

HOUSE RULES
THE WHALER ON KA'ANAPALI BEACH
COMPLIANCE WITH HOUSE RULES
Includes Approved Amendments from 9.8.12

The purpose of these House Rules is to assure The Whaler's owners, guests and employees experience the ambience of a premier-status destination resort. Derived from years of experience, our House Rules minimize annoyances while providing as much freedom of choice as possible in a community living environment. Adherence to these House Rules will enhance The Whaler's reputation as a premier property in the Kaanapali Resort, will discourage the improper use of the property, and will maximize the enjoyment of all.

These House Rules are issued and enforceable by the Board of Directors (the "Board") of the Association of Apartment Owners of The Whaler On Ka'anapali Beach (the "Association"), acting pursuant to the Declaration of Condominium Property Regime (the "Declaration") and its amendments, Bylaws, and the property lease and documents, which are recorded in Hawaii's Bureau of Conveyances.

The House Rules apply to all owners, registered guests, social guests, employees and licensees. It is the responsibility of each owner to abide by the Condominium Property Regime ("CPR"), Bylaws and House Rules. Each owner is also responsible for his or her registered guests, social guests, employees, and licensees.

The Managing Agent is responsible for enforcing the CPR, Bylaws and House Rules. If the Managing Agent determines that there has been a violation of any regulation by an owner or guest, it shall notify the owner of such violation by certified mail (return receipt requested) stating the violation and, if there has been property damage, the cost of repair. The owner shall correct such violation or pay such repair costs within thirty (30) days after receipt of the notice. If within thirty (30) days, the violation has not been corrected or loss paid, then a penalty of \$50.00 a day shall be assessed against such unit until the violation is corrected or damages paid and such penalty shall be collected as an assessment as set forth in the Bylaws.

SECTION A

APARTMENT UNITS

1. Exterior Use of Apartments.

(a) No apartment owner or occupant shall decorate or landscape any entrance, hallways, planting area or lanai appurtenant to his apartment except in accordance with standards established by the Board or specific plans approved in writing by the Managing Agent or the Board.

(b) Exterior paint colors cannot be altered. The Association can supply paint, if necessary, which will be installed by the Association, when needed, at the cost of the owner.

(c) All lanai furniture shall be white or off-white, or can be cream, beige, or a light shade of tan or taupe. All owners should check the color wheel available in the Association Office for colors that have already been approved as “acceptable” prior to ordering new lanai furniture. Straps, slings or cushions on lanai chairs or chaise lounges shall also be white or off-white, or can be cream, beige, or a light shade of tan or taupe. Other colors, whether striped, solid, or patterned on lanai chairs or chaise lounges are prohibited. Furniture, other than “lanai-type,” is specifically prohibited. This includes, but is not limited to, built-in shelving, decorative statues, electrical appliances, recreational equipment, etc. All lanai furniture should have plastic covers, boots or a smooth sliding surface on the foot of the legs to minimize scraping/scratching noises when moving furniture on the lanais.

(d) Potted plants may be placed on lanais. Porcelain or other suitable containers shall be placed under all flowerpots. Plants should not be placed where they will obstruct the view from other apartments. The watering of plants shall be accomplished in such a manner as not to create a nuisance to persons residing in adjacent or lower apartments or to persons on the ground of the premises. Proper safety precautions must be taken so plants do not fall from lanais. Hanging plants, mobiles, wind chimes, or the hanging of any other items from the lanais is specifically prohibited.

(e) Decorative holiday lighting may temporarily be added to lanai railings and holiday-theme non-electrical décor may be temporarily put on front doors during the period December 1 to January 8 only. Blinking or twinkling lights are specifically prohibited.

(f) No garments, towels, rugs or other objects shall be hung from the windows, lanais or facades of the condominium project or otherwise displayed in public view. No rugs or other objects shall be dusted or shaken from the windows or doors of any apartment or cleaned by beating or sweeping on any walkways, patios, entries or other exterior part of the condominium project.

(g) For fire safety and the comfort of all owners, no hibachi, cooker, or similar electrical or open fire device shall be used on the lanais.

