

KAP Annual Owners Only Meeting

June 24, 2023

OWNER PROXY

_____, being an OWNER in good standing as a Class A
KAP Roadway Maintenance Association, Inc. and having recorded ownership in:

Hawai'i County Real Property Tax Map Key 75-012-

And entitled to vote at the Annual Owners Meeting of said Association, **DOES HEREBY** designate and appoint the below OWNER in good standing of the Association: (check one)

☐

(insert printed name)

☐

KAP Roadway Maintenance Association, Inc. Board of Directors

to be the PROXY of the undersigned owner to attend the June 24, 2023 Annual Owner Meeting of said Association, representing the undersigned with full power to vote and act for the undersigned in the manner and to the extent and with the same effect as if the undersigned were personally present. This proxy is sent to the owner of record and must be returned from same (owner email or address of record where sent). Adherence to process as defined in Definitions below is required. QUORUM is required.

This appointment of Proxy revokes any prior appointment of Proxy and shall be effective only for the **June 24, 2023, Owners Only Annual Meeting of the KAP Roadway Maintenance Association, Inc** and at all adjournments of said meeting. In the case of multiple owners of a lot, only one (1) vote per lot is allowed. Multiple submittals from the same TMK will be disqualified.

The Proxy shall have the full power, as a substitute of the undersigned, to represent the undersigned and vote on the items below. The Proxy shall have the authority to vote entirely at the discretion of the Proxy unless indicated otherwise below. Check one box on each line item. Should the qualified OWNER decide to be present at this meeting, this PROXY is null and void. LTR below is "long term reserves". NOTE: this list is an anticipation of items requiring a successful motion and discussion to bring to a vote.

☐ ABSTAIN ☐ YES ☐ NO Allocate funding for design and implementation of gate beautification from LTR

☐ ABSTAIN ☐ YES ☐ NO Allocate funding for design/implement/management of security cameras from LTR

☐ ABSTAIN ☐ YES ☐ NO Allocate funding for removal in-whole or in-part of installed speed bumps from LTR

☐ ABSTAIN ☐ YES ☐ NO Allocate funding for design and install gate at upper entrance to KAP from LTR

☐ ABSTAIN ☐ YES ☐ NO Transferring remaining 2022-2023 FY operating funds to LTR

☐ YES ☐ NO Increase Board of Directors seats from current 5 to max 7

☐ YES ☐ NO My proxy may submit my vote for election of Directors to the Board as they wish

OWNER Signature

Date _____

Print Owner Full Name

This proxy **MUST** be received **no later than June 20, 2023** to:

KAP Roadway Maintenance Association, Inc, P.O. Box 2383, Kailua Kona, HI 96745 or alternatively scan this page and send email to KAPROADWAYASSOC@GMAIL.COM.

Relevant Definitions as defined in

1) Conditions, Covenants, and Restrictions (CC&R's) of Ka Aina Pono Subdivision (Owners)

1.9 Owner.

"Owner" means the person or persons, including Declarant.

- (a) Who holds fee simple title to a Lot;
- (b) Who has contracted to purchase the fee simple title to a Lot, or a lease of a Lot for an original term of not less than thirty (30) years, under a recorded written agreement, in which case the seller under any such purchase agreement shall cease to be the Owner while said agreement is in effect; or
- (c) A lessee of a Lot under a recorded lease from the Owner of the fee simple title to said Lot for a term of not less than thirty (30) years, in which case the lessor under any such lease shall cease to be the Owner while said lease is in effect.

1.10 Person.

"Person" means a natural individual, corporation, partnership or any other legal entity.

1.11 Record.

"Record", "recorded", or "recordation" means, with respect to any document, the recordation or filing of such document in the Bureau Of Conveyances and/or in the Office of the Assistant Registrar of the Land Court of the State of Hawaii, as appropriate.

2) BY-LAWS of KAP ROADWAY MAINTENACE ASSOCIATION, INC.

2.1 Membership. The Association shall have two classes of membership, Class "A" and Class "B". Class A members are those who, in the Declaration, are defined as within KA AINA PONO Subdivision (Article II, 2.1). Class B members are those who, in the Declaration, are defined as having grants of easement for access and utility purposes (Article II, 2.1(a)). In the case of a Member which is not a natural person, any officer, director, partner or trust officer of such Member shall be specified by written notice to the Association on Company, Trust or legal entity letterhead to represent said Member.

2.5 Quorum. A quorum for purposes of conducting Association business at a Membership meeting and for any voting purposes is a majority (50% plus 1) of all eligible Association members.

2.7 Proxies. In the matter of a vote put before the Membership, a proxy will be prepared by the Secretary of the Board for distribution to the Membership for submittal of their individual proxy. Only this duly prepared proxy completed and returned as directed will be accepted. In the case of a Member which is not a natural person, any officer, director, partner or trust officer of such Member shall be specified by written notice to the Association on Company, Trust or legal entity letterhead prior to the deadline for submitting said proxy. If a natural person has been designated in compliance with section 2.1 of these By-laws said person will be deemed to have authorization to complete proxies on behalf of that member.