

**NA PALI PROPERTIES, INC.**

P. O. BOX 475, HANAIEI, HI 96714

(808) 825-7272 OFFICE

(808) 825-7665 FAX

**FACSIMILE TRANSMITTAL SHEET**

TO:	Vill Baliscan	FROM:	Jane F. Abramo, Principal Broker
COMPANY:	Planning Department	DATE:	MAY 23, 2011
FAX NUMBER:	241-6699	TOTAL NO. OF PAGES INCLUDING COVER:	One
RE:	TVNC-4235	CC:	
Notes/Comments:			

Aloha,

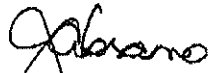
The purpose of this fax is to let you know that Na Pali Properties, Inc. is now in receipt of your Zoning Compliance Notice sent to Jon Evans, in regards to 7321 Alamo Road, Hanalei District.

We are the property managers for Mr. Evans, and we're the ones who facilitated his TVR application. Mr. Evans has suffered with ill health lately, and his wife only discovered the notice today. She immediately forwarded it to our office.

Please be advised that we are in contact with a local contract, Roger DeCamp, to assess the situation, address your concerns, obtain the necessary permits, and/or make the necessary modifications to the property. A full response to your notice will be provided within the next 10 days to 2 weeks.

Thank you in advance for your patience.

Aloha and Best Regards,



Jane F. Abramo, REALTOR®

Bernard P. Carvalho, Jr.  
Mayor



Michael A. Dahilig  
Director of Planning

COPY

Gary K. Heu  
Managing Director

Dee M. Crowell  
Deputy Director of Planning

**PLANNING DEPARTMENT**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite A-473, Lihue, Hawai'i 96766  
TEL (808) 241-4050 FAX (808) 241-6699

CERTIFIED

April 18, 2011

Jon Evans  
4988 Emmalani Dr  
Princeville HI 96722

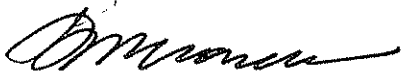
SUBJECT: Issuance of NCU Certificate # **TVNC-4235**  
Tax Map Key: 5-8-008:045, 7321 Alamo'o Rd., Ha'ena, Kaua'i  
Jon Evans, applicant

After review of your transient vacation rental Non-Conforming Use application, conditional approval is hereby granted. The certificate number is referenced above, and must be reflected in your outdoor sign as required by Sec. 8-17.8 (b) (3). This Non-Conforming Use certificate is approved pursuant to the following conditions:

1. This certificate is not evidence of compliance with any and all pertinent zoning and use regulations of the County of Kauai;
2. This certificate does not vest any rights for any subsequent annual renewal of the certificate or inspection of the property by the Planning Department and/or any other government agency as may be necessary;
3. The owner or lessee who has obtained a non-conforming use certificate under this section shall apply to renew the NCU certificate annually on the date of issuance of the NCU certification. Application Forms can be found online at [www.kauai.gov](http://www.kauai.gov).
4. Any subsequent use, development, repair and/or improvement on the property requires Planning Department review and approval prior to such occurring.
5. Prior to renewal of this certificate, applicant/owner shall provide documentation from the County of Kaua'i, Department of Public Works, Engineering Section to the Planning Department that the proposed use/structure complies with the applicable flood standards/requirements.
6. This approval for the use of the Transient Vacation Rental is being permitted at this time; *however*, there are other CZO violations on the property or structure not necessarily connected to the TVR use (see enclosed Zoning Compliance Notice dated April 18, 2011). The remedy of any violation(s) must be **completed** prior to any consideration for renewal of this certificate.

The property and operation is subject to the applicable provisions of Section 8-17 of the Kauai County Code, in particular those provisions adopted by ordinance No. 864, 876 and/or 904. Section 8-17.11 (a) also states the following: "Violations of conditions of approval or providing false or misleading information on the application or in any information relating thereto at any time during the application process shall be grounds for revocation or cease and desist orders."

Should there be any questions relative to the above, please call inspector Vill Balisacan of my staff at 241-4050.

A handwritten signature in black ink, appearing to read "Dee M. Crowell", with a stylized, flowing script.

DEE M. CROWELL  
Deputy Director of Planning

w/enclosure

**Bernard P. Carvalho, Jr.**  
Mayor



**Michael A. Dahilig**  
Director of Planning

**Gary K. Heu**  
Managing Director

**Dee M. Crowell**  
Deputy Director of Planning

**PLANNING DEPARTMENT**  
**County of Kaua'i, State of Hawai'i**  
4444 Rice Street, Suite A-473, Lihu'e, Hawai'i 96766  
TEL (808) 241-4050 FAX (808) 241-6699

## **ZONING COMPLIANCE NOTICE**

**CERTIFIED**

**April 18, 2011**

**Jon Evans**  
**4988 Emmalani Dr**  
**Princeville HI 96722**

**SUBJECT: Violations on TMK: (4) 5-8-008:045, TVNC-4235**  
**7321 Alamo'o Rd, Kauai, Hawai'i, Hanalei District**

Upon further review of your application for a Non-Conforming Use Certificate to continue Transient Vacation Rental operations, the Planning Department conducted a routine field inspection of the subject property on **February 9, 2011** and found the following violations of the zoning code:

**Article 19. Zoning permits Sec.8-19.1 When Required.** No person shall undertake any construction or development or carry on any activity or use, for which a zoning permit is required by this Chapter, or obtain a building permit for construction, development, activity or use regulated by this Chapter, without first obtaining the required zoning permit.

- a. Additions/Alterations of existing Rec. Rm. with exterior enclosure and interior partitions with a Living Room, Bedroom and a Bathroom.**
- b. The change of use (Rec. Rm to Habitable space) without proper permits, constitutes a violation.**

Pursuant to Chapter 8, Kauai County Code, you are directed to comply with the following requirements immediately:

- a. Submit plans and applications for the Construction and Additions of the exterior enclosure and interior partitions along with filing fees for review.**

*An Equal Opportunity Employer*

- b. Cease and desist the use of the Habitable area on lower level.**
- c. All Additions and Construction not provided and approved by the Planning Department shall removed.**

Failure to contact the Planning Department in **writing** within **15** calendar days upon receipt of this letter to provide an acceptable plan for compliance provides us with no other alternative but to issue a Notice of Violation and pursue litigation. Please call me at 241-4050.