(h) All window treatments viewed from the exterior of the building shall be white or off-white. This includes all draperies and blackout draperies. All sheer (transparent) draperies shall be white or off-white. All other window treatments, including blinds, shutters, and window tinting, require approval through the Renovation Review Process. Owners should check with the Association for explanation of the Renovation Review Process prior to purchase of any window treatments. All window tinting film installed must be "Huper Optic Ceramic 50 or 30 window film," or similar, to ensure the best symmetry at the Whaler: If similar is chosen, written approval must be given by the General Manager to ensure that the tint selected matches in visual appearance. Owners using a contractor must review and complete the Contractor Work Rules, attached hereto as Exhibit "D-1" and by this reference incorporated herein. Installation must be in conformity with the manufacturer's warranty.

(i) No objects or items, including lighting of any type, may be attached to the exterior walls of the building.

(j) Installation of wiring for electronic, electrical or telephone installations, machines, or other equipment or appurtenances whatsoever on the exterior of the building or protruding through the walls, windows or roof thereof requires the written approval of the Board.

(k) No apartment owner or occupant shall erect, place or maintain any television or other antennas on the condominium project visible from any point outside of an apartment,

(l) Nameplates and names shall not be placed on any exterior doors or adjacent to doorways.

(m) Thresholds, door sweeps, kick guards and doorstops may not be added to the exterior of the corridor doors. Light fixtures may not be changed or altered and doorbells may not be changed from original design. Entry doors may contain asbestos. The doors must not be drilled into, cut or planed, other than for a door knocker.

2. Interior Use of the Apartment.

(a) No apartment owner or occupant shall do any work which could jeopardize the soundness or safety of the property, reduce the value thereof, or impair any easement or hereditament.

(b) No apartment owner or occupant may add any material structure or excavate any additional basement or cellar, without in every such case the consent of seventy-five percent (75%) of the apartment owners, together with the consent of all apartment owners whose apartments or limited common elements appurtenant thereto are directly affected, being first obtained.

(c) Nonmaterial structural additions to the common elements, including, without limitation, the installation of solar energy devices, or additions to or alteration of an apartment made within such apartment, except as provided in section 2.(k), or within a limited common element appurtenant to and for the exclusive use of the apartment, shall require approval only by the Board and such percentage, number, or group of apartment owners as may be required by the Declaration or Bylaws. “Nonmaterial structural additions to the common elements”, as used in this section, means a structural addition to the common elements which does not jeopardize the soundness or safety of the property, reduce the value thereof, impair any easement or hereditament, detract from the appearance of the project, interfere with or deprive any non-consenting owner of the use or enjoyment of any part of property, or directly affect any non-consenting owner. For purposes of this section, “solar energy device” means any new identifiable facility, equipment, apparatus, or the like which makes use of solar energy for heating, cooling, or reducing the use of other types of energy dependent upon fossil fuel for its generation; provided that if the equipment sold cannot be used as a solar device without its incorporation with other equipment, it must be installed in place and ready to be made operational in order to qualify as a “solar energy device.”

(d) New outlets and switches, which require routing of common element (concrete) walls require the written approval of the Board. A schematic drawing (designation of circuit breakers, wires, conduit) must be provided to the Association and approval is required through the Renovation Review Process. Owner’s should check with the AOA Office for explanation of the Renovation Review Process prior to doing any work.

(e) Tampering with television or telephone cables is prohibited. Cable for the telephones, television and data communications must remain in conduit during any remodeling and not free-run.

(f) Fire sprinkler heads and smoke detectors are not to be tampered with or deactivated.

(g) Construction of enclosures of the air conditioning units is prohibited. Vents may not be blocked or deflected. Disconnecting the air conditioning sensors on the sliding glass and front doors in each apartment is strictly prohibited.

(h) Owners are responsible for any damage, which may come as a result of having a washer and/or dryer in their apartment. If the apartment's washer/dryer is locked up, the Association must be supplied with the key to provide ready access pursuant to the Declaration and Bylaws.

(i) Installation or relocation of plumbing, including but not limited to, washers, dryers, sinks, dishwashers, garbage disposals, showers, tubs, toilets, and common element piping and drains require written Board approval of the installation which shall be granted only after (1) the proposed plans are approved by the Association through the Renovation Review Process before submittal to governmental authorities and (2) Special Management Area and plumbing permits are obtained that are based on the proposed plans approved by the Board. Before beginning any work Owners should check with the Association for explanation of the Renovation Review Process. Installation of new venting in the bathrooms, for dryers, or for kitchen ranges and ovens requires written approval by the Board. Installation of jetted tubs must include soundproofing material designed to minimize noise and vibrations generated by the motor and pump and requires the written approval of the Board. Within ten (10) days of occupancy or completion by a contractor, owners or contractors shall schedule an inspection with the Association maintenance staff to view the location of the new plumbing shut off valves, accessories and fixtures.

