



Dear Pualani Estates Owners:

Aloha and Season's Greetings! Your Board of Directors hopes that your holiday season is full of joy for you, your family, and your friends. This past year has brought our community a number of challenges that, fortunately, have also presented us with opportunities to work together toward achieving satisfactory resolutions.

### **Community Associations of Hualalai vs. Hawaii County Planning Department**

One of the principal issues, as yet unresolved, involves the Community Associations of Hualalai (CAH) suit challenging the Planning Department's grant of a Special Permit extension to Bolton without hearing. We're still awaiting the Supreme Court's decision, but the extension expires on December 17, so the matter may be moot. In the meantime, the Planning Director ordered Bolton to engage a mediator to arrange a meeting with all concerned parties, including the CAH members, Bolton, and various State and County officials, to discuss all of the concerns and issues. Originally set for November 11, the meeting was rescheduled for January 11. Laurie Freeman and I will represent Pualani Estates.

### **Living Stones Church Application for Special Permit**

The Living Stones Church Application to the Planning Director for a Special Permit was filed on October 18, and our Board's comments, which reflected comments made by a number of our members (nearly all voicing strong opposition), were timely submitted on November 10. An e-mail regarding our submission was sent to all our members on November 15.

A Public Hearing before the Leeward Planning Commission was originally set for December 14, but at the applicant's request it has been deferred indefinitely to enable the applicant to address a number of issues that had surfaced. We will, of course, notify you of further developments as they occur.

### **Hurricane Strap Litigation**

An August 9, 2017 letter to Pualani Estates homeowners from Melvin Agena, of the Agena law firm in Honolulu, noted that a class action lawsuit against D.R. Horton was pending in Hawaii's First Circuit Court in Honolulu. The suit alleges that Horton used defective "hurricane straps" to protect against high winds or hurricanes. The Agena firm's letter invited Pualani Estates owners to call to ask for more information, to meet with an attorney, or to arrange for a no-cost inspection.

Subsequently, Pualani Estates homeowners received letters dated September 7 and November 20 from D.R. Horton. The September 7 letter stated that the hurricane straps and installation method that are the subject of the lawsuit were not used in Pualani Estates homes. The November 20 letter, however,

admitted that further investigation disclosed that “mud sill anchors” (also challenged in the lawsuit) were used on homes in Pualani Estates Phases 2 and 3. No mention was made of homes in Phase 1.

Mr. Agena subsequently accepted an invitation to speak at our December 7 Board meeting. He reported that the class has not yet been certified, explained the basis of the litigation, and exhibited photos of the effects of the defective hurricane straps, mud sill anchors and their incorrect installation. Concluding, he again invited Pualani Estates owners to contact his office (536-6647) for more information, to speak with an attorney, or to arrange for a home inspection, all at no charge. Your Board urges your thoughtful consideration of this offer.

### **Coquis**

Our enforcement policy of the CC&R provisions regarding coquis will soon be distributed to homeowners. You should note that we have budgeted funds to assist homeowners by reimbursing up to \$135 for eradication costs.

### **Other Issues**

We've received complaints of noise from early morning walkers and joggers, early garage sale traffic, and late night (after 10 pm) parties. We applaud efforts to remain fit and demonstrate hospitality, but urge that you respect your neighbors and keep early morning (before 7 am) and late night (after 10 pm) noise to a minimum.

Your Board has agreed to arrange for drone observation of our drainage ditches to assure that they're kept free of weeds. Owners will be notified prior to drone observation, and cleanup costs, if any, will be charged to the owner.

Finally, we've noted that many homes fail to display their addresses on the home, which in addition to violating a County ordinance, can result in an unnecessary and perilous delay in emergency situations. We therefor urge all owners to assure that their home's address is appropriately displayed.

### **Annual Meeting**

Please reserve Thursday, March 15, 2018, for our Annual Meeting, which will begin at 4:15 pm at a place to be announced.

Your Board wishes all a healthy, happy and prosperous New Year.

Aloha,

Joel Gimpel  
President, Board of Directors