

NAURU TOWER **House Rules**

Revised November 1, 1996
NAURU TOWER HOUSE RULES
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INTRODUCTION

Condominium living requires each resident to respect the needs and rights of others who reside in the building. The House Rules are designed to make living at Nauru Tower (the “project”) safe and enjoyable for you and your guests. The primary purpose of these House Rules is to protect all apartment owners, tenants and guests from annoyance and nuisance caused by the improper use of the Project, and to protect the reputation and integrity of the Project. In so doing, the comfort and security of all is assured.

The Board of Directors of the Association of Apartment Owners (the “Board”) shall be responsible for enforcing these House Rules through the delegated authority of the Resident Manager and the Managing Agent. All apartment owners and other occupants, tenants, and guests shall be bound by these House Rules.

The House Rules supplement but do not change the obligations of the apartment owners and all occupants, tenants, and guests as set forth in the Declaration of Condominium Property Regime (“Declaration”) and (“Bylaws”) pertaining to the Project. In the event of any inconsistency between these House rules and the Declaration or the Bylaws, the Declaration and Bylaws shall prevail.

The Board shall make such other rules and regulations from time to time or amend the following House Rules, as it deems necessary or desirable.

A. OCCUPANCY

1. Use of Apartments

All apartments designated as “residential” in the Declaration shall be used for private residential dwellings only. No residential apartments shall be used for transient or hotel purposes, or in connection with the carrying on of any business. Time-sharing is prohibited.

2. Number of Occupants

The apartments will have no more persons residing therein permanently than is permitted under the Housing Code of the City and County of Honolulu. Permanent residence is hereby defined as residence of 32 consecutive days or more.

3. Responsibility for Guests

A resident or guest of any apartment shall be responsible for the conduct of any person coming onto the property at the request of the resident or guest and for ensuring that the person’s behavior is neither offensive to any occupant of the building nor damaging to any portion of the common elements.

4. Pets

Livestock, poultry or animals other than cats, dogs, parakeets, canaries, or fish in aquaria shall not be allowed or kept in any part of the project. A reasonable number of animals (not to exceed two of any type except aquarium fish) may be kept by the apartment owners and occupants in their respective apartments, but shall not be kept, bred or used therein when carried or on a leash. No dogs (except certified guide dogs and signal dogs as described below) shall be allowed without the advance written consent of the Board of Directors. *

Seeing eye, service and signal dogs may be kept on the project. Visiting pets are not allowed on the premises unless required by disabled visitors to enable them to visit residents of the project.

* At a meeting on September 22, 1993, the Board adopted a resolution that from and after September 22, 1993, the Board would NOT CONSENT to any requests by the apartment owners or occupants of Nauru Tower to keep dogs in any of the apartment owners or occupants of Nauru Tower to keep dogs in any of the apartments. At the meeting, the Board affirmed that certified guide dogs and signal dogs and other such animals specially trained to assist handicapped individuals will be permitted in the project, subject to the restrictions set forth in the Bylaws.

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Responsibility of Pet Owners

Pet owners are responsible for immediately cleaning up after their pets in the event of an accident. Pet owners are responsible for undue noise made by their pets. Any pet causing a nuisance or any unreasonable disturbance to any other occupant of the Project shall be promptly and permanently removed upon notice given by the Board or the Managing Agent. All pets must be registered with the Resident Manager immediately on being kept in an apartment. An animal, which is at or around an apartment for more than a total of 12 hours, is considered to be kept.

5. Move-in / Move-out Procedures

- a. Movement of large items requiring use of the freight elevator shall be scheduled in advanced with the Resident Manager or Security during business hours. The passenger elevators shall not be used for moving.
- b. Move-ins and move-outs are permitted only between 8:00 a.m. and 5:00 p.m. Monday through Saturday. Moving is not permitted on Sundays or holidays. (No exceptions).

B. TEMPORARY OCCUPANCY

1. Use by Owners, Tenants and Guests

Subject to the terms of each apartment owner's Condominium Conveyance Document, the Declaration and the Bylaws of the Association prohibiting transient hotel and time-share use, and apartment owner may lease or rent his or her apartment or make it available to friends, but the person or persons leasing, renting or living in the apartment shall abide by the Declaration, the Bylaws, and these House Rules.