A handwritten signature in black ink, consisting of several sharp, diagonal strokes followed by a long, sweeping horizontal line.

Vill Balisacan  
TVR Inspector

cc: County Attorney  
Prosecuting Attorney  
Office of the Mayor  
Dept. of Health  
Dept. of Public Works, Building Division  
Dept. of Public Works, Engineering

# NCU checklist

TVR #

TVNc 4235

TMK

5-9-008:045

checked by:

BAM

SLUD

U

app.

*in response to application*

TMK	/
SLUD	/
CofK Zoning	/
GP	/
Contact	/

attached

Affidavid	/
TAT	/
GE	/
Log / List	/
Stamped Plans	/
Safety and Comfort	/

additional

flood check	VE 2/24
CD	

AG

SP Permit	
-----------	--

TVNc 1341 Penized Multi Fam. 2 pweu 11/6  
UPPER & LOWER FLOOR

**Bernard P. Carvalho, Jr.**  
Mayor



**Michael A. Dahilig**  
Director of Planning

**COPY**

**Gary K. Heu**  
Managing Director

**Dee M. Crowell**  
Deputy Director of Planning

**PLANNING DEPARTMENT  
COUNTY OF KAUAI, STATE OF HAWAII**

4444 Rice Street  
Kapule Building, Suite A-473  
Lihue, Hawaii 96766-1326  
TEL (808) 241-4050 FAX (808) 241-6699

**CERTIFIED**

**January 7, 2011**

**Jon K. Evans**  
4988 Emmalani Dr  
Princeville HI 96722

**SUBJECT: Action Required to Complete TVR Registration and NCU Form  
TMK: 4/ 5-8-008:045, TVNC-4235**

This acknowledges receipt of your TVR Registration and NCU Form. This correspondence shall serve as a clarification of the requirements necessary to complete the TVR Registration and NCU Form, pursuant to ORDINANCE NO. 904 of the Kauai County Code.

- a. Information entitled "For the Safety and Comfort of You and Your Neighbors."**  
Section 8-17.8 Single-Family Transient Vacation Rentals (b) (3) The applicant shall provide a list of requirements and information entitled "For the Safety and Comfort of You and Your Neighbors." This shall provide essential information to the visitor and shall seek to reduce negative impacts on the surrounding neighborhood. This information piece shall be provided to the Planning Department at time of application and shall be posted in a conspicuous place in the guest's sleeping quarters along with a copy of the Nonconforming Use Certificate or the Registration Number, whichever the case may be and if required. The list shall include, but not be limited to, suggested curfews, guidance with respect to the character of the neighborhood and gatherings and noise, and what to do in cases of emergency and natural disaster.
- b. A signed and stamped as built plot, floor, elevation and section drawings by a licensed architect or engineer showing the property as it exists today and showing registration and contact sign location as required on "TVR Registration and NCU Form."**  
Section 8-17.10 Nonconforming Use Certificates for Single-Family Vacation Rentals (a) The purpose of this section is to provide a process to identify and register those single-family transient vacation rentals as nonconforming uses which have been in lawful use prior to the effective date of this ordinance and to allow them to continue subject to obtaining a nonconforming use certificate as provided by this section.

- c. **A sworn affidavit and demonstrates to the satisfaction of the Planning Director that a dwelling unit was being used as a vacation rental on an ongoing basis prior to March 7, 2008.**

Section 8-17.10 Nonconforming Use Certificates for Single-Family Vacation Rentals (c) No nonconforming use certificate shall be issued by the Planning Director unless the use as a single-family rental is a legal use under the Comprehensive Zoning Ordinance, and the applicant provides a sworn affidavit and demonstrates to the satisfaction of the Planning Director that a dwelling unit was being used as a vacation rental on an ongoing basis prior to March 7, 2008.

- d. **An updated proof of actual payment of a State of Hawai'i General excise tax license and transient accommodations tax license.**

Section 8-17.10 Nonconforming Use Certificates for Single-Family Vacation Rentals

(c) (1) The applicant had a State of Hawai'i General excise tax license and transient accommodations tax license for the purpose of the lawful operation of single-family transient vacation rentals for a period long enough to demonstrate actual payment of taxes.

(e) The owner, operator, or proprietor shall have the burden of proof in establishing that the use is properly nonconforming based on the following documentation which shall be provided to the Planning Director as evidence of a nonconforming use: records of occupancy and tax documents, including all relevant State of Hawai'i general excise tax filings, all relevant transient accommodations tax filings, federal and/or State of Hawai'i income tax returns for the relevant time period...

- e. **Reservation lists, and receipts showing payment along with any other reliable information or proof of a nonconforming use which has been in lawful use prior to March 7, 2008.**

Section 8-17.10 Nonconforming Use Certificates for Single-Family Vacation Rentals

(c) (2) That prior to the effective date of this ordinance, applicant had deposits for reservations by transient guests in exchange for compensation for use of subject property as a vacation rental.

(c) (3) That applicant had transient guests occupy subject property in exchange for compensation prior to the effective date of this ordinance, with a pattern of consistency that evidences an ongoing and lawful enterprise.

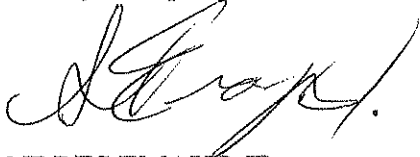
(e) The owner, operator, or proprietor shall have the burden of proof in establishing that the use is properly nonconforming based on the following documentation which shall be provided to the Planning Director as evidence of a nonconforming use: ...reservation lists, and receipts showing payment. Other reliable information may also be provided...



