

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

1010 RICHARDS STREET
P. O. BOX 3469
HONOLULU, HAWAII 96801

FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on
KAPAA SHORE
Kuhio Highway
Kapaa, Kauai, Hawaii
REGISTRATION NO. 679

IMPORTANT — Read This Report Before Buying

This Report Is Not an Approval or Disapproval of This Condominium Project

It reflects information obtained by the Real Estate Commission in its investigation of the project. This report, based on a principle of disclosure, is issued by the Commission for the purpose of preventing fraud, misrepresentation or deceit.

The developer shall not enter into a binding contract or agreement for the sale of any unit in a Condominium Project until

- (1) A copy of this Report has been given to the prospective purchaser,
- (2) The latter has been given an opportunity to read same, and,
- (3) His receipt taken therefor.

Issued: November 15, 1977
Expires: December 15, 1978

SPECIAL ATTENTION

A comprehensive reading of this report is urged in order that personal requirements and expectations to be derived from the property can be ascertained. The attention of the purchaser or prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED APRIL 26, 1974, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS LATE AS OCTOBER 27, 1977. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514, HAWAII REVISED STATUTES.

1. Since the issuance of the Commission's Preliminary Public Report dated June 6, 1974, and Supplementary Public Report dated August 11, 1976, on Registration No. 679, the Developer has prepared, assembled and forwarded additional information to that filed in the April 26, 1974, submittal. This Final Public Report is made a part of the registration on the KAPAA SHORE condominium project. The Developer is responsible for placing this Final Public Report (white paper stock), the Preliminary Public Report (yellow paper

stock) issued June 6, 1974, and the Supplementary Public Report, as amended, (pink paper stock) issued August 11, 1976, in the hands of all purchasers and prospective purchasers. Securing a signed copy of the Receipt for said reports is also the responsibility of the Developer.

Since the issuance of the Commission's Supplementary Public Report of KAPAA SHORE, Registration No. 679, there have been two (2) extensions of said Supplementary Public Report. The last extension is from July 7, 1977, to January 6, 1978.

2. The Developer of the project has filed all documents and materials deemed necessary by the Commission for the registration of this condominium project and issuance of this Final Public Report.

3. The basic documents (Declaration of Horizontal Property Regime, with the By-Laws of the Association of Apartment Owners attached, and a copy of the approved Floor Plans) have been filed in the offices of the recording officers.

The Declaration and By-Laws dated April 28, 1977, have been filed in the Office of the Assistant Registrar of the Land Court as Document No. 825405, and also have been recorded in the Bureau of Conveyances in Liber 12316, at Page 319, on July 11, 1977. The Declaration of Horizontal Property Regime was amended by instrument dated October 7, 1977, and filed as Document No. 840481 and recorded in Liber 12488 on Page 694. The Bureau of Conveyances has designated Condominium File Plan No. 506 to the project; and the Assistant Registrar has designated Condominium Map No. 309 to the project.

4. No advertising or promotional matter has been filed pursuant to the rules and regulations promulgated by the Commission.

5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of the Horizontal Property Act, Chapter 514 of the Hawaii Revised Statutes and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.

6. This Final Public Report automatically expires thirteen (13) months after the date of issuance, November 15, 1977, unless the Commission, upon review of the registration, issues an order extending the period of this report.

Only certain information under the topical headings: DEVELOPER, COMMON ELEMENTS, LIMITED COMMON ELEMENTS, INTEREST TO BE CONVEYED TO PURCHASER, ENCUMBRANCES AGAINST TITLE, PURCHASE MONEY HANDLING, MANAGEMENT OF PROJECT and STATUS OF PROJECT have been amended. Otherwise the information recited in the Preliminary Public Report issued June 6, 1974, and Supplementary Public Report, as amended, issued August 11, 1976, have not been altered.

