

RESOLUTION OF THE BOARD OF DIRECTORS OF KAI MAKANI
ASSOCIATION OF APARTMENT OWNERS REGARDING
RESPONSIBILITY FOR SCREEN DOORS ASSOCIATED WITH BACK
LANAI SLIDING GLASS DOORS

WHEREAS:

The Association's Declaration and Bylaws require the Board to maintain, repair and replace the common elements of the project;

The Association's Declaration and Bylaws require each apartment owner to maintain and repair the owner's apartment, but further provide that the Board may authorize necessary work to be done at the expense of the owner if the apartment owner fails to perform the work after notice from the Board;

The screens such as the ones associated with the sliding glass doors on the back lanai of Kai Makani apartments may become damaged or rust out over time;

Section C.1.(a) of the Declaration states:

Each apartment shall be deemed to include (i) all walls and partitions which are not load-bearing within its perimeter walls, (ii) the interior decorated or finished surfaces of all perimeter and load-bearing walls, floors, ceilings and stationary glass windows and the frames thereof, (iii) all other window frames and glass, (iv) all entrance doors (except the exterior finished surfaces thereof), and (v) all fixtures contained or installed in each apartment space,

Section C.1.(a) fails to reference the screens associated with the sliding doors. The screens are not integral to the structure or function of the doors.

Disputes have arisen concerning responsibility for maintaining, repairing or replacing the screens associated with sliding glass doors;

The condominium law, Chapter 514B-148, Hawaii Revised Statutes, require the Board to collect reserves for all parts of the project which the Association must maintain, repair and replace;

Reserve rule 16-107-65(b) adopted by the Hawaii Real Estate Commission, states that if responsibility for a particular part of the project is not clear, the following procedure shall apply:

Reserve Rule 16-107-65(b) states:

The Board shall compile a list of the Association's assets. If the project's Declaration and Association's Bylaws fail to clearly state whether a particular part of a condominium project is Association property, the Board may adopt a resolution allocating responsibility for that part to the Association, an individual owner, or individual owners. The Board's resolution shall be based on Chapter 514A, HRS, the project's Declaration and the Association's Bylaws, and any other applicable legal requirements or documents. The resolution shall clearly indicate whether the part in question:

- (1) Is an asset of the Association.
- (2) Is the responsibility of an individual owner or individual owners; or
- (3) Is partly an asset of the Association and partly the responsibility of fewer than all owners, such as plumbing or electrical system.

The Board has decided to adopt a resolution allocating responsibility for the maintenance, repair, and replacement of the screens associated with sliding glass back lanai doors so that the Association can establish adequate reserves for those items which are the responsibility of the Association.

I. RESOLVED:

THE BOARD OF DIRECTORS OF THE ASSOCIATION OF APARTMENT OWNERS OF KAI MAKANI, adopts the following resolution allocating responsibility for the screen doors associated with the back lanai sliding glass doors at the project:

INDIVIDUAL OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR, AND REPLACEMENT OF THE SCREEN DOORS ASSOCIATED WITH THE BACK LANAI SLIDING GLASS DOORS.

II. RESOLVED FURTHER, THAT:

The Board may conduct periodic inspections of the screen doors associated with back lanai sliding glass doors and require apartment owners to repair, replace or remove these doors.

III. RESOLVED FURTHER:

That the rights, powers, and authority which this resolution provides shall become effective as of the date of the Board's adoption of this resolution and shall remain effective until this resolution is revoked in writing by the Board or changed by an amendment to the Association's Declaration or Bylaws.

CERTIFICATE

I hereby certify that the above resolution was adopted pursuant to the law and the DECLARATION and BYLAWS OF THE ASSOCIATION OF APARTMENT OWNERS OF KAI MAKANI, by the Board of Directors of the Association, at a Board meeting on January 25, 2018.

DATED: January 25, 2018, Kihei, Hawaii


David Lovejoy
Association of Apartment Owners of
Kai Makani, Board of Directors Secretary