

ATKINSON TOWERS, INCORPORATED
419 A ATKINSON DRIVE
HONOLULU, HAWAII 96814

HOUSE RULES

MARCH 1990

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INTRODUCTION

This booklet presents some background information and House Rules which will make daily living at Atkinson Towers more enjoyable for all of us.

Even though it seems there is a super-abundance of rules, we must remember that a large number of people living in a relatively small amount of space must adhere to certain written rules and other unwritten but "good neighbor" rules for us to receive maximum enjoyment of our homes.

Simply stated, the House Rules serve as a guide to consideration for others and to the application of common sense so as to create a friendly, pleasant, and happy atmosphere. This is your home -- its upkeep reflects on you.

Your Board of Directors is dedicated to keeping our property in the finest condition possible. Owners, residents, and guests can be of material assistance by their own attitude and adherence to both written and unwritten rules.

The Board of Directors

AUTHORITY FOR RULES

Article VIII, Section 7 of the By-Laws of Atkinson Towers and Para 4D of the Occupancy Agreement (Proprietary Lease) provide that the Board of Directors shall establish House Rules to govern the operation and use of the common elements.

All apartment owners, residents, and their guests are governed by the provisions of the Proprietary Lease, By-Laws, and House Rules of Atkinson Towers. These House Rules supersede all previous House Rules and may be amended as provided in the By-Laws. Authority for the administration and enforcement of the House Rules is delegated to the Managing Agent, the Manager, and the Board of Directors. Failure to comply with the House Rules, Proprietary Lease, or the By-Laws may result in legal proceedings being initiated against the owner and the offending party.

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1. DEFINITION AND ENFORCEMENT

- 1-A Each owner is responsible for not only his/her own compliance with these House Rules but also for that of family members, renters, and guests.
- 1-B Most infractions can be rectified among neighbors by a congenial reminder, and occupants are strongly encouraged to communicate with each other. Continued infractions should be made known, in writing, to the Board of Directors.

1-C Definitions:

OWNER - Stockholder of Atkinson Towers, Inc., and/or Agreement of Sale purchaser referred to in the Articles and By-Laws as "Lessee".

RESIDENT - Any person living in Atkinson Towers -- owner or renter.

AGENT - Any real estate broker, individual, or company who is empowered to act on behalf of an owner.

GUEST - A person located on the premises for a short period of time at the invitation of a resident or member of the Board.

MANAGER - The person or persons authorized to exercise duties set forth for the manager by the Board of Directors.

2. USE AND RENTAL OF APARTMENT.

- 2-A The corporation owns and operates the entire building, ground facilities, and apartments located on the premises. The right of owners to rent or lease their apartments to other persons is subject to the Articles, By-Laws, Occupancy Agreement (Proprietary Lease), and these House Rules. Owners must obtain Board approval to sublease.
- 2-B Minimum lease/rental period is six months.
- 2-C Residents shall not use the apartment or permit the same or any part thereof to be occupied or used for any purpose other than exclusively as a private dwelling unless expressly approved by the Board of Directors.
- 2-D Permanent occupancy is limited to four persons per apartment with the exception of Penthouse Apt. #1607/08 which is allowed six occupants.
- 2-E An owner must receive Board approval in order to transfer his Proprietary Lease and allocated share. A potential owner's (buyer's) financial report and credit rating must be approved by the Board before consent will be granted.

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- 2-F All residents will fill out an information form for the manager's office to be used in case of emergencies. Forms are to be completed within 24 hours of occupancy. Residents must also provide the manager with a forwarding address prior to vacating an apartment or leaving on trips, and shall provide information regarding the use of their apartments and/or parking stalls while away on trips. All information will be kept confidential.
- 2-G The office should be informed of all overnight guests.
- 2-H Residents must inform guests of the House Rules and the operation of the security system.
- 2-I No storage is allowed in meter closets opposite the elevators.
- 2-J Absolutely no illegal activities will be tolerated in the building or on any other part of the Atkinson Towers premises.