DEVELOPER: The Developer is California-Hawaii Development, Inc., a California corporation, licensed to do business in the State of Hawaii, located at Suite 601, 225 Queen Street, Honolulu, Hawaii, Telephone No. 521-5661. The officers are as follows:

Dewey C. Chapman, Jr. -- President

Thomas R. Cole -- Vice President
Betty J. Chapman -- Secretary/Treasurer

COMMON ELEMENTS: The Declaration reflects that the common elements shall include the following:

- (a) Said land in fee simple;
- (b) All foundations, floor slabs, columns, girders, beams, supports, unfinished perimeter, party and load-bearing walls, roofs, entries, stairways, walkways, entrances and exits of said buildings;
- (c) All yards, grounds and landscaping;
- (d) All parking areas;
- (e) All pipes, cables, conduits, ducts, electrical equipment, wiring and other central and appurtenant transmission facilities and installations over, under and across the project which serve more than one apartment for services such as power, light, gas, water, sewer, telephone and television signal distribution, if any;
- (f) Swimming pool, tennis court, outdoor barbecue, shuffleboard court, volleyball court;
- (g) Manager's office located on the ground floor of Building C; and
- (h) Any and all other apparatus and installations of common use and all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

LIMITED COMMON ELEMENTS: The Declaration reflects that the limited common elements shall include the following:

The corridors on any floor above the first floor shall be appurtenant to and for the exclusive use of the apartments located on such floor.

NOTE: Parking stalls will not be assigned to and for the exclusive use of any apartment.

INTEREST TO BE CONVEYED TO PURCHASER: Apartment units shall have appurtenant to each the undivided percentage interest in all common elements of the project and the same proportionate share in all common profits and expenses of the project and for all other purposes including voting as follows: one bedroom, 1.0716%; two bedroom 1.5606%.

USE: The Declaration provides that the apartments shall be occupied and used only as private dwellings by the respective owners thereof, their tenants, families, domestic servants and social guests and for no other purposes except that the apartments may be used for transient or hotel purposes. The owners of the respective apartments shall have the absolute right to lease such apartments subject to all provisions of the Declaration and the By-Laws.

NOTE: The zoning for the project is R-20, Multiple Family Dwelling, which may or may not permit transient or hotel use.

The House Rules, among other provisions, provided that no dogs, cats, household pets, livestock, poultry, rabbits or other animals whatsoever shall be allowed or kept in any part of the project.

ENCUMBRANCES AGAINST TITLE: The Preliminary Report issued by Title Guaranty of Hawaii, Inc., on June 27, 1977, notes the following encumbrances:

1. Lease dated October 14, 1967, filed as Land Court Document No. 480645 and also recorded in Liber 6642 at Page 132, entered into by and between Shige Otsuka, widow, as "Lessor", and Wallace Allan Dyer, whose wife's name is Doris May Dyer, as "Lessee"; leasing and demising the land under search for a term of 55 years commencing on October 1, 1967 to and including September 30, 2022. Said Lease was amended by instrument dated June 23, 1969, filed as Land Court Document No. 480646 and also recorded in Liber 6642 at Page 155. Re: rents. Said Lease, as amended, was assigned to Preston Leslie Moody, husband of Kathryn Elizabeth Moody, as to an undivided 45% interest, Peter Brown Nottage, husband of Lois Carpenter Nottage, as to an undivided 45% interest, and Wallace Allan Dyer, husband of Doris May Dyer, as to the remaining undivided 10% interest, by instrument dated June 27, 1969, filed as Land Court Document No. 480647 and also recorded in Liber 642 at Page 160. Consent given by Shige Otsuka by instrument dated July 28, 1969, filed as Land Court Document No. 480648 and also recorded in Liber 6642 at Page 168. Said lease was further amended by instruments dated April 1, 1973, filed as Land Court Document No. 656746 and also recorded in Liber 9583 at Page 557; and dated December 13, 1976, filed as Land Court Document No. 794421 and also recorded in Liber 11885 at Page 386.

