shall be allowed to wander on any road or community property in Leilani Estates. It is further

resolved that no dog/dogs shall be walked or exercised without a leash on any road or community property, in common, within Leilani Community Association.

RESOLUTION ADOPTED, OCTOBER 11, 2007  
Leilani Community Association Board of Directors

## ***LEILANI COMMUNITY ASSOCIATION MEMBERS***

*By Wymond Wilds, LCA Secretary*

The Leilani Community Association (LCA) office, garages, and park are located at 13-3441 Moku Street. The office is open Monday, Tuesday, Thursday, and Friday from 7:00 a.m. to noon, Hawaii time. Occasionally we are closed on these days.

Many items in the office are available to you, the members, such as telephone, fax, and copying. LCA policy states "a service fee may be charged".

Items for research and perusal are available. Such items are: Full scale TMK/File Plan maps of LCA. Board of Director minutes from 1969 to present. County Code 25 (building code) with the definition. Leilani adopted State and County definitions to provide continuity for our C,C,&R's. Official documents and records must remain in the office.

As per the C,C,&R's, your house plans must be on file with the Association. Should you have a catastrophe, you have a hard record of the dwellings on your property for insurance purposes.

The following handouts/forms are available in the document rack in the main meeting room.

1. Declaration of Covenants, Conditions, and Restrictions.
2. Mailbox installation pamphlet.
3. Policy for document, papers, tapes, etc.
4. Research request for documents.
5. Complaint procedure form.
6. Complaint form; NOTE; the Leilani BOD can not take any action unless the proper complaint form has been filled out by the complainant. The use of the telephone, snail-mail; email, and fax are not valid.
7. TMK & File Plans are 8½" x 12" for locating your parcel.

Located on the table in the main room are numerous public pamphlets that may/could interest you. Also, we have a library. These books are free to all. Bring one, take one. There is a wide variety of titles to choose from. A bonus, they are arranged alphabetically by author thanks to our 'Librarians' Linda Woertendyke and Robin Durrence.

The main room and the pavilion are available to you the members. All that is required is you are in good standing, assessments paid. A deposit is required to ensure clean up and no damages. This is refunded upon inspection of the facilities.

Enjoy your ten acre complex. It is one of the reason we chose to live here.

# 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. **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.
  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 Hawai.

ADDRESS SERVICE REQUESTED

Pahoa, Hawaii 96778

P.O. Box 361

Leilani Community Association

