

WAILEA GOLF ESTATES HOMEOWNERS' ASSOCIATION  
CONSTRUCTION DEPOSIT RULE  
Restated 19 JULY 2018  
New Construction and Major Renovations

WHEREAS, The Board is concerned with compliance with the Wailea Golf Estates Homeowners' Association CC&Rs and Construction Guidelines associated with construction of improvements by an Owner:

WHEREAS, The Board is compelled to assess an Owner a Deposit at the time of new construction or major renovation for repairs to damages in the Common Areas caused by construction vehicles and equipment;

WHEREAS, Each owner, or the owner's architect on behalf of the owner, must submit to the Board concurrent with his presentation to the Master Association, at least 30 days before any construction or other work upon the owner's lot, the following items for the Board's review and approval:

Prior to commencing construction of a new building on a Lot; remodeling an existing building on a Lot; undertaking alteration to existing improvements on a Lot; or making additions or other changes to a Lot the owner shall deposit, or cause to be deposited, with the Board in the form of a cashier's check make payable to the Association the following deposits: (1) Where the estimated cost of construction is \$250,000 or less, no deposit is required; provided, however, a \$10,000 deposit will be required where the type of construction to be undertaken involves: (i) the use of heavy equipment which exceeds 10 tons in capacity or weight; (ii) the construction of a new swimming pool, the removal of a swimming pool or the remodeling of an existing pool; (iii) major landscaping projects involving the importation of soil, sod, or plantings considered to be of such a volume as might cause damage to the Common Areas and/or Designated Areas, (iv) the demolition or construction of new driveways, sidewalks, patios and decks; (v) re-roofing of a residence; and (vi) any work on a Lot which includes intrusion into the Common Areas and/or Designated Areas; provided, however, any unused balance of the \$10,000 deposit will be refunded to the owner after the Board determines, in its sole discretion, how much of the deposit is necessary, if any, to repair any damage to the Common Areas and/or Designated Areas we a result of the circumstances described in this item (1); (2) Where the estimated cost of construction is more than \$250,000 but \$500,000 or less, a deposit of \$10,000 to cover wear and tear and/or needed repairs on and to the Common Areas and/or Designated Areas resulting from the construction and the balance to be refunded to the extent the Board determines, in its sole discretion, what amount is sufficient to reimburse the Association for needed repairs on and to the Common Area and/or Designated Area resulting from the construction; and (3) Where the estimated cost of construction is more than \$500,000, a deposit of \$20,000 is required of which \$10,000 is non-refundable, and the balance of \$10,000 to be refunded to the extent the Board determines, in its sole discretion, what amount in excess of the non-refundable deposit of \$10,000 is sufficient to reimburse the Association for needed repairs on and to the Commons Areas and/or Designated Areas resulting from the construction.

WAILEA GOLF ESTATES HOMEOWNERS' ASSOCIATION  
OWNER'S DEPOSIT AGREEMENT

WAILEA GOLF ESTATES HOMEOWNERS' ASSOCIATION accepts this \$ \_\_\_\_\_  
deposit from \_\_\_\_\_, on \_\_\_\_\_,  
\_\_\_\_\_  
(Owner)  
\_\_\_\_\_, as a refundable construction deposit for the  
(Date)  
construction project located at \_\_\_\_\_,  
(Address)  
Wailea Golf Estates, Lot # \_\_\_\_\_.

- The deposit will be placed in the general fund.
- This deposit will be returned to the above named person(s) if the construction is performed in compliance with the Wailea Community Association CC&R's and Construction Guidelines and the Wailea Golf Estates Homeowners' Association CC&R's and Construction Guidelines.
- If said project results in noncompliance, reasonable time will then be afforded the Owner or Contractor to remedy the noncompliance. If, after a reasonable amount of time and notification such compliance is not achieved, Wailea Golf Estates Homeowners' Association will use funds from the construction deposit to obtain compliance.
- Owner understands that damage to the Wailea Golf Estates Common Elements or actions/inactions or violations of the CC&R's and Construction Guidelines by the owner, the owner's representative, the General Contractor, Subcontractors and their employees/tradesmen/suppliers will result in fines being levied against the construction deposit. It is the Owner's responsibility to ensure the General Contractor is aware of and enforces all the CC&R restrictions and Design Committee rules with all employees, subcontractors and tradesmen.
- Owner/Contractor must complete all work on residence and lot and have passed WCA final inspection prior to occupancy before receiving a refund of the deposit.

Agreed:

\_\_\_\_\_  
Printed Name of Owner

\_\_\_\_\_  
Daytime Phone Number

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Cell Phone Number

\_\_\_\_\_  
Email

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
Wailea Golf Estates Homeowners' Association Representative