January 7, 2011  
Jon K. Evans

Please provide all the above information within 30 calendar days upon receipt of this letter. The Nonconforming Use Certificate will be on hold until the application has been completed and verified by the Planning Department. Failure to provide the requested information for the completion of your application will constitute "no action" on the submitted TVR Registration and NCU Form. To continue processing your application after this date, Section 8-17.10(d) of Ordinance No. 904 may then be applied.

Should you require further information or explanation, please call me at 808-241-4050.

A handwritten signature in black ink, appearing to read 'A. Emayo Jr.', with a stylized flourish at the end.

ANDRES EMAYO JR.  
Planning Inspector

# TVR REGISTRATION AND NCU FORM

COUNTY OF KAUAI  
FINANCE DEPARTMENT  
REAL PROPERTY DIVISION 808-241-4224  
PLANNING DEPARTMENT 808-241-6677

APPLICANT Jon K. Evans  
ADDRESS 4988 Emmalan Dr.  
Princeville, HI. 96722

PHONE NO. 808 -

APPLICANT IS: (ch)  
☒ Owner of Prop  
☐ Lessee of Prop  
☐ Leased For  
☐ Authorized Ag  
☐ Authorization  
☐ Proprietor of

NOTE: \*Lessee must have an unexpired  
and recorded lease of five (5) years  
or more from date of filing this  
application.

Sign: \_\_\_\_\_  
Print: \_\_\_\_\_

## Party Info

Tax Map Key 4-5-8-8-45 Lot. No. 22 # of Buildings on CPR or Lot \_\_\_\_\_  
Zoning - SLUD \_\_\_\_\_ General Plan \_\_\_\_\_ County \_\_\_\_\_

## Establishment Info

Establishment name and Address Hale Hoku  
7321 Alamo'o Rd. Hanalei  
Description of Operation (no. of rooms, no. of units etc.)  
3 bedroom - 3 bath single family residence  
G.E. License # W30540918-01 TAT License # W30540918-01  
24 Hour Contact Info No Pali Properties, Inc. 808-826-7272  
Date TVR Use Started 1/1/2004 Date Building Permitted/Constructed 12/17/1980  
Attachments provided \_\_\_\_\_ To be initialed by PD staff \_\_\_\_\_  
Copy or verification of GE License \_\_\_\_\_  
Copy or verification of TAT License \_\_\_\_\_  
Copy of "For the Safety and Comfort of You and Your Neighbors" \_\_\_\_\_  
Application Fee of \$1500 if application is not complete by \_\_\_\_\_  
Sworn provided affidavit relative to 8-17.10-(c) \_\_\_\_\_

## COUNTY OF KAUAI PLANNING DEPARTMENT

### Inspections

To be initialed by Planning Dept. Staff \_\_\_\_\_  
The subject property has no violations \_\_\_\_\_  
The subject property was inspected on \_\_\_\_\_  
The property has the following violations \_\_\_\_\_  
The activity proposed in  
this permit shall be  
subject to inspection by  
the Planning Department,  
County of Kauai to  
ascertain compliance with  
the provisions of Ordinance  
164, as amended, and or  
other laws which are  
enforced by the Planning  
Department

To be initialed by Planning Dept. Staff \_\_\_\_\_

The subject property does not qualify for single family vacation rental uses.

The subject operation is (check which applies):

☒ A Single Family  
Vacation Rental  
outside the VDA

In addition to General  
Info, Provide the  
following:

☒ Signed and Stamped  
As Built plot, floor,  
elevation and section  
drawings by a licensed  
architect or engineer  
showing the property  
as it exists today and  
showing registration  
and contact sign  
location.

Verification of  
operation prior to  
March 7<sup>th</sup>, 2008

To be initialed by  
Planning Dept. Staff  
Applicant meets  
definition criteria  
per CZO

The subject  
property is not within  
the Visitor  
Destination Area but  
qualifies for and is  
issued a Non-  
Conforming Use  
Certificate on \_\_\_\_\_

A Single Family  
Transient Vacation  
Rental operating on a  
property or dwelling  
on the State or  
National Historic  
Register

Provide the following:  
Use permit  
approved by the  
Planning Commission or  
Director as applicable

To be initialed by  
Planning Dept. Staff

The subject  
property qualifies for  
the historic exemption  
and has a use permit  
for the operation

The application will not be deemed  
complete and accepted until you  
have been notified in writing

☐ Single Family  
Vacation Rental in the  
VDA

In addition to General  
Info, Provide the  
following:

☐ Signed and Stamped  
As Built plot, floor,  
elevation and section  
drawings by a licensed  
architect or engineer  
showing the property  
as it exists today and  
showing registration  
and contact sign  
location.

To be initialed by  
Planning Dept. Staff

The subject  
property is within the  
Visitor Destination  
Area and so is allowed  
to operate transients in  
vacation rentals in  
conformance with the  
standards of Section  
8-17.8 of the Kawa'i  
County Code and the  
underlying zoning.

A Lawful Multi-  
Family vacation rental

Provide the following:

Plans showing  
registration and  
contact sign location.

To be initialed by  
Planning Dept. Staff

The subject  
property is a lawful  
multi-family TVR and  
so is allowed to  
operate transient  
vacation rentals in  
conformance with the  
standards of Section  
8-17.8 of the Kawa'i  
County Code and the  
underlying zoning.

A single family  
vacation rental in the  
SLUD Ag district

In addition to General  
Info, Provide the  
following:

☐ Signed and Stamped  
As Built plot, floor,  
elevation and section  
drawings by a licensed  
architect or engineer  
showing the property  
as it exists today and  
showing registration  
and contact sign  
location.

Verification of  
operation prior to  
March 7<sup>th</sup>, 2008

Verification  
structure built prior  
to June 4, 1976 or  
Special Use  
permit issued on \_\_\_\_\_

To be initialed by  
Planning Dept. Staff

The subject  
property is within the  
State Land Use Ag  
district and has a  
Non-Conforming Use  
Certificate issued on \_\_\_\_\_

The subject  
property is within the  
State Land Use Ag  
district and has  
applied for a Special  
Permit under  
application number \_\_\_\_\_

and is hereby issued a  
Provisional Non-  
Conforming Use  
Certificate which will  
expire upon decision  
of the above Special  
Permit.