3. BUILDING MAINTENANCE AND REPAIRS

- 3-A All buildings affixed to the realty and improvements affixed permanently to the exterior of the buildings are the property of the Corporation regardless of who may have installed them.
- 3-B Walkways, elevators, grounds, and exterior surfaces of the building and doors shall be used and decorated only as permitted by the Board. No alterations, installations, repairs, or changes of any nature whatsoever shall be made to the exterior surfaces of the building without prior written approval of the Board. If changes are made without Board approval, they will have to be removed or restored to original condition at the owner's expense.
- 3-C Damage caused by breaks to the utility lines shall be the responsibility of the Corporation.
- 3-D In general, the Corporation is responsible for the repair and maintenance of the common areas such as exterior surfaces, walkways, elevators, fences, gates, shrubbery, and public areas; however, if any of the common area is damaged by an owner or members of his/her family, a tenant, a resident, guest, or anyone employed thereby, the owner shall be responsible for the prompt payment of the cost of repairs.
- 3-E The owner and/or resident is responsible for maintaining and repairing the apartment interior, lanai floor, equipment, and fixtures in such a manner as to not cause damage to other apartments or to the Corporation's property. In case a resident does damage to the apartment or property of another, the owner will be financially responsible for repairs.
- 3-F Only drapes, curtains, mini-blinds, or shutter-type blinds will be displayed on the walkway side of the building. Tape, towels, plastic bags, etc., will not be permitted as window covering.

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- 3-G No objects shall extend through any door or window opening into the walkway or beyond the exterior face of the building.
- 3-H Before proceeding with any remodeling, painting, or replacement of appliances, owner MUST notify manager in order to obtain building standards and rules regarding use of the elevator, stairwells, common areas, disposal of supplies or discards. A City and County building permit must be obtained for any structural work or any major remodeling and must be approved by the Board of Directors (per Proprietary Lease) prior to the owner's allowing any work to commence.
- 3-I Repairs or renovations must be done between 8:00 a.m. and 5:00 p.m., Monday through Saturday and 10:00 a.m. to 4:00 p.m., Sundays. No large equipment may be left on the walkway at any time, nor is any work to be done on the walkway at any time.
- 3-J Residents must keep windows and doors clean at all times. Violators will be given two weeks' notice of violation. If not corrected, the Association will clean windows/door and assess owner \$25 to cover expenses.
- 3-K Large items to be discarded such as mattresses, TVs, appliances, cabinets, and sinks shall be removed from the property by the responsible resident without delay. Garbage men will not collect such items.
- 3-L All trash and garbage must be securely wrapped before placing in trash chute. NO inflammable materials such as paint, thinner, solvent, or other dangerous materials will be put into trash chutes. Objects which may clog trash chute such as brooms, mops, hangers, glass bottles, large boxes, and Christmas trees must be carried down and placed in trash bins on the ground level.
- 3-M Trash chute hours are 7:30 a.m. to 10:00 p.m.

4. SECURITY.

- 4-A THE SECURITY SYSTEM WAS INSTALLED TO INSURE MAXIMUM SAFETY AND SECURITY FOR EACH RESIDENT AND GUEST AND TO ALSO GIVE PRIVACY FROM UNWANTED SOLICITORS OR UNINVITED GUESTS. SECURITY IS EVERYONE'S RESPONSIBILITY, GUESTS INCLUDED. To insure the maximum effect of the security system, residents must:

(1) Admit no one into the building OR elevator UNLESS they are certain the individual resides in the building.

(2) Advise all invited guests or service/repair/delivery people of the security system before they arrive. NO ONE is to be admitted into the lobby unless the resident or the resident's representative is there to admit the visitor. Be courteous and meet your guests.

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(3) Advise guests and service/repair/delivery people that NO visitor parking is available. It is each resident's responsibility to arrange IN ADVANCE with the manager for parking for guests or service people or to advise them to park elsewhere.

