

KEHALANI COMMUNITY ASSOCIATION

RESOLUTION REGARDING ENFORCEMENT

WHEREAS, pursuant to Article III, Section 3.1 of the Declaration of Covenants, Conditions, and Restrictions for Kehalani (the "DCCRs"), the Kehalani Community Association (the "Association") is the primary entity responsible for enforcement of the DCCRs and such reasonable rules regulating the use of the Properties as the Board of Directors (the "Board") or membership may adopt pursuant to Article X of the DCCRs; and

WHEREAS, pursuant to Article IV, Section 4.3 of the DCCRs, the Association may impose sanctions for violations of the DCCRs, any applicable Supplemental Declaration, the By-Laws, or Association Rules; and

WHEREAS, pursuant to Article XV, Section 15.5 of the DCCRs, the provisions of the DCCRs shall be cumulative with any additional covenants, restrictions, and declarations applicable to any Neighborhood, and the Association may, but shall not be required to, enforce the covenants, conditions, and provisions applicable to any Neighborhood; provided, however, in the event of a conflict between or among the DCCRs and such covenants or restrictions, and/or the provisions of any articles of incorporation, by-laws, rules and regulations, policies, or practices adopted or carried out pursuant thereto, the DCCRs, the By-Laws, Articles and Use Restrictions and Rules of the Association shall prevail over those of any Neighborhood; and

WHEREAS, pursuant to Article XV, Section 15.5 of the DCCRs, nothing in Article XV, Section 15.5 of the DCCRs shall preclude any Supplemental Declaration or other recorded declaration, covenants and restrictions applicable to any portion of the Properties from containing additional restrictions or provisions which are more restrictive than the provisions of the DCCRs, and the Association shall have the standing and authority to enforce the same; and

WHEREAS, in accordance with these powers and authority, the Board has decided to adopt the following policy regarding the Association's enforcement of the Association's DCCRs, any Supplemental Declaration, By-Laws, or Association rules in any Neighborhood;

RESOLVED, the Board adopts the following policy, which shall apply to all owners, occupants, and other users of the Properties:

I. WHEN THE ASSOCIATION WILL NOT ENFORCE

The Association will not take action to enforce any of its covenants, restrictions, or rules in any of the Neighborhoods governed by a Neighborhood Association if the Board determines that the Neighborhood Association's covenants, restrictions, or rules adequately address the same issue or requirement.

II. WHEN THE ASSOCIATION WILL ENFORCE

The Association may take action to enforce any of its covenants, restrictions, or rules in

any of the Neighborhoods governed by a Neighborhood Association if the Board determines that the Neighborhood Association's covenants, restrictions, or rules do not adequately address the same issue or requirement.

CERTIFICATE

I hereby certify that the above resolution was adopted pursuant to the provisions of the DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR KEHALANI stated above, by the Board of Directors of the Association, at a Board meeting on February 19, 2019.

DATED: Wailuku, Hawai'i, February 19, 2019.



Stephen Fox
[Print Name]
Secretary, Kehalani Community Association