To be initialed by  
Planning Dept. Staff  
Special Permit number \_\_\_\_\_

was:  
Approved on \_\_\_\_\_

Denied on \_\_\_\_\_

Signature John K. Evans Date 10-13-10 (original application)  
Owner/Applicant John K. Evans

# TVR REGISTRATION AND NCU FORM

COUNTY OF KAUAI  
FINANCE DEPARTMENT  
REAL PROPERTY DIVISION 808-241-6222  
PLANNING DEPARTMENT 808-241-6677

APPLICANT Jon K. Evans  
ADDRESS 4988 Emalani Dr.  
Princeville, HI. 96722

PHONE NO. 808-

APPLICANT IS: (check)  
☒ Owner of Property  
☐ Lessee of Property  
☐ Leased From  
☒ Authorized Age  
Authorization.  
Proprietor of

For Government Use Only  
Registration # AKC 4235  
Date Received 10/13/10 By AE  
Date Approved \_\_\_\_\_ By \_\_\_\_\_  
Plans By \_\_\_\_\_  
Fee \$ \_\_\_\_\_ Date \_\_\_\_\_

NOTE: \*Lessee must have an unexpired and recorded lease of five (5) years or more from date of filing this application.

Sign: \_\_\_\_\_

Print: 10 OCT 13 P2:00

Party Info

PLANNING DEPT.

Tax Map Key 4-5-8-8-45 Lot. No. 22 # of Buildings on CPR or Lot \_\_\_\_\_  
Zoning - SLUD R-4 General Plan R-23 County R-4  
URBAN

## Establishment Info

Establishment name and Address Hale Hoku  
7321 Alano'o Rd. Hanalei  
Description of Operation (no. of rooms, no. of units etc.) 3 bedroom - 3 bath

G.E. License # W30540918-01 TAT License # W30540918-01  
24 Hour Contact Info Na Pali Properties, Inc. 808-826-7272  
Date TVR Use Started January 1, 2004

☒ Copy of For the Safety and Comfort of You and Your Neighbors  
Attachments provided (G.E. License, TAT License, Units in TVR Use etc.)

GET License  
TAT License  
3 Reservations  
House plans - Plot, floor, elevation

COUNTY OF KAUAI PLANNING DEPARTMENT  
Inspections

To be initialed by Planning Dept. Staff

\_\_\_\_\_ The subject property has no violations

\_\_\_\_\_ The subject property was inspected on \_\_\_\_\_

\_\_\_\_\_ The property has the following violations \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The subject operation is (check which applies):

☒ A Single Family  
Vacation Rental  
outside the VDA

In addition to General  
Info, Provide the  
following:

☒ Signed and Stamped  
As Built plot, floor,  
elevation and section  
drawings by a licensed  
architect or engineer  
showing the property  
as it exists today and  
showing registration  
and contact sign  
location.

☒ Verification of  
operation prior to  
March 7<sup>th</sup>, 2008

To be initialed by  
Planning Dept. Staff

Applicant meets  
definition criteria  
per CZO

The subject  
property is not within  
the Visitor  
Destination Area but  
qualifies for and is  
issued a Non-  
Conforming Use  
Certificate on \_\_\_\_\_

A Single Family  
Transient Vacation  
Rental operating on a  
property or dwelling  
on the State or  
National Historic  
Register

Provide the following:

Use permit  
approved by the  
Planning Commission or  
Director as applicable

To be initialed by  
Planning Dept. Staff

The subject  
property qualifies for  
the historic exemption  
and has a use permit  
for the operation

A Single Family  
Vacation Rental in the  
VDA

In addition to General  
Info, Provide the  
following:

Signed and Stamped  
As Built plot, floor,  
elevation and section  
drawings by a licensed  
architect or engineer  
showing the property  
as it exists today and  
showing registration  
and contact sign  
location.

To be initialed by  
Planning Dept. Staff

The subject  
property is within the  
Visitor Destination  
Area and so is allowed  
to operate transient  
vacation rentals in  
conformance with the  
standards of Section  
8-17.8 of the Kaua'i  
County Code and the  
underlying zoning.

A lawful Multi-  
Family vacation rental

Provide the following:

Plans showing  
registration and  
contact sign location.

To be initialed by  
Planning Dept. Staff

The subject  
property is a lawful  
multi-family TVR and  
so is allowed to  
operate transient  
vacation rentals in  
conformance with the  
standards of Section  
8-17.8 of the Kaua'i  
County Code and the  
underlying zoning.

A single family  
vacation rental in the  
SLUD Ag district

In addition to General  
Info, Provide the  
following:

Signed and Stamped  
As Built plot, floor,  
elevation and section  
drawings by a licensed  
architect or engineer  
showing the property  
as it exists today and  
showing registration  
and contact sign  
location.

Verification of  
operation prior to  
March 7<sup>th</sup>, 2008

Verification  
structure built prior  
to June 4, 1976 or

Special Use  
permit issued prior to  
March 7, 2008

To be initialed by  
Planning Dept. Staff

The subject  
property is within the  
State Land Use Ag  
district and has a  
Non-Conforming Use  
Certificate issued on \_\_\_\_\_

TRANSIENT VACATION RENTAL AFFIDAVIT OF

STATE OF Hawaii )  
COUNTY OF Kauai ) ss.

I, Jon K. Evans, being first sworn upon oath, deposes and says:

1. My name is, Jon K. Evans and I make this affidavit  
based on my personal knowledge.

2. I am the owner of the property identified as TMK: 4/5-8-8-45  
with a mailing address of 4988 Emmalani Drive, Princeville HI 96722

3. I have operated a transient vacation rental(s) on the property since September  
2007 under the business name of Jon K Evans.

4. My State of Hawai'i General Excise Tax license number is W30540918-01  
and I have paid General Excise and Transient Accommodation Taxes in  
accordance with State Law during the period(s) the Transient Vacation Rental was in  
operation.

