

Dear Reader;

July 25, 2016

My name is Dan Judson and I have served on the Kuau Bayview Home Owners Association Board (KBHOA) since February 2011. As a Board member I have served as Secretary, and for the past five years, as the Treasurer and the Vice President. I have owned the house directly across N Laelua Place from the Boucher's house since 2010, and have watched with dismay as their area facing my lot has grown progressively worse. This particular area has had no upkeep despite the fact that Bouchers have gardeners who regularly, and quite nicely, maintain the rest of the property, including the adjoining County of Maui strip along the front of their property facing Hoe St.

While I was trying to rent my house in August and September, the Boucher's property provided a very unsightly view for my prospective tenants. I noticed that someone had cleaned the gutter area along the street so I phoned Mr. Boucher in a neighborly fashion and requested that he also remove the overgrowth blocking the sidewalk from being passable. Boucher said that the KBHOA gardener should be the one to do that - he had seen her working down by Hana Hwy and wanted her to clean his place. I informed him the HOA gardener was not responsible for County of Maui areas adjoining all the lots in KB. Boucher then said that the County should do it. I informed him that each property owner is responsible for maintaining the County of Maui property adjoining their land. Boucher said that I was not correct about that, and that he had an attorney he would be contacting about this. I informed him the Board was going to look at his situation, and would then inform him of their decision. The conversation ended with no indication from Mr. Boucher that he would be willing to maintain that part of his property.

I called the KBHOA Board's Assistant and landscaper, Darlene Brothers, to see if she could take some photos, and then present this issue to the Board. There had also been complaints from other owners because of their loss of access along that sidewalk adjoining the Bouchers' lot. The KBHOA Board unanimously agreed that these violations were significant and that the HOA needed to take action. The Board emailed the Bouchers a 30 day notice September 4, 2015, asking them to clean up their area within 2 weeks. Failure for them to do so after 30 days would result in their violations being remedied by the HOA, and that the Bouchers would be fined and charged for the cleanup costs.

After the deadline for the Bouchers' compliance had passed with no word from them, the Board asked HOA gardener Darlene Brothers to do the work. She initially tried to hire another gardener as she was not looking forward to working anywhere near the Bouchers' property. That gardener said he was too busy to take on any more work, but he gave her an estimate of \$520. The Bouchers were charged only \$449.22 by the KBHOA for the removal of their extensive overgrowth along N Laelua Place.

The Board had received no response from the Bouchers until I received the attached Certified Letter on October 17, 2015. Further, the Bouchers have initiated a TRO legal action against the KBHOA gardener Darlene Brothers who acted on behalf of the Board to clean up the area adjoining their sidewalk. Fellow KBHOA Board members and I plan on attending the court hearing on November 2, 2015, to clarify what role Darlene Brothers played in the clean-up process, and to represent the owners of Kuau Bayview.

Should you have any questions, please contact me at [REDACTED].

Thank you,

Dan Judson

Dan Judson
P.O. Box [REDACTED]
Makawae, [HI 96708](http://www.hawaii.gov/dhs/)

Dear Mr. Judson,

10/14/2015

After our phone conversation at the first of September, 2015, I was in the process of obtaining a bid to cut back the vegetation in question, along the side of our [45 Hoe St.](#)

residence, when we had family business on the mainland and were not in possession of our "home computer" which has all of our business contained within. We have not received ANY type of notification regarding the shrub removal, and if the Legal Process was followed correctly, we would have a Certified Letter to indicate any KUAU BAYVIEW violation. The courts have not as yet, made EMAILS a Legal notification, in regards to such violations. Statute 12.02.040 states that any violator must be notified by "Certified Mail"! As you must know, all associations must follow strict guidelines when levying any type of fines due, from HOA regulations and rules. A hearing must also be set up so both parties can present their Case.

As far as County Violations, we, once again, have received NO Notification of Complaint as pursuant to MAUI County Ordinance 10.52.200 (Obstruction of Intersection).

We have several photos to show that the STOP sign was not visually obstructed, and the removal of our entire landscape was totally UNNECESSARY. We had nice snow bushes in that area, along with the County Planted Trees, that I had just trimmed and removed the small fruits of.

In summation, we disagree with any fines or penalties that are requested by Darlene Brothers for the Kuau Bayview Ass.

Our attorney is prepared to move forward with this matter,
in the event that we cannot come to a compromise.

Sincerely,



Bruce & Susan Boucher (Lot 35 owners)

P.O. Box [REDACTED]

Paia, HI 96779

P.S. Please send us copies of all of the WRITTEN complaints
that were made in regards to our shrubs, that the Association
received prior to a notification being sent out.