2. Conduct of Tenants, Guests and Other Persons

An apartment owner shall be responsible for the conduct of his or her tenants and such apartment owner's (or tenant's) guests. A tenant shall be responsible for the conduct of his or her family members or guests. An apartment owner or tenant shall upon request of the Board or managing Agent, immediately abate and remove, at his or her expense, any structure, thing or condition that may exist with regard to the occupancy or use of his or her apartment by any such person or persons contrary to the intent and meaning of the provisions hereof. If an apartment owner or tenant is unable to control the conduct of any such person or persons to conform with the intent and meaning of the provisions hereof, such apartment owner or tenant shall, upon request of the Board or managing Agent, immediately remove such person or persons from the premises, without compensation for lost rentals or profits or any other damage resulting therefore.

3. Appointment of Local Agent

Apartment owners shall be responsible for designating a local agent to represent their interest if their residence is outside the State of Hawaii, or if they will be absent from the apartment for more than 30 days. Such owners shall file with the Resident Manager their out-of-town address and telephone number and the address and telephone number of their local agent.

C. USE OF COMMON AND LIMITED COMMON ELEMENTS

1. Use of Roadways and Recreation Areas

The roadways and recreation areas of the project are administered by the Association and are for use by the apartment owners and their tenants and guests. The walkways, passages and roadways must not be obstructed or used for any purposes other than ingress and egress.

2. Parking Automobiles and Other Vehicles

Parking in unmarked areas is prohibited. Assigned parking stalls may be used to park any type of trailer or sea craft, providing such trailer or sea craft does not protrude from the stall. All other vehicles, including bicycles and motorcycles, when not being used, must be kept in the area or areas designated for such purpose or within the confines of an assigned parking stall. Except for bicycles, no other wheeled toys or vehicles shall be permitted in the garage structure. Stall may not be used to store or maintain any furniture, packing crates, beach items, scuba gear and similar items except for surfboards.

- a. Violators of any parking regulations promulgated by the Board shall have their vehicle towed away at their own expense. If the violator is a tenant, invitee, employee or guest of any owner, the owner shall be held responsible for payment of the towing charge.
- b. No vehicles, including bicycles, are to be ridden on walkways, planted areas or in the park area. Unlicensed motorized vehicles are not permitted to be operated in the project. Skateboards are not to be ridden anywhere within the project. Bicycles shall not be taken into the elevators (except the freight elevator), lobbies, stairways, or lanais of the project. No wheeled vehicles, including but not limited to bicycles, tricycles and toys, shall be taken into the tennis court area.
- c. The circular drive parking area around the front of the building may be used by both residents and guests for short stops such as for loading and unloading, and is limited to a maximum period of 30 minutes. Registration is required.
- d. Guest parking stalls identified as C20 through C41 inside the parking garage is for the use of guests only, not for residents. No over night parking (between the hours of 1:00 a.m. and 5:00 a.m. is allowed. Registration is required.

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- e. Persons parking in either of the above areas must register on the guest-parking log located on the table under the entry phone at the elevator lobby entrance. Vehicles that are not registered may be towed.
- f. The speed limit in the parking garage and on common driveways is five miles per hour.
- g. Use headlights while in transit through parking garage.

3. Open Recreation Area

Open private park areas are for the exclusive use of the residential owners and tenants and their guests during posted hours.

- a. Except as to those times and places determined by the Board, consumption of alcoholic beverages is prohibited in the common areas of the project.
- b. No camping or use of tents in the common areas of the project is allowed.
- c. Use of fireworks of any kind anywhere in the project is strictly prohibited at all times.
- d. Outdoor cooking shall be permitted only on charcoal barbeque units in the roof top park area. Open fires, including charcoal briquette fires, are not permitted elsewhere in the project.

4. Vehicles

- a. No vehicle repairs may be made at any time in the common areas of the project. Only, minor adjustments to the vehicle not requiring specialized tools may be made within an owner's parking stall.
- b. Damage to vehicles, personal property or common elements shall be the responsibility of the person causing the damage.