5. Building permit number(s) 0015660  
were approved on 12/17/80 for all structures on the property and  
there were no expansions, alterations, improvements, or uses contrary to State and  
County land use and planning laws.

6. There were X were not any legal expansions or improvements  
made on the property after March 7<sup>th</sup> 2008. Improvements and expansions took place  
under the following permits \_\_\_\_\_.

7. My property is \_\_\_\_\_ is not ☒ located on State Land Use District ("SLUD") Agricultural and I am applying for a special permit pursuant Hawai'i Revised Statutes 205-6. If the property is on SLUD Agricultural lands initial the applicable item:

a. \_\_\_\_\_ I had, prior to March 7, 2008, a registered agricultural dedication pursuant to the guidelines set forth in the County of Kaua'i's Department of Finance Real Property Tax Division Agricultural Dedication Program Rules.

b. \_\_\_\_\_ I had, prior to March 7, 2008, a bona fide agricultural operation shown by State General Excise Tax Forms and/or Federal Tax Income Form 1040 Schedule F filings.

c. \_\_\_\_\_ I did not qualify for a County of Kaua'i agricultural dedication due to my property's size, shape, topography, location, surroundings, or other circumstances.

FURTHER AFFIANT SAYETH NAUGHT.

[Signature]  
Name: \_\_\_\_\_

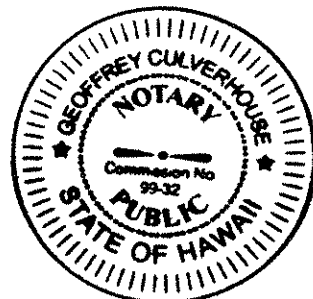
WITNESS my hand and official seal.

[Signature]  
Notary Public, State of Hawaii Date 1/28/11  
My commission expires: **GEOFFREY CULVERHOUSE**  
**Notary Public, State of Hawaii**  
**Commission expires 01/31/2011**

Doc. Date: 1/28/11 # Pages 2

Notary Name: Geoffrey Culverhouse 8th Circuit

Doc. Description: Transient Vacation Rental  
affidavit



## VACATION RENTAL AGREEMENT

Full Service Brokerage - Phone 808-826-7272 - Toll Free: 800-715-7273 - Fax: 808-826-7665 - P.O. Box 475, Hanalei, Kauai, Hawaii 96714  
E-Mail: [rentals@napaliprop.com](mailto:rentals@napaliprop.com) Web Site: [www.napaliprop.com](http://www.napaliprop.com)

Address Charles Dowell  
4904 Ridge Circle,  
Benbrook, TX. 76126

Check In Date 06/29/07 3:00 P.M.  
Check Out Date 07/07/07 10:00 A.M.

Home  
Work  
Fax

Number of Nights 8  
Unit Number HALE HOKU  
Unit Phone (808) 212 - 9740  
Reservation # 105459

Clean \$175.00  
General excise tax \$71.42  
Reservation Fee \$25.00  
transient accomodation tax \$124.29  
Insurance \$0.00  
Security Deposit \$750.00  
Total of Reservation \$2,860.00

Payments Received \$2,860.00 on 03/26/07

Total Balance Due \$0.00 Due on or before: 04/30/07

**PAYMENT:** Payable by Check or Money Order, to be received no later than Balance Due Date.  
**Please do not deduct deposit from Balance Due.**

**Cancellation Policy:** 1) A cancellation fee of 75.00 will be charged on all cancellations  
2) Deposit will be forfeited if less than 90 Days notice is given.  
3) Rent & Taxes will be forfeited if less than 60 Days notice is given.

**Notes:**

- Na Pali Properties office hours are Monday through Friday, 8:30 am to 5:00pm.
- Normal check-in is 3:00pm and checkout is 10:00am. If this presents a problem with your flight times, please let us know well in advance so we may try to alter scheduling.
- For Arrivals after hours or on weekends, please pre-arrange key pick-up.
- Na Pali Properties, Inc. unilaterally and at its sole discretion, reserves the right to change or cancel the above reservation for any reason.
- See additional terms of contract on reverse side, which is part of this contract.

Charles P. Dowell 5/22/07  
Guest Signature / Date

Jane F. Abramo, REALTOR®, 05/21/07  
Agent Signature / Date

*This rental agreement is made between the tenant(s) listed above and Na Pali Properties, Inc.*

Keys are to be picked up and dropped off at:  
XXX Na Pali Properties, Inc., Hanalei, HI.

Flight Arrival Time: \_\_\_\_\_

Additional Guests (Include ages of minor guests)

- |          |          |
|----------|----------|
| 1) _____ | 2) _____ |
| 3) _____ | 4) _____ |
| 5) _____ | 6) _____ |



es, Inc.

## VACATION RENTAL AGREEMENT

Service Brokerage - Phone 808-826-7272 - Toll Free: 800-715-7273 - Fax: 808-826-7665 - P.O. Box 475, Hanalei, Kauai, Hawaii 96714

E-Mail: [rentals@napaliprop.com](mailto:rentals@napaliprop.com) Web Site: [www.napaliprop.com](http://www.napaliprop.com)

Address Lisa Herschman  
3635 Jennifer Street,  
San Diego, CA. 92117

Check In Date 07/14/07 3:00 P.M.  
Check Out Date 07/22/07 10:00 A.M.

Home  
Work  
Fax

Number of Nights 8  
Unit Number HALE HOKU  
Unit Phone Will Advise 300  
Reservation # 105456 212-9740

-----  
Clean \$200.00  
General excise tax \$83.32  
Reservation Fee \$25.00  
transient accomodation tax \$145.00  
  
Insurance \$0.00  
Security Deposit \$500.00  
Total of Reservation \$2,953.32

Payments Received \$750.00 on 03/26/07

Total Balance Due \$2,203.32 Due on or before 05/15/07 \*

Keys are to be picked up and dropped off at:

Na Pali Properties, Inc., Hanalei, HI

Other:

Flight Arrival Time:

Additional Guests (Include ages of minor guests)

1) Ken Herschman 2)  
3) Jennifer Herschman (2 yrs 4)  
5) Nicholas Herschman 16 months

**PAYMENT:** Payable by Check or Money Order, to be received no later than Balance Due Date.  
**Please do not deduct deposit from Balance Due.**

**Cancellation Policy:** 1) A cancellation fee of 75.00 will be charged on all cancellations  
2) Deposit will be forfeited if less than 90 Days notice is given.  
3) Rent & Taxes will be forfeited if less than 60 Days notice is given.

