



STATE OF HAWAII

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

In the Matter of the Incorporation )  
 )  
 of )  
 )  
 Kanehoa Community Association, Inc. )  
 )

PETITION FOR CHARTER OF INCORPORATION

TO THE DIRECTOR OF COMMERCE AND CONSUMER AFFAIRS OF THE STATE OF HAWAII:

The undersigned, a majority of whom are residents of the State of Hawaii, hereby petition, under the provisions of Section 416-19 and 416-20, Hawaii Revised Statutes, for a charter of incorporation for themselves and their associates as a non-profit corporation under the name of Kanehoa Community Association, Inc. and incorporate by reference in this Petition the accompanying Charter of Incorporation wherein are set forth various matters required under Section 416-20 aforesaid.

DATED at Kamuela, Hawaii, this 3rd day of June, 1985.

Melvin B. Hewett  
Melvin B. Hewett

David Levenson  
David Levenson

Erwin Baldwin  
Erwin Baldwin

Richard P. Schulze, Jr.  
Richard P. Schulze, Jr.

*JHP*  
*EB*

STATE OF HAWAII )  
 ) SS.  
COUNTY OF HAWAII )

MELVIN B. HEWETT being first duly sworn on oath, deposes and says that he is one of the petitioners above named, that he has read the foregoing Petition and attached proposed Charter of Incorporation and knows the contents thereof; and that the matters and statements therein set forth are true to the best of his knowledge and belief.

Melvin B. Hewett  
Melvin B. Hewett

Subscribed and sworn to before me  
this 3<sup>rd</sup> day of June, 1985.

Barbara J. Day  
Notary Public, State of Hawaii

My commission expires: 3/18/86

STATE OF HAWAII )  
 ) SS.  
COUNTY OF HAWAII )

DAVID LEVENSON, being first duly sworn on oath, deposes and says that he is one of the petitioners above named, that he has read the foregoing Petition and attached proposed Charter of Incorporation and knows the contents thereof; and that the matters and statements therein set forth are true to the best of his knowledge and belief.

David Levenson  
David Levenson

Subscribed and sworn to before me  
this 3<sup>rd</sup> day of June, 1985.

Barbara J. Day  
Notary Public, State of Hawaii

My commission expires: 3/18/86

STATE OF HAWAII )  
 ) SS.  
COUNTY OF HAWAII )

ERWIN BALDWIN, being first duly sworn on oath, deposes and says that he is one of the petitioners above named, that he has read the foregoing Petition and attached proposed Charter of Incorporation and knows the contents thereof; and that the matters and statements therein set forth are true to the best of his knowledge and belief.

JINP 3/2

Erwin Baldwin  
Erwin Baldwin

JINP 3/2

Subscribed and sworn to before me  
this 4 day of June, 1985.

Pinky P. Shaw  
Notary Public, State of Hawaii

My commission expires: 6-29-85

STATE OF HAWAII )  
 ) SS.  
COUNTY OF HAWAII )

RICHARD P. SCHULZE, JR., being first duly sworn on oath, deposes and says that he is one of the petitioners above named, that he has read the foregoing Petition and attached proposed Charter of Incorporation and knows the contents thereof; and that the matters and statements therein set forth are true to the best of his knowledge and belief.

Richard P. Schulze, Jr.  
Richard P. Schulze, Jr.

Subscribed and sworn to before me  
this 30<sup>th</sup> day of May, 1985.

Barbara J. Day  
Notary Public, State of Hawaii

My commission expires: 3/15/86

STATE OF HAWAII

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

In the Matter of the Incorporation        )  
   )  
   of                                        )  
   )  
 Kanehoa Community Association, Inc.        )  
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CHARTER OF INCORPORATION

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, the undersigned Director of Commerce and Consumer Affairs of the State of Hawaii, send Greeting:

WHEREAS, MELVIN B. HEWETT, DAVID LEVENSON, IRWIN BALDWIN AND RICHARD P. SCHULZE, JR., a majority of whom are residents of the State of Hawaii, have filed with me as Director of Commerce and Consumer Affairs a verified Petition to grant to them and their associates a Charter of Incorporation as a non-profit corporation, in accordance with the provisions of Section 416-20, Hawaii Revised Statutes;

NOW, THEREFORE, KNOW YE, That I, the said Director, in the exercise and execution of every power and authority in anywise enabling me in this behalf, do hereby constitute the said petitioners and their associates a corporation under the laws of the State of Hawaii for the purposes and in the form hereinafter set forth.