5. Elevators

Bicycles and surfboards are not allowed in the main lobby or in the passenger elevators. When transporting a bicycle or 7-8 feet surfboard the freight elevator must be used.

6. Fire Stairwell Exit Doors and Apartment Entry Doors

Fire stairwell exit doors and apartment entry doors must be kept closed at all times except during entrance or exit. This is a Fire Code requirement.

D. NOISE AND NUISANCES

1. Noise and Nuisances Prohibited

No nuisance shall be allowed in the project, nor shall any use or practice be allowed which is improper or offensive in the reasonable opinion of the Board, or which is in violation of the Bylaws or these House Rules, or which unreasonably interferes with or is an unreasonable annoyance to the peaceful possession or use of the project by other apartment owners or occupants.

2. Specific Rules

- a. Excessive Noise and Objectionable Odors Prohibited. Residents and other occupants of the apartments shall avoid unreasonably excessive noise of any kind at any time, and shall not cause or permit any unreasonably disturbing noise or objectionable odors to emanate from their apartments.
- b. Hours for Workmen. No workmen will be allowed in any buildings before 7:00 a.m. or after 5:00 p.m. except in an emergency. (Monday-Saturday) See construction guidelines.
- c. Hours of Reduced Volume for Radios and Stereos. Radios, TVs, stereos, etc. in the apartments, if used between the hours of 10:00 p.m. and 8:00 a.m., shall be played at reduced volume.
- d. Departure of Guests: Minimizing Noise. When guests of any apartment are leaving at night, noise must be kept at a minimum.
- e. Reporting of Excessive Noise. Excessive noise at any time should be reported to the Security Office.

3. Soliciting Prohibited

No soliciting, whether commercial or religious, is allowed in the project. Report all solicitations to the Board or Managing Agent (through the Resident Manager).

4. Hours for Apartment Jacuzzi Use

The operation of a Jacuzzi in an apartment may disturb residents in apartments below. Jacuzzi shall not be used between the hours of 10:00 p.m. and 6:00 a.m.

E. SAFETY CONSIDERATIONS

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1. No Objects to be placed or Left in Common Areas

Apartment owners, tenants and guests shall not place or maintain in or upon the common areas of the project any furniture, vehicles or other objects of any kind.

2. Inflammable or Dangerous Liquids

Inflammable fluids such as gasoline or kerosene, or explosive materials or other articles deemed hazardous to life, limb or property will not be brought into buildings or stored in storage lockers.

3. Overloading of Floors: Activities Which Would Invalidate Insurance

Nothing shall be allowed, done or kept in any apartment or in the common areas which would overload or impair the floors, walls or roofs, or cause any increase in the ordinary premium rates, or cancellation or invalidation of any insurance maintained for the Association.

4. Water Beds Prohibited

Pursuant to Article VI, Section 1 (o) of the Bylaws, no waterbeds shall be permitted in any apartment in the project.

5. Rules of Governmental Authority

Each apartment owner, tenant or guest shall at all times observe and maintain all laws, rules and regulations now and hereafter made by any governmental authority or the Association applicable to the use of the project.

6. Right of Entry in Favor of Association

Every apartment owner, tenant or guest hereby grants right of entry to the Managing Agent, and other persons authorized by the Board, in the event of an emergency originating in or threatening such apartment, whether or not such owner or occupant is present at the time. Keys must be furnished to the Managing Agent if requested by either the Board or the Managing Agent.

F. AESTHETIC CONSIDERATIONS

1. Cleanliness: Attractive Appearance of Apartments and Lanais

All owners and tenants are responsible for the cleanliness and maintenance of their apartments and lanais areas. Said areas shall be maintained in a neat, attractive and

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sanitary condition. No objects other than appropriate lanai furniture and potted plants shall be permitted on lanais. The storage of surfboards, bicycles, packing crates, furniture (other than appropriate lanai furniture) and similar objects is strictly prohibited

2. Window Cleaning

All owners shall be responsible at such owner's expense for cleaning all windows, which are accessible from inside the apartment or lanai. All other windows shall be cleaned by the Association as a common expense.

