

KAP Roadway Maintenance Association, Inc.

Summary of Court Action re: delinquent payment of Annual Roadway Assessment

In the matter of delinquent payment of the roadway assessment on July 1, 2022, the Board of Directors agreed to take the matter to small claims court in lieu but reserving the option of filing a real property lien and possible foreclosure if needed. This was done after several months of the continued delinquency with no response to the offers to meet and discuss.

At hearing, March 2023, defendant requested a trial in lieu of arbitration. The trial was heard June 14, 2023.

The court found in favor of KAP Roadway Maintenance Association, Inc. as having proven their case for rightful recognition of the Association, its existence of being duly incorporated and operating with respect to articles of incorporation, by-laws, roadway rules and Ka Aina Pono CC&R's. These documents and testimony presented proved the Association right to identify classes of membership, assessment of roadway use fees to maintain the improvement, and the limited scope of maintenance being confined to the roadway easement.

Defendant has satisfied all fees, interest and principal balance as well as plaintiff awarded court costs.

Matter is CLOSED!