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- For Arrivals after hours or on weekends, please pre-arrange key pick-up.
- Na Pali Properties, Inc. unilaterally and at its sole discretion, reserves the right to change or cancel the above reservation for any reason.
- See additional terms of contract on reverse side, which is part of this contract.

Lisa Herschman 3/29/07  
Guest Signature / Date

Jane F. Abramo, REALTOR®, 03/28/07  
Agent Signature / Date

This rental agreement is made between the tenant(s) listed above and Na Pali Properties, Inc.

Properties, Inc.

## VACATION RENTAL AGREEMENT

Full Service Brokerage - Phone 808-826-7272 - Toll Free: 800-715-7273 - Fax: 808-826-7665 - P.O. Box 475, Hanalei, Kauai, Hawaii 96714

E-Mail: [rentals@napaliprop.com](mailto:rentals@napaliprop.com) Web Site: [www.napaliprop.com](http://www.napaliprop.com)

Address Pat Lawler  
13408 Racquet Court,  
Poway, CA. 92064

Check In Date 08/08/07 3:00 P.M.  
Check Out Date 08/15/07 10:00 A.M.

Home  
Work  
Fax

Number of Nights 7  
Unit Number HALE HOKU  
Unit Phone Will Advise  
Reservation # 105493

Clean	\$250.00
General excise tax	\$87.49
Reservation Fee	\$25.00
transient accomodation tax	\$152.25
Insurance	\$0.00
Security Deposit	\$500.00
Total of Reservation	\$3,114.74

Payments Received \$525.00 on 4/4/07

Total Balance Due \$2,589.74 Due on or before: 06/09/07

**PAYMENT:** Payable by Check or Money Order, to be received no later than Balance Due Date.

**Please do not deduct deposit from Balance Due.**

**Cancellation Policy:**

- 1) A cancellation fee of 75.00 will be charged on all cancellations
- 2) Deposit will be forfeited if less than 90 Days notice is given.
- 3) Rent & Taxes will be forfeited if less than 60 Days notice is given.

### Notes:

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- b) Normal check-in is 3:00pm and checkout is 10:00am. If this presents a problem with your flight times, please let us know well in advance so we may try to alter scheduling.
- c) For Arrivals after hours or on weekends, please pre-arrange key pick-up.
- d) Na Pali Properties, Inc. unilaterally and at its sole discretion, reserves the right to change or cancel the above reservation for any reason.
- e) See additional terms of contract on reverse side, which is part of this contract.

Pat Lawler 3/29/07  
Guest Signature / Date

Jane F. Abramo, REALTOR®, 03/28/07  
Agent Signature / Date

*This rental agreement is made between the tenant(s) listed above and Na Pali Properties, Inc.*

Keys are to be picked up and dropped off at:

Na Pali Properties, Inc., Hanalei, HI.

XXX Other - key in lockbox at unit.

Flight Arrival Time: 2:14 pm

Additional Guests (Include ages of minor guests)

- |                          |                        |
|--------------------------|------------------------|
| 1) <u>Jim Lawler</u>     | 2) <u>Betsy Powers</u> |
| 3) <u>Seamus Lawler</u>  | 4) <u>Alex Hoffman</u> |
| 5) <u>Kaitlin Lawler</u> | 6) _____               |

Letter of Authorized Agent

To All Governmental Agencies, including the County of Kauai Tax Assessment Office,  
The Department of Planning, and Hawaii State Government Agencies.

**Property Owner – Mailing Address / Phone Contact Information**

Jon K. Evans  
4988 Emmalani Dr.  
Princeville, HI. 96722  
808-826-7188

**TVR Property Address**

Hale Hoku  
7321 Alamo'o Rd., Wainiha

**Tax Map Key #** 4-5-8-8-45

**General Excise Tax #** W30540918-01

**Transient Accommodation Tax #** W30540918-01

**Date TVR Use Began** January 1, 2004

**24 Hour Kauai Resident Name/Phone Number Contact**

Na Pali Properties, Inc. 808-

**This letter authorizes Jane Abramo to act as our Authorized Agent for the Application for a Transient Vacation Rental Permit -**

**Signature of the Agent**

**Signature / Date**

Jon K. Evans



# Tax Licenses



State of Hawaii  
Department of Taxation

## Search Details

<b>Taxpayer Name:</b>	JON K. EVANS
<b>DBA Name:</b>	
<b>Taxpayer ID:</b>	W30540918-01
<b>Former Taxpayer ID:</b>	40060473
<b>Business Location:</b>	
<b>Tax Type:</b>	General Excise and Use
<b>Tax Status:</b>	Open
<b>Business Began:</b>	12/11/1998
<a href="#">&lt;-Back</a> <a href="#">New Search-&gt;</a>	

Last Updated on 10/13/2010

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# Tax Licenses



State of Hawaii  
Department of Taxation

## Search Details

<b>Taxpayer Name:</b>	JON K. EVANS
<b>DBA Name:</b>	
<b>Taxpayer ID:</b>	W30540918-01
<b>Former Taxpayer ID:</b>	N/A
<b>Business Location:</b>	
<b>Tax Type:</b>	Transient Accommodations
<b>Tax Status:</b>	Open
<b>Business Began:</b>	01/01/2004
<a href="#">&lt;-Back</a> <a href="#">New Search-&gt;</a>	

Last Updated on 10/13/2010

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Letter of Authorized Agent

To All Governmental Agencies, including the County of Kauai Tax Assessment Office,  
The Department of Planning, and Hawaii State Government Agencies.

