

Orchidland Community Association, Inc.
c/o Data Processing Services, Inc.
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Hilo, HI 96720-4277

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Orchidlandcommunityassociation@gmail.com
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October 2016 Newsletter

Board of Directors

President

Steve (Mongo) Lyon

Vice President

Don Stoner*

Treasurer

Tegen Greene

Secretary

Frederic (Ric) Wirick*

Directors:

Gerald Akana*

Sky Platt*

Doug Anderson

Paul Imaizumi

Chris-Coles Morales*

Jeremai Cann

Steve Baca

(*Road Committee)

Semi-Annual Membership Meeting

Sunday,

November 20, 2016

Pahoa Community
Center

2pm to 4pm

Check-in at begins a
1:30pm.

Road Committee and Board Meetings are open to membership and guests:

2nd and 3rd Tuesday
of the month at the
Pahoa Community

Aloha Orchidland Community Association Members

Our mission for the past sixteen months as Board of Directors is to serve you, our Community. Your annual Mandatory Road Maintenance Assessment (MRMA) fees are used to service over 40 miles of private roadways. In fact, if you live in Orchidland you may have noticed improvements to your roadways. We are completing the second rotation of maintenance on all unpaved roadways, 30 miles. This is the first time this has been accomplished in OLCA history! Our goal is efficient management with limited funds while serving the entire Community. In addition, we have worked to reduce liability risks by providing fully insured road maintenance operators and have installed needed signage throughout Orchidland Estates.

A Big Mahalo to the OLCA membership paying annual MRMA fees; truly, we are working together to serve our greater community. Please note, all Board of Directors and Committee members are volunteers. We receive no pay for our services, yet often work countless hours to serve our Community, our Ohana.

As your Board of Directors, we proudly serve to protect and defend OLCA. Unfortunately, the civil lawsuit (15-1-0238) continues that was launched on July 1, 2015 by the dissident group Orchidland Voice under the leadership of Peter Houle, Robert and Barbara Arthurs, and Vijay Karai. Their main goal, as stated in their lawsuit, is to dissolve and place OLCA it into "receivership". What does this mean to you and your Community? And how can you help protect and defend residents and landowners within Orchidland Estates? (See page 2 for more information)

Over the past year with growing support and donations from the OLCA membership the Community lot has been cleaned up and maintained. Site preparations are underway for the proposed community park and gathering place, Hui Hoaloha.

(See page 5 for more information)

For complete updates on OLCA Board of Directors, business and social events please visit: www.Orchidland.org

(Continued from page 1)

There are two main aspects of Orchidland Voice's (plaintiff Barbara Arthurs) lawsuit against Orchidland Community Association (OLCA).

-- First, OV is suing some OLCA Board members. Why? For completing road maintenance projects, including the long overdue chip-seal recoating project (3.6 total miles).

-- Secondly, OV has petitioned the court calling for OLCA to be dissolved and placed into receivership. Why? The same reason OV is suing some OLCA Board members.

Receivership is a real threat to OLCA, Orchidland residents and landowners. Why?

1) OLCA is 501c4 non-profit corporation; when a non-profit is placed into receivership the court can seize all assets. The assets are then "gifted" to another non-profit. For OLCA this would include real property (the 2 acre community lot), all financial funds, road fees, etc.

2) An expensive property manager would then be installed, who then would set high mandatory fees without membership approval. Foreclosure could then be integrated as a method for collections.

Barbara Arthurs is the sole plaintiff for Orchidland Voice's civil lawsuit 15-1-0238 against OLCA, the lawsuit that has cost OLCA tens of thousands of dollars in legal defense.

Although Barbara Arthurs is claiming herself as the current president of OLCA, as of September 29, 2016 she had not paid her MRMA thereby making her ineligible to be a board member. Additionally, Ariel Murphy, Sally Waitt, Sharon Landry, David Marquis and Mark Willman are also claiming to be board members yet also have not paid their MRMA, making them ineligible too.

What you can do to help us protect OLCA and our Community against the threat of Receivership?

1) Pay the annual OLCA Mandatory Road Maintenance Assessment:

- a. It gives you the legal right to vote in opposition to receivership.
- b. It allows for more road maintenance to be completed.
- c. It allows you to sign a proxy and be represented at OLCA meetings if you are unable to attend (see attached proxy).

