

## **Common Hedge Agreement Instructions:**

Homeowner 1 “First Party” fill in names. If spouses both need to have first and last names. i.e. NO Joseph and Jill Smith – YES Joseph Smith and Jill Smith. Complete address information.

Homeowner 2: “Second Party” fill in names. If spouses both need to have first and last names. i.e. NO Joseph and Jill Smith – YES Joseph Smith and Jill Smith. Complete address information.

TMKs for each property

If you are including an Exhibit “A” please attach to document.

### **DO NOT SIGN THE DOCUMENT UNLESS IN FRONT OF A NOTARY PUBLIC**

“First Party” Sign your name as it appears on page 1. Print name exactly as it appears below signature. Have it notarized.

“Second Party” Sign your name as it appears on page 1. Print name exactly as it appears below signature. Have it notarized.

Return document to the Princeville at Hanalei Community Association (PHCA) office to have the document signed by the President.

Once the document is complete, the PHCA will submit it to the Bureau of Conveyances for recording.

Owners will receive a digital copy once the recorded document is returned to the PHCA office. Please note, it may take 4-8 months for the document to be received by the PHCA.

PHCA does have a Notary Public available. Call 808-826-6687 to make an appointment.

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AFTER RECORDATION, RETURN BY MAIL

This document contains \_\_\_\_ pages

PRINCEVILLE AT HANAIEI COMMUNITY ASSOCIATION  
P. O. BOX 223277  
PRINCEVILLE, HI 96722-3277

**AGREEMENT PERTAINING TO HEDGE BETWEEN ADJOINING PROPERTIES**

THIS AGREEMENT, made and entered into as of the \_\_\_\_ of \_\_\_\_\_  
20\_\_\_\_, by and among \_\_\_\_\_, whose residence and  
mailing address is \_\_\_\_\_ hereinafter called  
FIRST PARTY, and \_\_\_\_\_, whose  
residence and mailing address is \_\_\_\_\_,  
hereinafter called SECOND PARTY, and PRINCEVILLE AT HANAIEI COMMUNITY  
ASSOCIATION, a Hawaii non-profit corporation, whose principal place of business and mailing  
addresses are Princeville, Hanalei, Kauai, Hawaii and P. O. Box 223277, Princeville, Hawaii  
96722, hereinafter called ASSOCIATION.

**WITNESSETH**

WHEREAS, FIRST PARTY are all of the owners of the date hereof of certain real  
property situate in Princeville, County of Kauai, State of Hawaii, more particularly designated as

Kauai Tax Map Key No.: \_\_\_\_\_; and

WHEREAS, SECOND PARTY are all of the owners of the date hereof of certain real property situate in Princeville, County of Kauai, State of Hawaii, more particularly designated as Kauai Tax Map Key No.: \_\_\_\_\_; and

WHEREAS, the above described real property is adjoining; and

WHEREAS, both of the above described real properties are subject to and governed by those certain restrictions, covenants and conditions set forth in the Declaration of Restrictions, Covenants and Conditions (Declaration) dated March 1, 1971 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 7444 at Page 93; and

WHEREAS, FIRST PARTY and SECOND PARTY acknowledge that the restrictions, covenants and conditions of the said Declaration may be enforced by the ASSOCIATION.

NOW, THEREFORE, it is agreed by the parties hereto as follows:

1. Subject to the setback restrictions, height limits and other provisions established in the Declaration or the Rules of the Community Design Committee thereunder, a hedge along the common property lines between the real properties herein described shall be deemed allowed pursuant to the provisions of the Declaration.
2. The provisions herein contained shall run with the real properties herein described and shall be binding upon the undersigned and any successors or assigns of any of the undersigned for so long as the provisions of the Declaration shall remain in force and effect.
3. This agreement shall be recorded at the cost of the FIRST PARTY and SECOND PARTY with the Bureau of Conveyances of the State of Hawaii.

4. See Exhibit "A" if attached for information regarding types of plantings and maintenance responsibilities once installed.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands as of the day and year first above written.

FIRST PARTY:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

SECOND PARTY:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

PRINCEVILLE AT HANALEI COMMUNITY ASSOCIATION:

BY \_\_\_\_\_  
Its President, Patricia Thiele

STATE OF \_\_\_\_\_)  
: SS  
COUNTY OF \_\_\_\_\_)

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me personally  
appeared \_\_\_\_\_, to me known to be the person described in and  
who executed the, and acknowledged that \_\_\_\_\_ executed the same as  
\_\_\_\_\_ free act and deed.

\_\_\_\_\_  
Notary Public, State of

\_\_\_\_\_  
My Commission Expires:

STATE OF \_\_\_\_\_)  
: SS  
COUNTY OF \_\_\_\_\_)

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me personally  
appeared \_\_\_\_\_, to me known to be the person described in and  
who executed the foregoing instrument, and acknowledged that \_\_\_\_\_ executed the same as  
\_\_\_\_\_ free act and deed.

\_\_\_\_\_  
Notary Public, State of

\_\_\_\_\_  
My Commission Expires:

STATE OF \_\_\_\_\_)  
: SS  
COUNTY OF \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally  
appeared \_\_\_\_\_, to me known to be the person described in and  
who executed the foregoing instrument, and acknowledged that \_\_\_\_\_ executed the same as  
\_\_\_\_\_ free act and deed.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

\_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

STATE OF \_\_\_\_\_)  
: SS  
COUNTY OF \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally  
appeared \_\_\_\_\_, to me known to be the person described in and  
who executed the foregoing instrument, and acknowledged that \_\_\_\_\_ executed the same as  
\_\_\_\_\_ free act and deed.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

\_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

STATE OF HAWAII    )  
                                      : SS  
COUNTY OF KAUAI    )

FIFTH CIRCUIT

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me appeared  
Patricia Thiele, to me personally known, who, being by me duly  
sworn, did say that she is the President of PRINCEVILLE AT HANAIEI  
COMMUNITY ASSOCIATION, a Hawaii non-profit corporation, and that the seal  
affixed to the Agreement Pertaining to Hedge Between Adjoining Properties with \_\_\_\_ pages,  
dated \_\_\_\_\_ is the corporate seal of the corporation, and that the  
instrument was signed and sealed in behalf of PRINCEVILLE AT HANAIEI  
COMMUNITY ASSOCIATION by authority of its Board of Directors, and  
she acknowledged the instrument to be the free act and deed of the corporation.

\_\_\_\_\_  
**April McGinnis** Notary Public, State of Hawaii

My commission expires: 03/04/2027