**Property Owner – Mailing Address / Phone Contact Information**

Jon K. Evans  
4988 Emmalani Dr.  
Princeville, HI. 96722  
808

**TVR Property Address**

Hale Hoku  
7321 Alamo'o Rd., Wainiha

**Tax Map Key #** 4-5-8-8-45

**General Excise Tax #** W30540918-01

**Transient Accommodation Tax #** W30540918-01

**Date TVR Use Began** January 1, 2004

**24 Hour Kauai Resident Name/Phone Number Contact**

Na Pali Properties, Inc. 808-826-7272

**This letter authorizes Jane Abramo to act as our Authorized Agent in the matter of the  
Application for a Transient Vacation Rental Permit – Conforming or Non-Conforming.**

**Signature / Date** Jon K. Evans

# FOR THE COMFORT AND SAFETY OF YOU AND YOUR NEIGHBORS

## Aloha and Welcome to the Beautiful Garden Island of Kaua'i

Although we may have posted similar information elsewhere in your accommodation, some information bears repeating. You are staying in a residential neighborhood. We want your visit to be safe and enjoyable for both you and your neighbors.

1. Be good neighbors:
  - a. Keep noise to a minimum, especially before 8:00 am and after 9:00 pm. Chances are your neighbors have to get up and go to work early the next day, so please be considerate.
  - b. Turn off outdoor lights at night whenever possible. We enjoy our dark nights when the stars are bright and beautiful. And, of equal importance, some of our wildlife can become disoriented at night if lights are too bright.
  - c. We have a non-smoking ordinance in Hawaii. There is no smoking within 20 feet of all public buildings. Some of our homes and condominiums also have a smoking ban. Please check your house rules.
  - d. Whenever possible, please recycle. Many of our rental accommodations include recycling containers. If none are available, all of our transfer stations offer recycling. As in other communities, our landfill is stressed to the limit. Anything you can do to help will be appreciated for generations to come.
  - e. We prefer that you don't have bonfires at the beach. But if you insist, be sure the fire is out before you leave. *Sand will not put out the fire.* Don't cover the logs or embers. Use water from the ocean to put out the fire, and make sure it's still visible so no one steps on it by mistake.
2. Beach Safety: Be mindful of the surf. Our shorelines face thousands of miles of open ocean. Northern winter storms and southern summer storms can bring us extremely dangerous surf conditions. NEVER turn your back on the ocean – summer or winter. Rogue waves can appear even in calm surf conditions. You can check ocean conditions at [www.KauaiExplorer.com/ocean\\_report](http://www.KauaiExplorer.com/ocean_report). There are lifeguards at Haena Beach Park, Hanalei Pavilion, Lydgate, Poipu Beach Park, Salt Pond and Kekaha.
3. 9-1-1: In case of fire or medical emergency, call 9-1-1. The address and phone number of your accommodation has been posted on the inside of the front door, along with the Non-Conforming Use Certificate or vacation rental Registration Number. For non-emergency assistance, please call 241-1711. This will connect you to Police Dispatch. The phone number for Wilcox Hospital in Lihue is 245-1100.
4. Weather: We do experience flash flooding during periods of heavy rain. If you must drive during this kind of weather, drive with extreme caution. Flash floods can cause the road out of Hanalei to close for undetermined periods of time. For up-to-date Traffic and Weather information, please call 241-1725.
5. Disaster Emergencies: On the first workday of each month at 11:45 am, our Civil Defense sirens are tested. However, if you hear these sirens at any other time, please tune to AM radio station KQNG ("KONG") at AM 570 for up-to-the-minute reports and directions. You can also check the front of the Kaua'i phone book for emergency, disaster, evacuation and shelter information.
6. Security: Be cautious with your personal belongings. It's always best to lock up your valuables. Lock your doors and windows when you leave the property.
7. Island driving etiquette:
  - a. Please honor the posted speed limits. Frequently check your rear view mirror. If there are more than 4 or 5 cars stacking up behind you, pull completely off to the side of the road and let them pass you. This can also be helpful when driving at night, as our dark roads can be confusing. The cars following you likely know where they're going and can help light the way for you.
  - b. If you think you're lost, remember that this is a small island, so you can't really get lost. Keep driving until you find a safe place to pull off the road and turn around. If you can head downhill, you'll get to the ocean within a few miles. Never make a U-turn on the highway.
  - c. When navigating the one-lane bridges, cross the bridges caravan style. It's usually appropriate for 5 or 6 cars to cross at a time. A simple rule of thumb is: drain the lane; if you arrive late – wait.
  - d. When parking at the beaches, parks or even within the property you've rented, be sure to park fully off the street, in assigned or clearly marked parking spaces.
  - e. If you want to stop and enjoy the scenery, please pull completely off to the side of the road.

**Most of all – enjoy your visit to our beautiful island!**



## Search Details

<b>Taxpayer Name:</b>	JON K. EVANS
<b>DBA Name:</b>	
<b>Taxpayer ID:</b>	W30540918-01
<b>Former Taxpayer ID:</b>	40060473
<b>Business Location:</b>	
<b>Tax Type:</b>	General Excise and Use
<b>Tax Status:</b>	Open
<b>Business Began:</b>	12/11/1998
<a href="#">&lt;-Back</a> <a href="#">New Search-&gt;</a>	

Last Updated on 10/13/2010

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[Hawaii State homepage](#) || [Department of Taxation](#)





## Search Details

<b>Taxpayer Name:</b>	JON K. EVANS
<b>DBA Name:</b>	
<b>Taxpayer ID:</b>	W30540918-01
<b>Former Taxpayer ID:</b>	N/A
<b>Business Location:</b>	
<b>Tax Type:</b>	Transient Accommodations
<b>Tax Status:</b>	Open
<b>Business Began:</b>	01/01/2004
<a href="#">&lt;-Back</a> <a href="#">New Search-&gt;</a>	

Last Updated on 10/13/2010

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[Hawaii State homepage](#) || [Department of Taxation](#)



## VACATION RENTAL AGREEMENT

Full Service Brokerage - Phone 808-826-7272 - Toll Free: 800-715-7273 - Fax: 808-826-7665 - P.O. Box 475, Hanalei, Kauai, Hawaii 96714  
E-Mail: [rentals@napaliprop.com](mailto:rentals@napaliprop.com) Web Site: [www.napaliprop.com](http://www.napaliprop.com)

Address Charles Dowell  
4904 Ridge Circle,  
Benbrook, TX. 76126

Check In Date 06/29/07 3:00 P.M.  
Check Out Date 07/07/07 10:00 A.M.