For your information (FYI)

Orchidland Voice (OV), the original Plaintiff against OLCA in our current lawsuit, is just a social club with a checking account. During mediation, OV co-chairs Peter Houle and Robert Arthurs offered to drop the lawsuit against OLCA for the cool sum of ONE MILLION DOLLARS! The Court later found that OV did not have the right to bring a suit against OLCA. Barbara Arthurs then stepped in as the sole Plaintiff in an effort to keep the lawsuit going.

Then there is Orchidland Neighbors (ON), founded by Barbara Athurs and Sharon Landry, for the purpose of building a grandiose community center in Orchidland for the entire Puna District, but they lack the necessary funding. ON became a 501c3 non-profit corporation to be able to take donations towards this goal and have been actively soliciting for this purpose. Two Hawaii County Councilmen, Iligan and Paleka, even donated some of your tax money.

What ON has *not* done though is to apply for a building permit for the building all the donations are ostensibly meant to build. We have to wonder if the donations are instead being used to pay the mortgage Richard Greever holds on ON's vacant lot?

President's Commentary

CONFUSED?

Two newsletters, again? Creepy, must be Hallows Eve! WHO is the legitimate Board of Directors? EASY ANSWER: This Board (the pretenders call us the "Lyon group",) executed ALL THE ROAD WORKS for the last sixteen months!! Yes, paving roads, filling potholes, placing signs, and servicing all the roads in the same year for the first time, and we continue on schedule! They have no claim to represent you, and far less, to maintain the roads! All of your MRMA fees go to the roads, normal administration and nowhere else!

Why a pretender Board? Our adversarial pretender group continues to seek Orchidland's demise through dissolution and receivership to appropriate your assets and community property for their personal objectives rather than work with members honestly. The court case is their final attempt. They surely have misbehaved. Their printed accusations reflect who they are; they even plagiarize our responses. We all see through the blaming us from a list of their own authentic misdeeds. Again, I suggest, ask them "Why are you messing with my community? What do you want?" You will not get a straight answer, only contrivance and obfuscation. Perhaps they have staked their egos and wealth too far.

With control of the Board in 2013, they gave up on you, then betrayed you, the membership, by pushing an insider only agenda for receivership through a spend down of assets, disruption of meetings, obstructing legitimate Association business, thuggery and promoting receivership without full disclosure of the consequences; however, they were thwarted just in time by conscientious members who gathered sufficient votes to oust this reprehensible group. Yes, these moneyed people would have gained considerable funds, all our current assets and greatly increased fees through receivership requiring expensive management, and leaving membership to start all over again after 3 years!! Receivership through the courts was intended as a last resort to maintain operations in a defunct organization, yet, is promoted by real estate firms as a method to profit and for dissident groups to gain control. This Association is **functional and solvent**, performing effectively per members' authority and desires but at great cost to our dignity and volunteer efforts, and perhaps your sanity! **If you signed their petition last year, and know better now, you can withdraw your name.**

I came onto this board because I was shocked by these disturbed individuals and their inability over the years to operate with nobility and respect for the community of Orchidland. Their oaths to you are proven false.

We are all tired of this discord and disharmony. The desire of this Board is for longtime functional security, and we will work towards that end openly and with vision. Take in a dollar and put the dollar into the roads. Should be that simple, but those dollars grouped become irresistible to these kind of people. There are a number of large platted developments in Puna, many far less secure than our own. We are working towards providing some group direction that will assist all associations to prosper securely through the assistance and energy of our elected officials. Stay tuned.

We now have a full Board with new enthusiastic members. Please come and meet us! We need your input and your support to protect and respect our Aina, our neighbors and enjoy the fruits of our labors. Whatever our Hui Hoaloha and multi-purpose structure looks like, we will have a place for peaceful assembly, markets, learning, sports and music (and an Elvis and fake beach backdrop?). To be whom we desire to be as a community.

Mahalo for your patience and stay strong, pay your MRMA fees, and call 808-464-5598 if you have questions (no court case details yet). We will get back to you. OLCA President, Steve (Mongo) Lyon

Road Maintenance Committee (RMC) Report:

Consistency and efficient management continues to be the foundation of OLCA's most comprehensive road maintenance program. First and foremost, 4 of the 5 members of the Road Maintenance Committee members have been at your service for sixteen months. We live throughout Orchidland Estates, survey roadways on a monthly basis, set standards, coordinate road maintenance crews and survey the work completed.

