

**ACTIONS BY UNANIMOUS WRITTEN CONSENT  
OF THE KUAU BAYVIEW BOARD OF DIRECTORS  
January 7, 2025**

**WHEREAS**, it is deemed desirable and in the best interests of this Corporation that the following actions be taken by the Directors of this Corporation pursuant to this Unanimous Written Consent,

**NOW, THEREFORE, BE IT RESOLVED** that, pursuant to applicable law and Article IV, Section 2(d) of the Bylaws of the corporation, the undersigned, being all the Directors of this Corporation, hereby consent to, approve, and adopt the following **ACTIONS** to be ratified at the next meeting:

**01-07-2025:** To undo the following Action taken by the 2016 Board on 08-22-2016...

**08-22-2016:** To increase the rates for interest, late fees, and Association overhead on Special Assessments which were set in 1996 by A&B in Section 8 (d) and 8 (e) of the DCCRs. These rates have not been raised in 20 years. As they apply only in the rare case of egregious delinquency, effective immediately the monthly interest rate will be raised from 1% to 1.5%, the annual late fee penalty from 5% to 8%, and the one-time Association overhead from 10% to 15% of the total amount expended. The standard late fee of \$15 per month on the overdue regular assessments will remain unchanged. The late fee on Special Assessments will be \$15 per month or 8% per year, whichever is greater. (Atkins/Reeves) All in favor.

And reinstate the original rates in DCCR 8(d) and 8(e) as follows...

**DCCR 8(d) Special Assessments.** In addition to the assessments authorized above, the Board may also levy an assessment against any Owner or limited group of Owners for monies expended by the Association in performing any act, function, or duty (i) directly or indirectly caused by such Owner's or limited group's act, or failure or refusal to act, or failure to comply with this Declaration, the Articles, the Bylaws or the rules and regulations of the Association or (ii) which benefits only such Owner or group and which provide no benefit to other members of the Association as determined by the Board. Such assessment shall be in the amount so expended plus an amount to cover the Association's overhead equal to ten percent (10%) of the amount so expended (or such other amount for overhead as may be determined by the Board), and shall be due and payable to the Association within ten (10) days after the date of levy. Monies so expended shall include, without limitation, reasonable engineers', architects', attorneys', and accountants' fees incurred by the Association.

**DCCR 8(e) Interest and Late Charges.** All sums not paid when due from an Owner shall bear interest from the due date until paid in full at the rate of one percent (1%) per month, or at such other interest rate as may be set from time to time by the Board. In addition, each Owner shall be subject to a late charge of five percent (5%) of the unpaid amount if not paid within fifteen (15) days of its due date, or such other late charge as may be set from time to time by the Board. The failure by the Association to collect such interest or late charge shall not constitute a waiver of the right to do so at any time thereafter. An Owner's failure to pay assessments when due shall not constitute a default under a HUD-insured mortgage.

( Darlene Brothers / Tom Atkins ) All in favor.

**Approved by the Kua Bayview at Paia Board of Directors**

/s/ Darlene Brothers  
Darlene Brothers, President

/s/ Tom Atkins  
Tom Atkins, Secretary

/s/ Samantha Spurgeon  
Samantha Spurgeon, Treasurer

Minutes submitted by:  
*/s/ Darlene Brothers*  
Darlene Brothers, President

Approved by:  
*/s/ Tom Atkins*  
Tom Atkins, Secretary

Date: Jan 7, 2025