(4) Always check that all doors and gates are securely shut behind you, whether or not they are automatic.

(5) Report any suspicious conduct or loitering to manager or a Board member.

(6) Inform the management immediately if any break-in is discovered.

4-B Stairwells or gates must NEVER be blocked open EXCEPT if required in an emergency situation.

4-C Entrance doors in main lobby must be used to enter building. Use of stairwells for entry is ABSOLUTELY FORBIDDEN except when elevators are inoperative.

4-D Two security keys ("corekeys") for main entrance, elevators, pool area/restrooms, and Diamond Head gate will be provided for each apartment. If there are more than two permanent adult residents in an apartment, requests for additional keys without \$50 deposit will have to be approved by the Board. Additional keys can be obtained for house guests after a \$50 deposit is paid. This deposit is refunded when the key is returned. The \$50 deposit is forfeited if a key is lost. A new key will not be provided until a new \$50 deposit is paid.

4-E Deleted as of December 12, 1990.

4-F (Partially amended as of Dec. 12, 1990)..... If the manager has to enter an apartment in the event of an emergency, he will be accompanied by one other person. The manager will then leave a note for the occupant stating the time, date, and reason for entering.

5. LANAIS.

5-A When textile items including clothes are hung on lanai or railing, screen must be closed. No objects shall be hung in doorways or windows which would be visible to persons outside the building.

5-B Only furniture and small potted plants appropriate to lanais may be used thereon. Screens and other articles which, in the opinion of the Board, are unsightly shall be removed. No object shall protrude from the side of the building. Hanging plants, objects must be hung at least three feet inside lanai railing.

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- 5-B Only furniture and small potted plants appropriate to lanais may be used thereon. Screens and other articles which, in the opinion of the board, are unsightly shall be removed. No object shall protrude from the side of the building. Hanging plants/objects must be hung at least three feet inside lanai railing.
- 5-C Containers shall be placed under all potted plants in order to avoid dripping water.
- 5-D In case of excessive water on the lanai due to a storm or other reason, a water vacuum is available from the manager.
- 5-E The sweeping and mopping of lanais and adjacent areas shall not create a nuisance to persons residing in lower or adjacent apartments or to persons on the grounds of the premises.
- 5-F Absolutely NO objects shall be thrown off lanais or walkways. This includes cigarettes butts, food, and gum. Violators will be penalized \$250.
- 5-G Dustmops, rugs, and similar items shall be shaken only into trash chutes. No items shall be shaken over the lanai, walkways, or stairways.
- 5-H Sliding metal screens must be securely fastened to railing during high winds. Liability rests with the resident in case of damage. Carrier straps or rope is recommended to hold screens in place during strong winds. During heavy rains, screens must be closed and lanais checked frequently.
- 5-I Feeding birds on lanais or on the premises is forbidden.
- 5-J Barbecuing is permitted only in the confines of apartments and only when an electric barbecue is used. No briquettes or other inflammable materials are permitted. Barbecue grills must never be left unattended.

6. AUTOS AND PARKING.

- 6-A All parking stalls are assigned to specific apartments for their exclusive vehicular use and will not be used or occupied by others without permission of the apartment occupant. Although vehicles parked without authorization or not in stalls may be towed away at the owner's expense, residents are urged to not do this until an effort to find the owner of the unauthorized car is made.
- 6-B Cars shall not protrude beyond the confines of the parking stall.
- 6-C Vehicles exceeding the size of a half-ton pickup truck shall not be regularly parked on the premises.
- 6-D Repairs, except of a minor emergency nature, are not permitted in the parking areas.

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- 6-E Playing of loud music in the parking areas is prohibited.
- 6-F Motor racing of vehicles is prohibited.
- 6-G Vehicles shall not exceed the speed limit of five miles per hour on the premises and must proceed in the direction of the arrows.
- 6-H Use of running water is not permitted in Atkinson Towers parking stalls because there is no drain.
- 6-I All vehicles shall be parked only in authorized parking stalls.
- 6-J Vehicles without a current registration and/or safety permit must not be parked or stored on the premises. Such vehicles will be removed at owner's expense.

