

REQUEST FOR ACTION											
Subject	Civil Process Servers Access Policy										
Preparer	Jon McKenna			AOUO Title	Management Executive						
Date	5/7/18			For Board	X	Action		Info			
EXECUTIVE SUMMARY											
<p>There are times when a government authority must serve legal documents (i.e. – summons, subpoena, notice, etc.) to an individual(s) that resides at The Collection. In accordance with State Law 514B-106.5, the Board shall establish a policy to provide reasonable access to persons authorized to serve civil process in compliance with State Law section 634.21.5.</p>											
RECOMMENDATION											
Approve the Civil Process Servers Access Policy identified as Exhibit A.											
RATIONAL											
<p>Creating a clear policy affords management and staff the ability to comply with State Law as it pertains to allowing a civil process server access to the building and clarification to residents such access is permitted, required, and in accordance with an approved policy.</p>											
Exhibits <small>(If applicable)</small>	Index	Title									
	A	Civil Process Servers Access Policy									
	B										
FOR BOARD USE ONLY											
CERTIFICATE OF BOARD ACTION											
X	Approved		Declined		Noted		Returned		Deferred		Withdrawn
Stipulations											
<p>Assign as Policy #115. Noted that the policy was reviewed by Association counsel prior to Board review and approval.</p>											
Coordinating Instructions											
Distribution Instructions											
Recording Secretary	Ryan Kamo			Action Date	5/24/18	RFA No.	15-2018				



Association

Policy 115: **CIVIL PROCESS SERVERS ACCESS POLICY OF AOUE THE COLLECTION**

In accordance with HRS §514B-106.5 and HRS §634-21.5, the Association of Unit Owners of The Collection ("AOUE") adopts the following building access procedures to apply to all civil process servers:

1. A person authorized to serve civil process shall be granted access to common areas adjacent to a principal entry of any unit for the sole purpose of attempting to effect service of process;
2. A designated AOUE representative and/or staff member shall be generally available to respond to a request for access by a civil process server during normal business hours in a timely manner;
3. Any person seeking entry to the building to serve civil process must provide the AOUE with clear personal identification (which must be issued by a governmental agency and contain a photograph of the civil process server) and written evidence that the person is authorized to serve process, including documentation clearly indicating the precise name and address, and if applicable, a unit number, of the person residing or present on the property to be served. Any person unable to provide documentation required by this paragraph will be denied entry to the building;
4. Any civil process server must be accompanied by a designated AOUE representative and/or staff member at all times while anywhere in the building.
5. A civil process server will be permitted to remain in the building more than fifteen (15) minutes during any single attempt to serve civil process, and will not be granted access to attempt civil process on any single party more than one (1) time in any single twenty-four (24) hour period.
6. Any person authorized to serve civil process, who has been allowed access to the building, but who has not acted in accordance with the conditions set forth in this policy, must leave the building immediately in response to a request by a designated AOUE representative and/or staff member.
7. The AOUE shall not be liable to:
 - a. Any person if, after access is allowed to the building or community in accordance with this policy, service of civil process is not actually effected for whatever reason; and
 - b. Any person upon whom service of process is actually effected in accordance with this policy.

I certify the above policy was adopted the AOUE's Board of Directors at its Meeting held on May 24, 2018.

Secretary

Board of Directors

Association of Unit Owners of The Collection