

**RESOLUTION OF THE ASSOCIATION OF APARTMENT OWNERS OF
WALEA FAIRWAY VILLAS REGARDING THE FOURTH POSTPONMENT OF
THE ANNUAL MEETING DUE TO THE CORONAVIRUS**

The Board of Directors (the "Board") of the Association of Apartment Owners of Wailea Fairway Villas (the "Association"), under the Wailea Fairway Villas Declaration of Condominium Property Regime Under the Condominium Property Act dated July 16, 1998, 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, hereby adopts the following resolution:

WHEREAS, the Association is required to have an annual meeting within three months after the end of each accounting year pursuant to Article I, Section 4 of the By-Laws of the Association of Apartment Owners of Wailea Fairway Villas; and

WHEREAS, the outbreak of an infectious disease, named "coronavirus disease 2019" ("COVID-19"), was first detected in China and has now been detected in more than 100 locations internationally, including in the United States;

WHEREAS, on March 11, 2020, the World Health Organization publicly characterized the COVID-19 outbreak as a pandemic;

WHEREAS, on March 13, 2020, President Donald Trump of the United States declared a national emergency in response to the COVID-19 outbreak;

WHEREAS, on March 4, 2020 Governor David Ige of Hawaii ("Governor Ige") issued an emergency proclamation and subsequent proclamations on March 4, 2020, March 16, 2020, March 21, 2020, March 23, 2020, March 31, 2020, April 16, 2020, April 25, 2020, May 5, 2020, and May 18, 2020 in response to the COVID-19 outbreak (the "Proclamations");

WHEREAS, Governor Ige's March 23, 2020 emergency proclamation (the "Third Supplementary Proclamation") stated:

1. All persons within the State of Hawaii are ordered to stay at home or in their place of residence except as otherwise stated in the proclamation;
2. With respect to persons residing in hotels, condominiums, townhomes, apartments or other multi-unit dwellings, "place of residence" means the person's individual hotel room or unit;
3. Any gathering of more than ten people is prohibited unless it is exempted by the proclamation or it is a gathering of members of a household; and
4. To the extent persons use shared or outdoor spaces when outside their residence, they must comply with the social distancing requirements as stated in the proclamation, which includes physical separation of at least six feet;

WHEREAS, the Third Supplementary Proclamation took effect on Monday, March 25, 2020 at 12:01 a.m. and remained in effect until Thursday, April 30, 2020, at 11:59 p.m., or until it was extended, rescinded, superseded, or amended by a subsequent order;

WHEREAS, Governor Ige's May 18, 2020 emergency proclamation amended and restated all prior emergency proclamations and executive orders, extended the stay-at-home order and social distancing requirements, and remains in effect until June 30, 2020;

WHEREAS, on March 18, 2020 Mayor Michael P. Victorino of Maui County (“Mayor Victorino”) adopted the Public Health Emergency Rules and subsequent amendments to the Public Health Emergency Rules on March 22, 2020, April 9, 2020, April 27, 2020, May 6, 2020, and May 13, 2020 in response to the COVID-19 outbreak (the “Rules”);

WHEREAS, Mayor Victorino’s March 22, 2020 Public Health Emergency Rules stated:

1. All individuals currently within the County are ordered to stay in their residence or place of lodging and are only allowed to leave their residence or place of lodging for Essential Activities, Government Functions, or to operate Essential Businesses, as defined in the rules;
2. All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes expressly permitted in the rules; and
3. Any concentration of individuals outside their home must be limited to workers providing essential services and social distancing must be practiced;

WHEREAS, said rules, as amended, took effect on Wednesday, March 25, 2020 at 12:01 a.m. and remained in effect until the earlier of a subsequent promulgation or April 30, 2020;

WHEREAS, Mayor Victorino’s May 13, 2020 Public Health Emergency Rules extended the stay-at-home order and social distancing requirements and took effect on May 15, 2020 at 12:01 a.m. and remains in effect until the earlier of a subsequent proclamation or June 30, 2020;

WHEREAS, an annual meeting of the Association is not an essential activity under the Proclamations and Rules, as amended;

WHEREAS, the annual meeting of the Association would constitute a gathering of people occurring outside a single household or living unit not covered by an exemption;

WHEREAS, the Association is required to comply with all Federal and State laws and County Ordinances;

WHEREAS, the Board postponed the annual meeting that was scheduled for March 28, 2020 to June 20, 2020, but the Board has decided to further postpone the annual meeting due to Governor Ige’s May 18, 2020 emergency proclamation and Mayor Victorino’s July 31, 2020 Public Health Emergency Rules that extended the stay-at-home order and social distancing requirements until August 29, 2020;

WHEREAS, the most recent amendment to the Public Health Emergency Rules on November 9, 2020 by Mayor Victorino now makes provision for the annual meeting to proceed, provided that strict protocols are adhered to and due to the fact that the Board requires sufficient time in order to adequately prepare for the annual meeting;

THEREFORE, BE IT RESOLVED that the Board of Directors of the Association of Apartment Owners of Wailea Fairway Villas hereby postpones the annual meeting that was scheduled for March 28, 2020 (and earlier postponed to June 20, 2020, September 12, 2020 and December 5, 2020) to be January 16, 2021 at 9:00am HST.

BE IT FURTHER RESOLVED that pursuant to Section 514B-123(f), Hawaii Revised Statutes, the proxies for the annual meeting originally scheduled for March 28, 2020 shall be valid at the January 16, 2021 meeting.

CERTIFICATE

I, Secretary of the Board of Directors of the Association of Apartment Owners of Wailea Fairway Villas, hereby certify that the foregoing is a true copy of the Resolution duly adopted at a meeting of the Board of Directors, duly held on November 25, 2020, and duly entered in the book of minutes of the Association, and this Resolution is in full force and effect.

DATED: Kihei, Hawai'i, November 25, 2020

Renee Stigers 11/25/20
President Secretary
ASSOCIATION OF APARTMENT OWNERS
OF WAILEA FAIRWAY VILLAS
Print Name: Renee Stigers