RMC's accomplishments over the past sixteen months include: 3.6 miles of chip sealed roadways recoated, completing the second rotation of road maintenance for all 30 miles of unpaved roadways, ¼ mile of the worst sections of Main Access Roadways on 40th Ave and Pohaku Drives built-up and paved, completing STOP sign and post installations at cross roads throughout Orchidland Estates. Additional signage is scheduled to reduce speeding, road sides have been mowed periodically and potholes filled on regular basis where needed. Plans are in place for more road maintenance and some minor paving if and when funds become available.

For more information on road maintenance and ongoing road project please visit:

www.Orchidland.org

Click on RMC and/or Board Minutes and read the full monthly RMC reports.

Financial updates and more:

The good news is 2016-17 fee schedules were approved by OLCA membership ballot vote. Billing statements were sent out in July and MRMAs are coming in on a regular basis. Funds are deposited into the OLCA account.

Expenses as of Sept 30, 2016 for the fiscal year fiscal year beginning July 1, 2016:

MRMA/ Road Maintenance expenses = \$29,754

Insurance = \$7,252

Administrative = \$12,597

Community lot improvements, maintenance and functions = \$3,262

Legal fees: \$4,703

The bad news is two-fold: one, the legal process here in Hawaii is very, very slow – so the lawsuit launched on July 1, 2015 by Orchidland Voice's sole plaintiff, Barbara Arthurs continues. Two, since the first of the calendar year Barbara Arthurs has made numerous and blatant attempts to disrupt and disable OLCA business – including aggressively freezing accounts in two of three OLCA financial institutions. How much has OV's lawsuit cost OLCA in legal fees? Since July 1, 2015 over \$56,000. The OLCA membership should ask, what is OV's sole plaintiff's motive and agenda?

Fortunately, even with the distractions of a lawsuit and the hardship of having a significant portion of OLCA monies frozen, the current Road Maintenance Committee and Board has still managed to do what hadn't been done in thirty years.

Orchidland Community Association, Inc.

2016-17 Proxy

If you cannot attend an OLCA Membership Meeting (General, Semi-Annual and/or Special), you may assign another person of your choice to cast your vote by proxy. Fill out the information below if you wish to assign a proxy.

I appoint and authorize the person below (check one) to be my Proxy.

<input type="checkbox"/> Steve (Mongo) Lyon	<input type="checkbox"/> Doug Anderson
<input type="checkbox"/> Donald Stoner	<input type="checkbox"/> Paul Imaizumi
<input type="checkbox"/> Tegen Greene	<input type="checkbox"/> Chris Coles-Morales
<input type="checkbox"/> Frederic (Ric) Wirick	<input type="checkbox"/> Jeremai Cann
<input type="checkbox"/> Gerald Akana	<input type="checkbox"/> Steve Baca
<input type="checkbox"/> Sky Platt	<input type="checkbox"/> Other _____

Print your name: _____

Mailing address: _____

Phone: _____

Email: _____

TMK Number (s) of lots in Orchidland Estates that you own:

Signature: _____ Date: _____

By signing this form I attest I am a member in good standing of the Orchidland Community Association. In accordance with the OLCA Bylaws, members who are in good standing are entitled to one vote per TMK. Multiple lot owners must be paid in full on all lots owned to be in good standing. Your TMK (Tax Map Key) can be found on your property tax billing.

Hawaii Nonprofit Corporations Act Section 414D-113 states "Unless the articles or bylaws prohibit or limit proxy voting, a member may appoint a proxy vote or otherwise act for the member by signing an appointment form either personally or by an attorney –in-fact..."