7. PETS.

- 7-A NO pets except guide dogs for the blind or hearing impaired, fish, or birds are permitted on the premises. THIS INCLUDES VISITORS' PETS.

8. SWIMMING POOL AND POOL AREA.

- 8-A Anyone using the pool does so at his/her own risk. There is no lifeguard on duty. Pool hours are from 7:00 a.m. to 10:00 p.m. Neither the Board of Directors, the managing agent, the manager, nor the Association will be responsible for injuries or damages sustained by owners, residents, or guests.
- 8-B All persons must comply with the requests of the manager in respect to improper conduct in and about pool area. NO "horseplay", running, screaming, or other boisterous conduct is permitted in the pool or pool area.
- 8-C Minor children are NOT permitted in the pool or pool area unless they are accompanied by and under the direct supervision of an adult resident.
- 8-D Daytime and overnight guests shall be permitted use of the pool and pool area provided they are accompanied by the resident. More than two guests per resident must be cleared with the manager.
- 8-E Swimming attire must be worn. Goggles or masks are the only pieces of equipment to be used by swimmers in the pool.
- 8-F Bobby pins, hairclips, etc., must be removed if cap is not worn. Bathing caps should be worn by those with long hair.

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- 8-G Board of Health requirements (Section 61, Personal Regulations) will be strictly observed: "Any person having an infectious or communicable disease shall be excluded from the pool. Spitting, spouting of water, blowing the nose, etc., in the swimming pool shall be strictly prohibited."
- 8-H Glass containers of any description are not permitted in the pool or pool area.
- 8-I Bathers must dry themselves thoroughly and don cover-up clothing before entering the lobby.
- 8-J All corporation furniture must be returned to its designated area when leaving the pool area.
- 8-K Personal lawn furniture may be brought to pool area provided it does not interfere with others and is removed upon leaving the area.
- 8-L Small groups may use the pool terrace room for parties with the manager's permission.
- 8-M Children wearing diapers and/or not toilet trained are not allowed in the pool.
- 8-N Rubber rafts, diving equipment, surfboards, toys, metal articles such as hairpins and other items which may cause damage to the filter system, sides, or bottom of the pool are not allowed.
- 8-O Litter, cigarettes, etc., must be properly disposed of.
- 8-P Radios can only be permitted if volume does not annoy those present or any other residents. Earphones will be required if noise becomes annoying to others.

9. NOISE.

- 9-A Residents must not allow the volume of radio, TVs, hi-fi sets, musical stereo, VCRs, musical instruments, or any other loud noise to disturb the neighbors. As a courtesy to your neighbors, close the bathroom door (because of the common duct therein) if your radio, TV, etc., is used after 10:00 p.m.
- 9-B Practicing or playing of musical instruments and singing may be done from 10:00 a.m. to 10:00 p.m.
- 9-C Use of any type of fireworks, including sparklers, is ABSOLUTELY FORBIDDEN on the premises.
- 9-D Honking of horns, shouting, or whistling to attract attention of a resident is forbidden. The pay phone or paging facility in the entrance foyer must be used for that purpose.

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10. MISCELLANEOUS.