(j) Additions to or alteration of an apartment made within such apartment or within a limited common element appurtenant to and for the exclusive use of the apartment, except for owners of a one bath/one bedroom units in respect to hard flooring in the area specified below, shall require written approval by the Board and such percentage, number, or group of apartment owners as may be required by the Declaration or Bylaws. Owners using a contractor must review and complete the Contractor Work Rules, attached hereto as Exhibit "D-1" and by this reference incorporated herein. Replacement of any hard flooring requires the installation of underlayment that aids in the reduction of noise/vibration transfer and requires written approval by the Board through the Renovation Review Process.

(k) One bath/one bedroom units may install hard flooring in the area extending out from the front of the leading edge of the bathroom vanity a distance approved by

the General Manager. Any other new hard flooring, such as tile or hardwood floors, extending beyond the parquet floor in the entry, kitchen, baths and storage closets, as originally designed, must include the installation of underlayment that aids in the reduction of noise/vibration transfer and requires written approval by the Board. Details of the proposed hardflooring installation, underlayment being used, and a diagram of the total area where hardflooring is being installed must be submitted to the Association for review before beginning any work. Approval is through the Renovation Review Process and owners should check with the AOAO Office for explanation of the Renovation Review Process. Before seeking written approval by the Board, units located on floors 2 through 12 shall (i) obtain the written approval of the owner(s) of the apartment units immediately below their unit and also adjacent their unit, using a form to be provided by the General Manager, and (b) deliver a fully executed consent form to the General Manager along with the Contractor Work Rules and product specifications. The form shall state that the consenting owner(s) agree to provide a true copy of the consent to any purchaser of an interest in the affected unit. The purchaser or the agent of the purchaser shall acknowledge that the installation of hard flooring has been approved by the Association.

(l) The parquet floor in the common corridors, extending under the door, must be maintained at its original finish and may not be replaced with a different material, white-washed, painted or stained darker than its natural shade.

(m) Alterations to the kitchen, bathroom and storage closet ceilings require written approval by the Board through the Renovation Review Process. New ceilings must allow for access to common area utilities. Coring through or other alteration of concrete walls and ceilings is prohibited unless approved through the Renovation Review Process. Interior walls constructed of drywall or similar materials may contain asbestos. Before undertaking any work that may involve demolition, stripping, removal, dislodging, cutting, drilling, or other disturbance of any interior wall, owners shall meet with the AOAO facilities engineer and discuss the project with him/her. If the unit owner intends to do the remodel work themselves, they shall be obligated to comply with all applicable federal and state laws, ordinances, and administrative rules and regulations in removing, transporting and disposing of any drywall materials that may contain asbestos. If a general contractor is hired by the unit owner, on request by the Association, owners shall provide the General Manager with legible copies of the contractor's license, state certification, insurance and performance bond. The owner and/or contractor may proceed with the proposed work upon receipt of a written "start work approval" signed and dated by the General Manager or his/her designee. Prior to the re-installation or relocation of a demolished wall, the owner or contractor will be required to install a UL Rated Fire Stopping Assembly in any mechanical or electrical penetrations through concrete floors and walls and make

available for the Association an inspection of the Assembly prior to closing the surface of the new wall. The owner or contractor shall certify to the Association that the Assembly complies with the UL Rating Standards. A record copy of the different types of UL Assembly's shall be given to the Association during inspection of the Assembly. The Association can install the Fire Stopping Assembly at a cost to the owner if desired. All individuals installing Fire Stopping Assembly's shall be certified installers and a record of certification must be maintained with the owner or contractor for audit purposes.