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Social and Community Lot Development Committee

Updates:

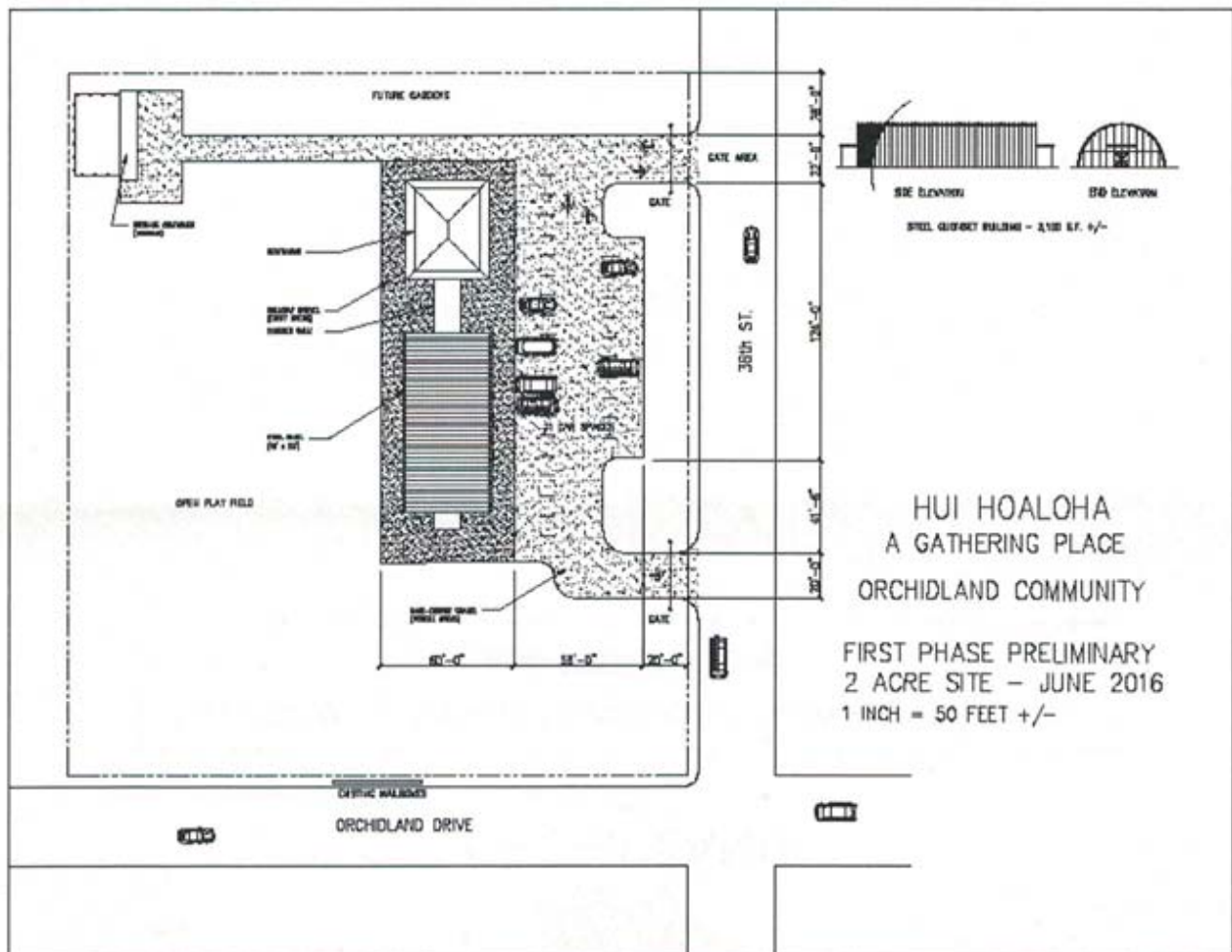
Over the past sixteen months great improvements have been made. What had looked like a trash dump a year ago now looks like a grassy park thanks in part to the hard work of your current Board of Directors. The OLCA community lot is becoming our Community Gathering Place, a Hui Hoaloha. In May we had our first social event, a free pancake breakfast for all OLCA community members and guests. Harvest Sharing events continue to be held the second Saturday of each month.

We are pleased to announce and are looking forward to working with the Food Basket, Inc. – Hawaii Island’s food bank.

Support is growing. A big Mahalo to all those who have donated to OLCA’s Hui Hoaloha/ Community Gathering Place.

Future plans include a pavilion/ quonset hut, playing field, and restrooms. There is also growing talk about a community garden and more! Interested? Please visit www.Orchidland.org , click on the Facebook link, or contact us at 808-464-5598.

Proposed Hui Hoaloha site plan



ORCHIDLAND
COMMUNITY
ASSOCIATION



ORCHIDLAND
ESTATES

KEA'AU,
BIG ISLAND,
HAWAII

**The Official Orchidland Community Association Newsletter
And 2016-17 Proxy**

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