2. Sublease dated June 8, 1973, filed as Land Court Document No. 656747 and also recorded in Liber 9584 at Page 1, entered into by and between Preston Leslie Moody, husband of Kathryn Elizabeth Moody, Peter Brown Nottage, husband of Lois Carpenter Nottage, and Wallace Allan Dyer, husband of Doris May Dyer, as "Sublessor", and David Carroll Maddox and Dorothy Stautzenberger Maddox, husband and wife, as "Sublessee"; subleasing and demising the land under search for a term commencing on April 1, 1973, to and including September 30, 2029. Said Sublease by mesne assignments was assigned to California-Hawaii Development, Inc., a California corporation, by instrument dated April 18, 1975, filed as Land Court Document No. 778045 and also recorded in Liber 11622 at Page 62. Consent given by Preston Leslie Moody, husband of Kathryn Elizabeth Moody, Peter Brown Nottage, husband of Lois Carpenter Nottage, and Wallace Allan Dyer, husband of Doris May Dyer, by instrument dated December 9, 1975, filed as Land Court Document No. 778046, recorded in Liber 11622 at Page 70; by S. Otsuka Estate, Inc., a Hawaii corporation, successor in interest of Shige Otsuka, widow, by Instrument dated July 16, 1976, filed as Land Court Document No. 778047, recorded in Liber 11622 at Page 73; and by David Carroll Maddox and Dorothy Stautzenberger Maddox, husband and wife, by instrument dated July 13, 1976, filed as Land Court Document No. 778721, recorded in Liber 11634 at Page 240.

3. Mortgage in favor of Peoples Mortgage Company, a Washington corporation, dated December 10, 1976, and filed as Land Court Document No. 794423 and also recorded in Liber 11885 at Page 395. Consent to said Mortgage given by Preston Leslie Moody, husband of

Kathryn Elizabeth Moody, Peter Brown Nottage, husband of Lois Carpenter Nottage, and Wallace Allan Dyer, husband of Doris May Dyer, by instrument dated December 10, 1976, filed as Land Court Document No. 794424, and also recorded in Liber 11885 at Page 395.

4. Assignment of Sales Contracts and Proceeds dated December 9, 1976, filed as Land Court Document No. 794425 and also recorded in Liber 11885 at Page 456.

5. Mortgage in favor of Pacific Construction Company, Ltd., a Hawaii corporation, dated December 3, 1976, and filed as Land Court Document No. 794426 and also recorded in Liber 11885 at Page 465.

6. For any taxes that may be due and owing, reference is made to the Office of the Tax Assessor, Fourth Division.

7. Grant of Easement entered into by and between S. Otsuka Estate, Inc., a Hawaii corporation, Preston Leslie Moody, husband of Kathryn Elizabeth Moody, Peter Brown Nottage, husband of Lois Carpenter Nottage, Wallace Allan Dyer, husband of Doris May Dyer, and California-Hawaii Development, Inc., a California corporation, called "Grantor", and Yoneo Shimamoto and Kay Shimamoto, also known as Kay Hiura Shimamoto, husband and wife, as tenants by the entirety, called "Grantee", by instrument dated May 15, 1977, filed as Land Court Document No. 823296.

PURCHASE MONEY HANDLING: The information contained under this heading in the Supplementary Public Report, as amended, issued August 11, 1976, with the exception of the following, has not been disturbed. Developer has submitted a verified statement of actual costs for the construction of the project and loan agreements from Peoples Mortgage Company, dated October 21, 1976; Honolulu Federal Savings & Loan, dated October 19, 1976; and Hawaiian Federal Savings & Loan, dated October 26, 1976, to the Commission.

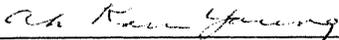
MANAGEMENT OF PROJECT: The information contained under this heading in the Preliminary Public Report issued June 6, 1974, with the exception of the following, has not been disturbed. Developer has submitted an executed copy of Management Agreement to the Commission with PROFESSIONAL RESORT MANAGEMENT, INC., a Hawaii corporation, as initial Managing Agent.

STATUS OF PROJECT: The Developer advises the Commission that construction of the buildings is approximately fifty percent (50%) completed; and that construction is expected to be completed on or before November, 1977.

The purchaser or prospective purchaser should be cognizant of the fact that this published report represents information disclosed by the Developer in the required Notice of Intention submitted April 26, 1974, and information subsequently filed as of October 27, 1977.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made part of REGISTRATION NO. 679, filed with the Commission on April 26, 1974.

This report, when reproduced, shall be a true copy of the Commission's public report. The paper stock used in making facsimilies must be white.



AH KAU YOUNG, Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII

DISTRIBUTION:

Department of Taxation
Bureau of Conveyances
Planning Department, County of Kauai
Federal Housing Administration
Escrow Agent

REGISTRATION NO. 679

November 15, 1977