3. No Objects to be Hung from windows or Railings

No clothes, bedding, carpeting or anything else shall be hung on or from windows or lanais for any purpose. Nor shall clothing or laundry be hung in walkways or windows in such a manner as to be visible from roadways, walkways and common areas.

4. Trash Disposal

Food waste shall be disposed of through the garbage disposer whenever possible. All other household trash shall be secured in plastic trash bags and placed in the trash chute or other designated receptacles. Refuse, garbage or trash of any kind shall not be placed or thrown in any common area of the project.

5. No Household Objects to be Placed Outside Apartments

No garbage cans, household or commercial supplies, excess items or similar articles shall be placed outside any apartment or any lanai in a place where they can be seen from outside any apartment, except as the Board shall prescribe.

6. No Objects to be Placed in Common Areas

No items of personal property, including shoes or slippers at corridor unit entries, baby carriages, bicycles, surfboards, packages, boxes or crates, shall be left or allowed to stand on any of the common areas of the project, except as may be specifically permitted by the Declaration, the Bylaws or these House Rules. Articles of any kind left in any common area may be removed by the Board without notice at the owner's risk and expense.

7. Sewer Lines

Owners and tenants will not flush sanitary napkins, tampons, paper towels, dental floss or any such materials, which may clog sewer lines down toilets. The cost of cleaning lines will be charged to owners if such items are found in the lines.

8. Curtains and Drapes

Windows, if curtained or draped, are to be done so with curtain liners of a light neutral shade as approved by the Board, in conformance with aesthetics of the project.

G. BUILDING REPAIRS, MAINTENANCE AND MODIFICATIONS

1. Repairs and Maintenance

- a. Apartment Owner's Duty to Repair and Maintain. Every apartment owner from time to time and at all times shall perform promptly all repair and maintenance work within his or her apartment, the omission of which would adversely affect any common element or any other apartment. The owner shall be responsible for all loss and damage caused by his or her failure to do so.
- b. Repairs Inside Apartments to be at Owner's Expense. All repairs of internal installations within each apartment, such as plumbing and electrical fixtures, appliances, telephones, doors, lamps and other fixtures and accessories belonging to such apartment, including the wall and floor coverings, shall be at the apartment owner's expense.
- c. Repairs Affecting Common Elements. Any repairs or maintenance which may affect the common elements shall be performed by a licensed contractor, and any such repairs or maintenance must first be approved in writing by the Board or Managing Agent.

2. Modifications and Alterations

All modifications and alterations must receive prior written permission of the Board.

- a. Signs. Except as permitted by the Board, owners and tenants shall not place any signs in or on buildings or in or upon any of the common elements.
- b. Board May Require Plans and Specifications. The Board may require the presentation of plans and specifications prepared by a registered architect or engineer for the modification or alteration prior to approval.
- c. Licensed Contractors Required When Common Elements May be Affected. Any modification or alteration which may affect the common elements shall be performed by a licensed contractor approved in writing by the Board or Managing Agent.
- d. No Attachments of Objects to Exterior Without Approval. No owner or tenant, except with the continuing written consent of the Board, shall permit the attachment, hanging, projection or protrusion of any object, including garments, wiring or other devices for electrical or telephone installations, televisions, machines or other equipment or appurtenances on the exterior of the buildings or protruding through the walls, windows or roofs thereof.

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- e. Board May Require Removal of Unauthorized Work. The Board may inspect any work and may order the removal of any work which has not been approved or which may adversely affect the common elements or the exterior appearance of the project.
- f. No Roof Access. No person whatsoever (other than authorized tradesmen and technicians, and owners who have a roof lanai as a limited common element appurtenant to their apartment) shall be allowed on the roof of the project for any purpose.