I

The name of the corporation shall be: Kanehoa Community Association, Inc.

II

The location of the principal office of the corporation shall be Kamuela, County and State of Hawaii, and the specific address of its initial office shall be P.O. Box 1238, Kamuela, Hawaii 96743.

III

The purposes for which the corporation is organized are:

1. To own, have jurisdiction over and maintain, replace and repair the subdivision roads and right of way serving the parcels in the subdivision and to provide coverage to members for any liability from matters pertaining to the corporation's activities, and generally to serve as a community association for those parcels of land presently designated as Kanehoa, being parcels 1 through 26, consisting of 150 acres more or less, of TMK 6-2-1-72, third taxation division, Island, County and State of Hawaii. The corporation shall not engage in activities directed to maintenance of private residences or to services for individual members or other persons.

2. To carry on any other lawful activities whatsoever which are consistent with the provisions of the corporation's Charter of Incorporation which may seem to the corporation capable of being carried on in connection with the foregoing

purposes and powers, and which are calculated directly or indirectly to promote the interests of the corporation and the owners of the real property concerned.

IV

The duration of the corporation shall be perpetual.

V

There shall be a Board of Directors consisting of not less than three nor more than twenty-five Directors and the initial Board of Directors shall consist of four. The following persons shall be the initial officers and Directors, and shall hold office for the first year or until their successors are duly elected pursuant to the By-Laws of the corporation:

<u>Office Held</u>	<u>Name</u>	<u>Residence Address</u>
President, Director	Melvin B. Hewett	P.O. Box 1238 Kamuela, Hawaii 96743
Vice-President, Director	David Levenson	P.O. Box 1519 Kamuela, Hawaii 96743
Secretary Treasurer, Director	Erwin Baldwin	P.O. Box 238 Honokaa, Hawaii 96727
Director	Richard P. Schulze, Jr.	P.O. Box 795 Kamuela, Hawaii 96743

VI

In the furtherance of the foregoing purposes, the corporation shall have and exercise any and all powers, rights, privileges and immunities which are now or may hereafter be secured by the laws of the State of Hawaii.

## VII

The corporation is organized exclusively as a community association pursuant to Sections 501(c)(4) or 528 of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law).

## VIII

No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to, its members, trustees, directors, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article Third hereof. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under Sections 501(c)(4) or 528 of the Internal Revenue Code of 1954 (or corresponding provision of any future United States Internal Revenue Law) or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1954 (or corresponding provision of any future

United States Internal Revenue Law).

IX

Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at the time qualify as an exempt organization or organizations under Sections 501(c)(4) or 528 of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law), as the Board of Directors shall determine. Any such assets not so disposed of shall be disposed of by the Circuit Court of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

X

A specific purpose of the corporation is to promote racial tolerance and understanding. The corporation will not discriminate against any person on the basis of race, religious preference, gender, age or disability.




XI

This Charter may be amended by the vote of not less than three-fourths of the members of the corporation, in writing or at a meeting duly called and held for that purpose.

XII

The corporation is not organized for profit, it will not issue any stock, and no part of its assets, income, or earnings shall be distributed to its members, trustees, directors, or officers.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the Department of Commerce and Consumer Affairs, at Honolulu, Hawaii this 6th day of June, 1985.



*Russel S. Nagata*

DIRECTOR OF COMMERCE AND  
CONSUMER AFFAIRS

*Russel H. Yamashita*

CORPORATION & SECURITIES  
ADMINISTRATOR