

**Resolution of the Board of Directors of the Association of Apartment Owners of Wailea
Fairway Villas regarding Lanai Shades:**

Whereas:

The Association of Apartment Owners of Wailea Fairway Villas (“Association”) was established pursuant to Chapter 514A (now Chapter 514B) of the Hawaii Revised Statutes (“HRS”), by Declaration of Condominium Property Regime of Wailea Fairway Villas dated July 16, 1998 (the “Declaration”), filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Land Court Document No. 2476897, as amended.

The Association is governed by the By-Laws of the Association of Apartment Owners of Wailea Fairway Villas dated July 16, 1998 (the “Bylaws”), which were filed in said Office as Land Court Document No. 2476898, as amended.

The Board of Directors of the Association (the “Board”) has the authority to adopt rules regarding the operation and use of the common elements pursuant to Article V, Section 4 of the Bylaws, and HRS Sections 514B-104(a)(6) and 514B-106(a); and

The apartments at Wailea Fairway Villas include the lanai air space and the interior perimeter surfaces of the lanais, pursuant to Section 4.01 of the Declaration. The lanai railings and exterior walls are common elements pursuant to Section 5.02 of the Declaration.

Under Section 19.03 of the Declaration, nonmaterial alterations made by the owners that are confined within an apartment or its limited common elements need to be approved by the Board, the holders of first mortgage liens affecting such apartments, the State of Hawaii and County of Maui (if applicable), and all apartment owners directly affected, as determined by the Board (see also Article V, Sections 3.g and 3.1 of the Bylaws, which also require the Board’s approval for alterations to the exterior of the buildings).

The approval of owners of a majority of the common interest is required only if the alteration affects the common elements or if the alteration is different in any material respect from the condominium map (Article V, Section 3.f of the Bylaws and Section 10.02.e of the Declaration, respectively).

The Board wishes to authorize the installation of lanai shades, which do not extend beyond the lanai railings and will be confined inside the apartments.

The installation of the lanai shade does not need to be approved by a majority of owners, nor is there any owner directly affected by the installation (other than the owner who wishes to install the lanai shade).

The Board adopted a resolution regarding lanai shades on April 12, 2019;

The Board has selected a new lanai shade vendor;

The Board wishes to rescind its prior resolution regarding lanai shades and adopt a new one.

NOW THEREFORE, BE IT RESOLVED THAT the Board of Directors of the Association of Apartment Owners of Wailea Fairway Villas approves the installation of lanai shades under the following conditions:

1. The Board’s resolution regarding lanai shades, which was adopted on April 12, 2019, is rescinded in its entirety.

2. The Owners must first complete a Request for Modification Form, available from the Site Manager. Owners wishing to install sunshades on their lanai must either use the Board approved vendor, **Pacific Isle Shades** or submit specifications for the Board's approval. The specifications from **Pacific Isle Shades, (808) 264-1325**, have been pre-approved by the Board. All other specifications must be approved in writing by the Board prior to the installation.
3. The following cable-retention screen and colors are approved:
Corradi USA, INC. fitted with Phifer – Suntex 90: Stucco shade fabric and housing color of Beach Sand Sable, Matte finish
4. Owners are responsible for the installation, maintenance, and any repairs related to the sunshades.
5. The shades shall be installed only as motor operated. Electrical wiring must be enclosed in a conduit and routed so as not to be visible from beyond the lanai. Any metal conduit must be painted to match the existing building color in accordance with approved paint specifications. Any holes or cuts in trim or siding resulting from the installation must be properly sealed and painted to prevent insect and moisture intrusion. Owners are responsible for all related costs.
6. Lanai shades must be retracted in the evening and when owners/residents are not at home.
7. If any additional fees are incurred during regular maintenance and upkeep of the buildings' exteriors, such as painting, Owners are responsible for those fees.

RESOLVED FURTHER, that every apartment owner who installs a lanai shade or requests permission to install a lanai shade shall be conclusively deemed to have agreed to the above conditions whether or not specifically stated in a separate agreement executed by the apartment owner.

RESOLVED FURTHER, that the Board may in its discretion amend or supplement this policy.

RESOLVED FURTHER, that copies of this resolution will be sent to each and every member of the Association.

CERTIFICATE

I hereby certify that the above resolution was adopted pursuant to the above sections of the DECLARATION OF CONDOMINIUM PROPERTY REGIME OF WAILEA FAIRWAY VILLAS and the BY-LAWS OF THE ASSOCIATION OF APARTMENT OWNERS OF WAILEA FAIRWAY VILLAS by the Board of Directors of the Association, at a Board meeting on May 29, 2020; and duly entered in the book of minutes of the Association, and this Resolution is in full force and effect.

DATED: Kihei, Hawaii, June 2, 2020.



 President
 ASSOCIATION OF APARTMENT OWNERS
 OF WAILEA FAIRWAY VILLAS

Print Name: Judy Beneverti