- 10-A Manager's office hours are from 9:00 to 10:00 a.m., and 4:00 to 5:00 p.m., Monday thru Friday; 9:00 to 11:30 a.m., Saturday. Manager may be reached FOR EMERGENCIES AFTER REGULAR OFFICE HOURS, by calling 946-7442 or Certified Management at 533-3116. If manager is not available, a Board member may be called to render assistance in extreme emergencies.
- 10-B Deleted 12-12-90
- 10-C The manager must be notified when there are water or power problems. Read your yellow "Flood Control" sheet for information on circuit breakers and valves.
- 10-D All requests, complaints, or suggestions for Board action should be made in writing, signed, and given to the manager. They will be treated confidentially if possible and so requested.
- 10-E Always clear in advance with manager when planning to move in or out, giving as much advance notice as possible (at least 72 hours). Operation of elevator, use of padding, and parking arrangements must be coordinated to avoid conflicts. Whenever possible, moving should be done during daytime hours. In order to maintain the peaceful serenity of Atkinson Towers, NO Sunday moving is permitted.
- 10-F Immediately after use, shopping carts are to be taken to the trash area on the Atkinson Drive end of the building. DO NOT LEAVE IN MAIN LOBBY, WALKWAYS, STAIRWELLS, OR ELEVATOR AREAS -- THEY ARE A REAL HAZARD.
- 10-G For safety reasons, children under 12 years of age shall not be permitted to dispose of trash down the trash chute.
- 10-H No motorcycles, mopeds, or any internal combustion engines shall be permitted in the building.
- 10-I Eating, drinking, and/or carrying of open beverage containers is not permitted in the elevators, walkways, or lobbies.
- 10-J Water hoses connected to the washer/dryer units must be checked at least every three years. REMINDER: Owner may be responsible for any water damage done to other units.
- 10-K Storage areas are only for residents to store their items. All storage is at the risk of the occupant. The Manager, Managing Agent, the Board of Directors, and/or the Association is not responsible for any loss or damage to stored items.

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- 10-L No accumulation of combustible waste such as newspapers is allowed in the storage area. THIS IS A FIRE RULE!!
- 10-M Residents must be aware that the winds can create dangerous conditions for persons on the mauka walkways and within their apartments. All residents are responsible for their own safety precautions as well as those for their family members and guests. Special precautions should be taken to protect everyone from injuries caused by the winds. Elderly and handicapped persons as well as children may require extra precautions.
- 10-N Accidents or injuries sustained to persons or equipment shall be reported to the Manager immediately.
- 10-O Waterbeds and/or other water-filled furnishings are NOT permitted.
- 10-P Persons using the lobby are expected to conduct themselves properly and dress appropriately. As a minimum, men must wear some type of shirt, and women cover their hair curlers.
- 10-Q Children are not allowed to play in the main lobby, elevator lobbies, walkways, stairways, shrubs, landscaped areas, or parking areas. Owners are responsible for all actions of their own, their family's, guests', or tenants'.
- 10-R Ball playing, skate boarding, roller skating, cycling, and similar activities will not be permitted in the common areas. All such objects shall be walked or carried to the individual's apartment immediately. At no time will said objects be left in common areas.
- 10-S Smoking is prohibited in the elevators. (This is a State law.)
- 10-T No smoking matter is to be extinguished or discarded in the lobby or other common areas except in the receptacles provided.
- 10-U Absolutely no illegal activities will be tolerated.

11. APPLICABILITY.

- 11-A Every owner and/or resident must sign an acknowledgement that he/she has read and will abide by the current Atkinson Towers' House Rules. Prospective residents must sign such acknowledgement prior to occupancy.
- 11-B An agent must furnish a copy of the House Rules to anyone who is a potential owner or resident prior to occupancy. In addition, any potential owner shall receive a copy of the Proprietary Lease stamped, "For Information Only".

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11-C These House Rules have been created in an effort to establish a healthy, happy, and safe environment for all the residents of Atkinson Towers and are enforceable to that end; however, it is also the full intent of Atkinson Towers to abide by all Federal, State, and local laws to include the Fair Housing Amendment Act of 1988. Should any provision of these House Rules conflict with said Fair Housing Amendment Act of 1988 or any other Federal, State, or local laws either by commission or omission, the existing laws will prevail.