Home  
Work  
Fax

Number of Nights 8  
Unit Number HALE HOKU  
Unit Phone (808) 212 - 9740  
Reservation # 105459

-----	14.29
Clean	\$175.00
General excise tax	\$71.42
Reservation Fee	\$25.00
transient accomodation tax	\$124.29
Insurance	\$0.00
Security Deposit	\$750.00
Total of Reservation	\$2,860.00

Payments Received \$2,860.00 on 03/26/07

Total Balance Due \$0.00 Due on or before: 04/30/07

Keys are to be picked up and dropped off at:  
XXX Na Pali Properties, Inc., Hanalei, HI.

Flight Arrival Time: \_\_\_\_\_

Additional Guests (Include ages of minor guests)

1) _____	2) _____
3) _____	4) _____
5) _____	6) _____

**PAYMENT:** Payable by Check or Money Order, to be received no later than Balance Due Date.  
**Please do not deduct deposit from Balance Due.**

**Cancellation Policy:**

- 1) A cancellation fee of 75.00 will be charged on all cancellations
- 2) Deposit will be forfeited if less than 90 Days notice is given.
- 3) Rent & Taxes will be forfeited if less than 60 Days notice is given.

### Notes:

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- b) Normal check-in is 3:00pm and checkout is 10:00am. If this presents a problem with your flight times, please let us know well in advance so we may try to alter scheduling.
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- d) Na Pali Properties, Inc. unilaterally and at its sole discretion, reserves the right to change or cancel the above reservation for any reason.
- e) See additional terms of contract on reverse side, which is part of this contract.

Charles P. Dowell 5/22/07  
Guest Signature / Date

Jane F. Abramo, REALTOR®, 05/21/07  
Agent Signature / Date

*This rental agreement is made between the tenant(s) listed above and Na Pali Properties, Inc.*



## VACATION RENTAL AGREEMENT

Service Brokerage - Phone 808-826-7272 - Toll Free: 800-715-7273 - Fax: 808-826-7665 - P.O. Box 475, Hanalei, Kauai, Hawaii 96714  
E-Mail: [rentals@napaliprop.com](mailto:rentals@napaliprop.com) Web Site: [www.napaliprop.com](http://www.napaliprop.com)

Address Lisa Herschman  
3635 Jennifer Street,  
San Diego, CA. 92117

Check In Date 07/14/07 3:00 P.M.  
Check Out Date 07/22/07 10:00 A.M.

Home  
Work  
Fax

Number of Nights 8  
Unit Number HALE HOKU

Unit Phone Will Advise 308  
Reservation# 105456 212-9740

Clean	\$200.00
General excise tax	\$83.32
Reservation Fee	\$25.00
transient accomodation tax	\$145.00
Insurance	\$0.00
Security Deposit	\$500.00
Total of Reservation	\$2,953.32

Payments Received \$750.00 on 03/26/07

Total Balance Due \$2,203.32 Due on or before 05/15/07 \*

### Keys are to be picked up and dropped off at:

Na Pali Properties, Inc., Hanalei, HI

Other

Flight Arrival Time:

Additional Guests (Include ages of minor guests)

1) Ken Herschman

2)

3) Jennifer Herschman (2 yrs 4)

5) Nicholas Herschman 16 months

**PAYMENT:** Payable by Check or Money Order, to be received no later than Balance Due Date.  
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- See additional terms of contract on reverse side, which is part of this contract.

Lisa Herschman 3/29/07  
Guest Signature / Date

Jane F. Abramo, REALTOR®, 03/28/07  
Agent Signature / Date

This rental agreement is made between the tenant(s) listed above and Na Pali Properties, Inc.

Na Pali Properties, Inc.

## VACATION RENTAL AGREEMENT

Full Service Brokerage - Phone 808-826-7272 - Toll Free: 800-715-7273 - Fax: 808-826-7665 - P.O. Box 475, Hanalei, Kauai, Hawaii 96714  
E-Mail: [rentals@napaliprop.com](mailto:rentals@napaliprop.com) Web Site: [www.napaliprop.com](http://www.napaliprop.com)

Address Pat Lawler  
13408 Racquet Court,  
Poway, CA. 92064

Check In Date 08/08/07 3:00 P.M.  
Check Out Date 08/15/07 10:00 A.M.

Home  
Work  
Fax

Number of Nights 7  
Unit Number HALE HOKU  
Unit Phone Will Advise  
Reservation # 105493

Clean 00  
General excise tax \$250.00  
Reservation Fee \$87.49  
transient accomodation tax \$25.00  
\$152.25

Insurance \$0.00  
Security Deposit \$500.00  
Total of Reservation \$3,114.74

Payments Received \$525.00 on 4/4/07

Total Balance Due \$2,589.74 Due on or before: 06/09/07

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- See additional terms of contract on reverse side, which is part of this contract.

Pat Lawler 3/29/07  
Guest Signature / Date

Jane F. Abramo, REALTOR®, 03/28/07  
Agent Signature / Date

*This rental agreement is made between the tenant(s) listed above and Na Pali Properties, Inc.*

Keys are to be picked up and dropped off at:  
Na Pali Properties, Inc., Hanalei, HI.  
XXX Other - key in lockbox at unit.

Flight Arrival Time: 2:14 pm

Additional Guests (Include ages of minor guests)

- |                          |                        |
|--------------------------|------------------------|
| 1) <u>Jim Lawler</u>     | 2) <u>Betsy Powers</u> |
| 3) <u>Seamus Lawler</u>  | 4) <u>Alex Hoffman</u> |
| 5) <u>Kaitlin Lawler</u> | 6) _____               |