3. Restrictions on Unit Alterations

- a. Construction Hours. Construction within an apartment is permitted between 7:00 a.m. and 5:00 p.m., Monday through Saturday; however, no hammering chipping or pounding may begin prior to 8:00 a.m. No construction will be permitted on Sundays or holidays.
- b. Unloading, Entry and Exit and Parking. All contractors must unload their tools, equipment and construction materials at the loading dock, then park their vehicles in assigned areas.
 - (1) The residential elevators **shall not** be used by contractors or their employees unless written permission is given by the Resident Manager or Chief of Security.
 - (2) Contractors and their employees are prohibited from roaming or loitering in the residential and common areas, unless assigned to work in the area, or unless written permission of the concerned residential owner, the Residential Manager or the Security has been obtained.

H. GENERAL RULES AND REGULATIONS

1. Registration of Occupants

Owners, tenants and other occupants shall file their name, address and phone number with the Resident Manager upon purchasing and taking occupancy of an apartment, and shall furnish the Board, Managing Agent and Resident Manager such other reasonable information as shall be requested from time to time, including make, model and license number of all personal vehicles that will be parked on the premises.

2. Access to Apartments

- a. Access. Management is not required to give access to apartments without the written permission of the apartment owner, tenant or other duly registered occupant.
- b. Lock Out Charge. There will be a lock out charge of \$30.00 during office hours and \$50.00 after normal office hours and on weekends and holidays for providing access to apartments because of lost keys.

The same charge will apply to residents with requests to security or management to open doors for vendors or contractors. The above mentioned written entry authorization form must be completed and signed and submitted with the \$30.00 or \$50.00 charge as applicable.

3. Maintenance Employees of the Association

Maintenance employees of the Association are under the direction of the Board, Managing Agent and Resident Manager. During prescribed hours of work they shall in no case be diverted to the private business or employment of any owner, tenant or guest. No maintenance employee shall be asked by an owner, tenant or guest to leave the common areas.

4. Fire and Other Emergencies

If the immediate service of the Police, Fire Department, paramedics, ambulances or doctors is required dial 911 and explain the nature of the emergency and the assistance needed, then inform security and stand by until help arrives. Do not call security first. Other emergencies, particularly such emergencies as flooding, should be brought to the immediate attention of security.

5. Marketing of Units

- a. Open House and Apartment Showings. No open house signs, cards or emblems are allowed on common area walls, entry phones or elevators.
- b. Open House Signs. No open house signs, cards or emblems are allowed on common area walls, entry phones or elevators.
- b. Indemnification Agreement. Anyone conducting an open house or showing may be required to execute an indemnification agreement.

6. General Rules

- a. Applicability of Rules. All rules and regulations specified in these House Rules are to be adhered to by everyone on the premises.

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- b. Smoking. Smoking is not permitted in any common area.
- c. Attire. Proper attire is required while in transit through the main lobby. Foot wear and cover-ups will be worn with swimwear when in the elevators and other common areas except the pool deck.

7. Swimming Pool and Jucuzzi Rules

- a. Pool Gate. State law requires that the pool gate be closed and latched at all times.
- b. Pool and Jacuzzi Hours. Use of the swimming pool and Jacuzzi is permitted only during the hours of 6:00 a.m. to 10:00 p.m. daily, except during pool maintenance. Excessive noise is not permitted.
- c. Use at Own Risk. Occupants and their guests shall use the swimming pool, Jacuzzi and other recreational facilities entirely at their own risk. The Association accepts no responsibility therefore.
- d. Guests. Guests are not permitted in the pool area or other recreational areas unless accompanied by a responsible Nauru Tower resident.
- e. Swimming Attire. Swimming is allowed only in proper swimming apparel. Hairpins, bobby pins and hair rollers can damage the pool pumps and filters and must be removed before swimming.
- f. Horse Play. Running, pushing, shoving, boisterous or loud conduct, or loud playing of radios is not permitted in any recreational area. Radios should be muted so as not to disturb other users of the facilities.
- g. Pets. Pets, except for certified guide or signal dogs assisting handicapped persons, are not allowed in the pool area at any time.
- h. Prohibited Conduct. Snorkels, diving gear, rafts, large toys, surfboards and other such equipment are not permitted in the pool or pool area. Diving is not permitted.
- i. Prohibited Items. The use of glass bottles, ceramics, chinaware or other breakable items is not permitted in the pool area. Used paper cups and plates shall be deposited in trash bins provided for that purpose.