12 VIOLATION PROCEDURES

12-A THE VIOLATION OF ANY HOUSE RULE ADOPTED BY ATKINSON TOWERS, INC., SHALL GIVE THE BOARD OF DIRECTORS, MANAGER, OR ITS MANAGING AGENT THE RIGHT TO:

(1) Enter the apartment in which, or as to which, such violation or breach exists and to summarily abate and remove, at the expense of the defaulting apartment owner, any structure, thing, or condition that may exist therein contrary to the intent and meaning of the provisions thereof, and the Board of Directors, Manager, or Managing Agent shall not thereby be deemed guilty in any manner of action or trespass; AND/OR

(2) Enjoin, abate, or remedy by appropriate legal proceedings, either at law or in equity, the continuance of such breach. All costs thereof, including attorney(s)'s fees, shall be borne by the defaulting apartment owner(s).

12-B Serious and/or repeat violation of these House Rules may result in legal action of injunctive relief as deemed appropriate by the Board of Directors.

13. PENALTY SYSTEM

13-A The Board of Directors or the Maintenance Manager may impose a penalty against the owners of an apartment when said apartment owners or guests, children, invitees, tenants, and/or occupants of said apartment violate any House Rule of Atkinson Towers. The penalty for any violation shall be as follows:

(1) FIRST OFFENSE - written citation with a copy of said citation being sent to the resident, Rental Agent and the apartment owner.

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* (2) SECOND OFFENSE - written citation with a copy of said citation being sent to the resident, Rental Agent and the apartment owner and a \$25 penalty which will be assessed against the apartment owner and which will constitute a lien on the owner's interest in his/her proprietary lease.

* (3) THIRD AND SUBSEQUENT OFFENSES - written citation with a copy of said citation being sent to the resident, Rental Agent and the apartment owner, and \$50 penalty for each occurrence which will be assessed against the apartment owner and which will constitute a lien on the owner's interest in his/her proprietary lease.

* Said \$25 penalty will be imposed upon a second violation of said House Rules. The two violations need NOT be for the same House Rule before said penalty is levied, i.e., if a tenant violates a "Security" rule for his first violation and then violates a "Noise" rule for his second violation, the penalty would be imposed upon the occurrence of the second violation. It is not necessary for a resident to violate a specific rule, such as a "noise" rule, two times before said \$25 penalty is levied. A \$50 penalty will be assessed for the third and subsequent violations of said House Rules. The Manager, the Board of Directors, or the Managing Agent are authorized to issue said written citations and to levy the penalties as aforesaid. Fines will constitute a lien on the owner's interest in his/her proprietary lease.

13-B A late fee of \$5 per month will be imposed against the apartment owner for each month from the date of assessment that a penalty remains unpaid.

13-C The apartment owner, tenant, or occupant shall have the right to appeal any citation or penalty to the Board of Directors within ten days of the date said citation or penalty was issued by doing the following:

(1) Mailing a letter, constituting a Notice of Appeal, to the Board of Directors in care of the Managing Agent for the Association.

(2) The Notice shall be mailed postage prepaid, certified mail, return receipt requested, or be hand delivered to the Manager who will give a written receipt for the same.

(3) The date of mailing as certified by the post office or the date of delivery to the Manager shall constitute the date of Appeal.

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- (4) The Notice must contain a copy of the applicable citation(s), a statement of the facts of the violation(s), the reasons for appeal, the names and addresses of witnesses, and copies of any proposed exhibits.
- 13-D The Board of Directors may require the apartment owner, tenant, or occupant to appear at a Board meeting to provide additional information.
- 13-E The Board of Directors will mail or deliver a written decision to the apartment owner, tenant, or occupant within thirty (30) days of receipt of the Notice of Appeal.
- 13-F The Board of Directors may reduce, suspend, or cancel any penalty after considering the appeal. Any decision by the Board shall be final unless modified or stayed by the Board for its' own reason.

PLEASE NOTE: FOR QUICK REFERENCE IN CASE OF AN EMERGENCY
ATKINSON TOWERS HAS PREPARED SPECIAL INSTRUCTION CARDS AS
FOLLOWS:

FIRE - RED CARD

ELECTRICAL - YELLOW CARD

FLOOD - YELLOW CARD