(n) No apartment owner or occupant shall allow an infestation of insects or vermin to exist. Should an apartment owner or occupant become aware of an infestation, the apartment owner or occupant shall notify the General Manager of the nature and type of infestation and the steps that the apartment owner or occupant will take to eradicate the infestation. The apartment owner or occupant shall provide regular updates to the General Manager of the response to the infestation. If the General Manager becomes aware of an infestation of which an apartment owner or occupant does not give notice, the General Manager shall have the right to enter an apartment for the purpose of determining the nature and type of infestation and for the purpose of eradicating the infestation. Costs of eradication shall be assessed to the apartment owner. Should the General Manager enter an apartment under this rule, the General Manager shall not be responsible for damages or losses of any kind unless caused by the gross negligence or willful misconduct of the General Manager.

O. Appeal Process. Owners who have been denied approval for any of the above items by the Association can request a review by the full Whaler Board. They should submit a written request to the General Manager explaining their request in as much detail as possible. The General Manager will forward the request to the president of the Board who will schedule a review to coincide with the next quarterly Board meeting.

3. Quiet Hours.

- (a) All occupants shall maintain quiet between 10:00 P.M. and 8:00 A.M.
- (b) At all times, all occupants shall avoid making noises and using musical instruments, radios, televisions, and amplifiers in such manner as may disturb other occupants.

4. Property Sales.

- (a) Any sales of property at the Whaler, whole ownership or time interval, shall be shown by appointment only.

SECTION B

COMMON AREAS

1. Soliciting. No soliciting of goods and services shall be permitted on the premises unless with the written approval of the General Manager or Board.
2. Protection and Use of Common Areas.
 - (a) All common elements shall be used only for their respective purposes as designed.
 - (b) No apartment owner or occupant shall place, store or maintain in the halls, lobbies, stairways, walkways, grounds or other common elements of similar nature any furniture, packages or objects of any kind or otherwise obstruct transit through such common elements.
 - (c) Furniture, furnishings and equipment of the common elements have been provided for safety, comfort and convenience of all owners, their registered guests, and social guests and shall not be altered, extended or removed or transferred to other areas without direction of the Managing Agent.
 - (d) Move-in and moving of large items shall be coordinated through Security and the Director of Engineering.
 - (e) No refuse, garbage or trash of any kind shall be thrown, placed or kept on any common elements outside of the disposal facilities provided for such purpose.
 - (f) Pool and beach users must shower and dry off before entering lobby area or Whaler buildings. Owners are encouraged to dust off beach sand and debris from their feet and beach equipment before entering the lobby area of the Whaler buildings.
 - (g) No golf shoes or other cleated sport shoes may be worn in any common area.
 - (h) Skateboards, roller blades and similar items shall not be used on any part of the common element.
 - (i) Headsets or earphones must be used when playing radios, cassettes and CD players in the common area.

(j) There shall be no ball playing, Frisbee throwing, drone operation or similar activities allowed on any part of the common elements, other than the tennis courts, which may be used for their designated sports purpose.

(k) Pets are allowed at the Whaler but no animals shall be permitted in the common areas at any time, except in transit when carried or on a leash. All animals shall be registered at the Front Desk.

Assistance animals can accompany a person with a disability (i.e. a physical or mental impairment that substantially limits one or more major life activities), if the assistance animal provides assistance to, performs tasks or services for the benefit of the person with a disability, or provides emotional support that alleviates one or more of the identified symptoms or effects of the person's existing disability. The Association may ask individuals who have disabilities that are not readily apparent or known to the Association to submit reliable documentation of the disability and of their disability-related need for an assistance animal. The Association can ask what work or tasks the service animal has been trained to perform. The person with the disability must be present with the assistance animal if the animal is in the common areas.

Owners shall be responsible for cleaning up any waste left by their animals. Failure to clean up waste will constitute a nuisance under the By-Laws and be subject to a fine for the owner. Owners shall control barking by their pets.. Any pet causing a nuisance or unreasonable disturbance shall be permanently removed from the property upon notice given by the Board of Directors or Managing Agent.

SECTION C

GENERAL

1. Registration. Safety, security, and identification purposes require all owners and registered guests to register at the front desk upon arrival and give any pertinent information that may be necessary in case of an emergency.
2. Keys. If any key or keys are entrusted to an employee of the Managing Agent, whether for an apartment owner or occupant's apartment or an automobile, truck or other item of personal property, the acceptance of the key shall be at the sole risk of such entrusting party and the Association shall not be liable for injury, loss or damage of any nature whatsoever, directly or indirectly resulting therefrom or connected therewith.