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j. Required by Board of Health Regulations.

- (1) All persons know to be or suspected of being afflicted with infectious disease, suffering from a cough, cold, or sores, or wearing band-aids or bandages, shall be excluded from using the swimming pool or Jacuzzi.
- (2) Spitting, spouting of water, or blowing the nose in the swimming pool or Jacuzzi is strictly prohibited.
- (3) No food or drink of any kind will be permitted in the immediate area of the pool or Jacuzzi.

k. Recreation Facilities & Pool Deck Party Restrictions. Special requirements pertain to use of the pool area and other recreation facilities for parties. These include proof of adequate liability insurance and execution of a party agreement form and other obligations on the part of the party host.

No more than 50 persons may be allowed at such parties. For parties of 30 to 50 persons the host will be required to hire an off duty security guard from Nauru Tower's staff. The fee will be \$12.00 per hour, or as otherwise established by the Board, payable before the function. Reservations are required for parties of 15 or more persons.

Any resident planning to host such a party should consult with the Resident Manager well in advance of the planned party date.

8. Tennis Court

- a. Tennis court hours are between 8:00 a.m. and 10:00 p.m. Use of the court is limited to residents and their accompanied guests.
- b. Playtime is limited to one hour for singles or doubles. After one hour the players must clear the court. If no one is waiting you may play until the next players arrive, finish your set and then leave.
- c. Use the sign-up board at the court to reserve court time. Do not sign up in advance for more than one time to play. Upon completion of play, check the sign-up board, and if court time is available later in the day you may sign up again. No reservations may be made more than 24 hours in advance. The date must be placed next to your name. Sanctioned tournaments will take precedence over all other play.
- d. Proper tennis attire is recommended. Only non-marring rubber sole shoes are permitted on the court (no slippers or waffle-sole shoes).

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- e. The tennis court may be used only for playing tennis. Food and beverages are not allowed on the court. No Frisbees, bikes, roller skates or skateboards are allowed.
- f. Posted Court Rules must be observed.

9. Security Cards

- a. Extra security cards will require a refundable \$50.00 deposit per card.
- b. Replacement of lost cards will require another non-refundable deposit of \$50.00 per card. (When the new card is turned in the original \$50.00 deposit will be refunded).
- c. Broken cards will be replaced at a cost of \$10.00 per card on submission of the broken card.
- d. Do not bend or otherwise mistreat the cards. Direct heat or prolonged exposure to sunlight will damage them.

I. VIOLATIONS OF THE HOUSE RULES

1. Reporting Violations and Damage

- a. Reporting of Violations. Violations these House Rules and damages to the common elements or common areas should be promptly reported to the Board through the Resident Manager or Managing Agent. Appropriate corrective actions will be taken and enforced by the Board.
- b. Damage to Common Areas. Damages to common elements or common areas will be surveyed by the Board or Managing Agent at the direction of the Board. The cost of repair or replacement, and any legal fees incurred, may be assessed by the Board against the person or persons responsible for the damages, including but not limited to the cognizant apartment owner for damages caused directly or indirectly by his or her tenants or by such apartment owner's or tenant's family members, domestic servants or guests.

2. Violation of Any of These Rules and Regulation Shall Give the Board, the Managing Agent, or Their Agents, the following Rights:

- a. Right to Enter Apartment. The right to enter the apartment and or limited common elements 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 (whether or not caused by the apartment owner or any person for whose conduct the apartment owner may be responsible), any structure, thing or condition that may exist therein contrary to the intent and meaning of the

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provisions hereof, and the Board or the Managing Agent shall not thereby be deemed guilty in any manner of trespass.

- b. Right to Institute Legal Proceedings. To enjoin, abate or remedy by appropriate legal proceedings, either by law or in equity, the continuance of any such breach. All costs thereof, including attorney's fees, shall be borne by the defaulting apartment owner (whether caused by the apartment owner or by any person for whose conduct the apartment owner may be responsible).