

This past month has been a busy month with GM interviews, Bookkeeper interviews, processing everyone's last minute payments for the road assessments and lots of work on the gravel roads.

The 4th Ave paving job between Kaloli and Paradise has been completed. Civil has start on 4th between Paradise and Maku'u with grading to prepare for paving.

If you have requests for any problems on roads or easements, the proper procedure is to call or stop by the office or submit an online road maintenance request through the HPPOA website. Submittals or posts through Facebook will NOT be seen by the office.

We have heard from owners that they are having difficulty calling the office from land lines. We are aware of the issue and have opened a ticket to get it resolved. Please call us from your cell phone if this continues to occur or email the office. We are open from 7:30 – 4pm Monday to Friday.

We continue to work on the Mailbox Project. We are addressing the property deed restriction issues and have been getting bids to determine the cost estimates on the project.

Thank you everyone for your patience and support. We live in a great community that is only getting better.

HPPOA Treasurer's Report
APRIL 19, 2023

Bank Balances as of the end of March 2023:

TOTAL Checking, Savings, Investments and Bond Reserve: \$8,014,221.53.

TOTAL Accounts Receivables: \$3,838,137.15

This account balance represents unpaid road maintenance fees, lien fees, finance charges, legal fees, collection expenses and bounced check charges as well as a few transfer fees that have been billed but not paid. The Accounts Receivable balance at 03/2022 was \$3,598,232.96. The annual billing for this year was \$3,447,576.00. As of April 1st we had a total of 5,632 owners paid in full or 64%. We took in \$1,100,000 in dues in February and \$1,342,000 in March.

Allowance for Doubtful Accounts balance is: \$593,119.12 (This is a contra-asset account required by Generally Accepted Accounting Principles (GAAP) that records the estimated dollar amount of receivables which may not be collectible.)

There were approximately 47 property transfers during the month of March.

Statement Regarding Unaudited Financial Information

The unaudited financial information set forth above is preliminary and subject to adjustments and modifications. The audited financial statements and related notes are to be included in our annual report for the year ending June 30th, 2023. Adjustments and modifications to the financial statements may be identified during the course of the audit work, which could result in significant differences from this preliminary unaudited financial information.

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GM Report for April 19, 2023

ROADS:

Trash costs – 2.6 Tons of Rubbish hauled and 5 tons of scrap metal disposed of at a cost of \$334.76.

Animals – Pigs – 4,

Signs – Replaced: 4-Stop signs, 1-15 MPH sign, installed 2 Neighborhood Watch signs.

Roads Graded/Rolled – 6 Miles

17 M-P, 17 P-K, 14 M-P, 13 P-K, 13 KDE, 21 M-P,

Roads rocked/Rolled – 5.7 Miles – 2452.91 Tons of Rock

RR K-P, RR P-M, 19 KDE, 5 M-P, 14 M-P, 14 P-K

Asphalt Patch - 27 Tons

Pohaku Dr., Makuu main, 23 K-S, 33 MDE, 32 M-P, 23 S-M, 25 P-M, 26 P-K, 23 K-S, 26 P-M, 28 K-P, 28 K-2
Speed Hump repair.

Side Arm Mower is working its way back up the subdivision. Currently at 12th Ave.

CIVIL Construction has completed paving of 4th Ave, Paradise to Kaloli.

CIVIL Construction is still waiting for State/County approval to pave Pohaku Dr. CIVIL is working this out.

Personnel Items:

Part Time Landscaper/Facility Maintenance Person has been hired.

Currently interviewing for Bookkeeper and Office Admin Clerk.

Hired 2 Road Crew to complete staffing.

Equipment:

The Old Backhoe is still limping along. This will be repaired once parts are in.

We have taken delivery of the NEW Used Backhoe.

Water Truck needs a steering arm replaced. Part ordered and waiting for Mechanic to schedule it.

Blue F250 Truck in Ford Dealership Maintenance shop for repairs. This still stems from when it was stolen. Should be back by April 21.

SKAG Mower is being repaired due to spindle failure.

Cultural Preservation Committee
Update 4.19.23

The April 8 meeting was attended by a small number of people with very large interest in the preservation site. A wide variety of materials including maps and notes from all CPC meet-ups were on display in the library. This lent itself to dozens of pertinent questions and answers. Two of the attendees are Hawaiian study educators and owners in HPP. The third is also an owner with strong concern for measurable efforts being put into a first step of invasives mitigation.

At this time it is important for the CPC and interested volunteers to have access to the site for the purposes of 1) Build^{ing} an educated volunteer group whose ties to the land will allow for continued stewardship, and 2) Training volunteers in invasives mitigation and doing that work. Please grant us that access.

Sarah Kay, Cultural Preservation Committee Chair

Patricia Ruppert

WHY HRS 421J DOES NOT APPLY TO HPPOA

Under HRS Section 607-14, an association's covenant(s) must "run with the land," meaning as follows:

1. It must touch and concern the land
2. The covenanting parties must intend to run with the land
3. There must be privity of estate

HPPOA has no stated declaration, other than a court ruling, which states what covenants "touch and concern the land." And those covenants are roads – and only roads

Second, the warranty deeds, of some HPP landowners, state owners not only own their property but, roads and easements which they share. There is no language about "covenants running with the land." Nor is there any mention of Hawaiian Paradise Park Owners Association. (Refer to Hawaiian Paradise Park, Inc.)

Third, "privity of estate." HPPOA has no Declaration of Protective Covenants other than roads. Because, while HPPOA may have a 1972 charter of incorporation, which outlines the purpose and functions of Paradise Hui Hanalike (a voluntary club) not all of the voluntary club's functions ran with the land. In fact, that language does not appear in the charter of incorporation. And while the bylaws actually do incorporate this language, "running with the land," unless a court order can be produced that states, owners are obligated not only to pay for roads, but everything else HPPOA desires to do and/or fund, forcing landowners to do so, is ultra vires. *Ultra vires - B.V.Z. Vire - C.Z. Vire - C.Z.*

Referring to 421J, it does state, an association is granted "requisite authority" under a governing document (meaning, the powers to charge and assess members) but while HPPOA bylaws address this, the charter of incorporation gives HPPOA no such power or authority (roads are not even mentioned) as the charter was written for PHH, and owners who did not want to join PHH, could not be forced to do so. As such, the reference to any "donations, subscriptions, assessments, dues or otherwise," in the charter have nothing whatsoever to do with roads and would have applied to voluntary members and their interests (the activity center, the athletic field, etc.).

HPPOA is flawed, and its purposes are conflicted, which is the result of bad history and a rushed fix. To try to band aid this, by applying state law that truly does not apply would be an even bigger mistake. I respectfully ask that you read HPPOA history, research the Paradise Hui Hanalike case, and think carefully about what you are doing.

Tanya Seaver

Request in writing to be included in the minutes **per the April 19, 2023 agenda**
Owners input 4/19/2023

Aloha board of directors,

Our association is a road maintenance business correct?

Answers-

yes All

Do you know how many tons of base course it takes to cover 1 mile (5280') of roadway 24' wide at 2" thick?

NO only Jason Schilant

ANSWER-1174 tons or 783 cubic yards equivalent to 53 super dump truckloads at an average of 20 tons each

only Jason

Answers-

Do you know how much asphalt it would take to cover 20' wide at 2 & 1/2 inches thick for 1 mile of roadway (5280')

NO

ANSWER-1320 tons equivalent to 66 super dump truckloads average of 20 tons each

Answers-

Lastly do you have anyone qualified to ensure verification of quarry tags to tonnage and if so who?

NO

Mahalo for your time and answers