3. Fireworks. No fireworks of any kind are allowed on Whaler property except by special permit by the Board.

4. Apartment Locks. The Association will retain a passkey to each apartment. Locks in addition to the Timelox electronic entry lock shall be allowed on entrance doors to apartments only if key to same is provided to the Association.

5. Storage. Storage areas and wine lockers are to be used on first come first served basis. Owners will be wait listed for availability. No apartment may have use of more than one storage locker.

6. Smoking.

(a) The Whaler is a "Non-Smoking" property in accordance with Hawaii's "Smoke-Free" Law, Act 295 effective November 16, 2006. This includes "E-cigarettes" which are not allowed at the Whaler.

(b) Smoking is prohibited in enclosed or partially enclosed places open to the public. "Enclosed or partially enclosed" is defined as any area closed in by a roof or overhang and two walls and includes, but not limited to, restrooms, lobbies, lanais, interior courtyards, patios, hallways, covered walkways and other common areas.

SECTION D

PARKING

1. Use.

(a) Parking is permitted by owners, their families, tenants, social guest and licensees, with no assigned spaces.

(b) No repairs to motor vehicles are permitted on the premises. No racing of motors, etc., is permitted. Owners and registered guests may hose-wash vehicles in designated areas only.

(c) No parking is designated by red painted curbside.

(d) Loading and unloading is designated by yellow painted curbside.

(e) Other parking restrictions are as posted from time to time.

(f) Drivers must at all times maintain a safe speed so as not to endanger another person or cause property damage.

2. Valid Registration. All vehicles parked or stored in project parking areas shall be properly licensed and insured under the laws of the State of Hawaii. Any owner, tenant or guest shall be required to present adequate proof of current licensing and insurance upon the request of the Association, and failure to comply will result in the Association having the vehicle removed from the project at the owner's expense.

3. Identification Tags. Identification tags for authorized Whaler parking are available at the front desk. All vehicles must be registered at the front desk upon check-in, and issued tags with room number, owner or registered guest designated, and date of check-out. The tags must be displayed on the rear view mirror.

4.Storage. Any owner who leaves a vehicle at the Whaler and is off-island for one week or more must make a key available to the Association and permit the vehicle to be stored in the area designated by the Managing Agent from time to time.

5. Vehicles Permitted. The only types of motor vehicles permitted on the property are automobiles, motorcycles, and light trucks.

6. Vehicles Other Than Automobiles. The following rules shall apply to any vehicle other than an automobile including, but not limited to, bicycles, golf carts, mopeds, or motorcycles; provided, however, that these rules shall not be deemed to be exclusive or to modify any other existing house rules which are reasonably intended to govern the ownership, possession, or use of vehicles other than automobiles.

(a) Vehicles covered by this Section D-6 must be registered with the security office and such registration shall designate the name of the owner or user of the vehicles, the owner's or user's apartment number, and the color and make of the vehicle. In addition, a duplicate key or the combination to the lock on any vehicle covered by this Section D-6 must also be given to security. All vehicles covered by this Section D-6 must be registered or licensed as required by any applicable governmental statute, rule or ordinance.

(b) All vehicles covered by this Section D-6 must be clean, presentable, and in operable condition.

(c) No vehicles covered by this Section D-6 shall be operated or allowed on or within the project common elements except for the operation of such vehicles within the project's roadways, garage, or designated parking areas. All vehicles

covered by this Section D-6 shall only be parked in areas designated for the parking of such vehicles. Violations of these provisions may cause the vehicle to be towed or removed from Whaler property.

7. No Assigned Spaces. No person has any right to a specific parking space in the garage. Cars must have an appropriate parking permit prominently displayed whenever they are parked on property. Cars parked improperly will be fined or towed at the discretion of the association.

8. Number of Vehicles In The Event of Parking Shortages. In the event that the number of vehicles at the Whaler exceeds the number of spaces in the parking facilities, the General Manager of the Whaler shall have the authority to ask those occupying an Apartment to only park one vehicle at the Whaler's parking facilities. If the number of vehicles at the Whaler continues to exceed the number of spaces in the parking facilities, the General Manager shall have the authority to move stored vehicles to a secure location off the Whaler property.