

**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

POIPU MAKAI  
Pee Road  
Poipu, Kauai, Hawaii  
REGISTRATION NO. 815

**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: October 2, 1976  
Expires: November 2, 1977

SPECIAL ATTENTION

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

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED OCTOBER 15, 1975, AND INFORMATION SUBSEQUENTLY FILED AS OF SEPTEMBER 28, 1976. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, SET FORTH IN CHAPTER 514, HAWAII REVISED STATUTES.

1. Since the issuance of the Commission's Preliminary Public Report on POIPU MAKAI, Registration No. 815, dated October 31, 1975, the Developer has submitted additional information and requested a Final Public Report.
2. The Developer of the project has submitted to the Commission for examination all documents and materials deemed necessary by the Commission for registration of this condominium project and the issuance of this Final Public Report.
3. The Developer reports that the basic documents (Declaration of Horizontal Property Regime, with Bylaws of the Association of Apartment Owners attached, and a copy of the approved Floor Plans) have been filed in the Bureau of Conveyances of the State of Hawaii. The Declaration of Horizontal Property Regime, executed August 13, 1976, with Bylaws attached, was recorded in the Bureau of Conveyances of the State of Hawaii on August 25, 1976 in Liber 11628, page 223. The approved Floor Plans showing the layout, location, apartment numbers, etc., have been designated Poipu Makai Condominium Map No. 471 by the Registrar, Bureau of Conveyances.
4. No advertising and promotional matter have been submitted 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 Chapter 514, Hawaii Revised Statutes, and the Rules and Regulations of the Hawaii Real Estate Commission which relate to Horizontal Property Regimes.
6. This Final Public Report is made a part of the registration of Poipu Makai condominium project. The Developer has the responsibility of placing a true copy of this Final Public Report (white paper stock) along with a copy of the Preliminary Public Report (yellow paper stock) in the hands of all purchasers and prospective purchasers. Securing a signed copy of the Receipt for the Preliminary and Final Public Reports from each purchaser and prospective purchaser is also the responsibility of the Developer.
7. This Final Public Report automatically expires thirteen (13) months after the date of issuance, October 2, 1976, unless a supplementary public report is published, or the Commission, upon review of the registration, issues an order extending the effective period of this report.

The information disclosed under the topical headings of DESCRIPTION OF APARTMENTS, COMMON ELEMENTS, INTEREST TO BE CONVEYED TO PURCHASER, OWNERSHIP OF TITLE, ENCUMBRANCES AGAINST TITLE, MANAGEMENT AND OPERATIONS and STATUS OF PROJECT have been amended. Information under the remaining topical headings has not been disturbed.

DESCRIPTION OF APARTMENTS: The last paragraph in subsection b. is deleted and the following substituted in lieu thereof:

"Each apartment also contains an electric range with oven below, a 40-gallon water heater, a dishwasher, washer and dryer, refrigerator, garbage disposal and trash compactor."

COMMON ELEMENTS: Subsection d. is deleted and the following substituted in lieu thereof:

"d. All storage areas, equipment rooms, and mailboxes."

INTEREST TO BE CONVEYED TO PURCHASER: The last sentence has been deleted and the following substituted in lieu thereof:

"The proportionate shares of the separate owners of the respective apartments in the profits and common expenses in the common areas and facilities as well as their proportionate representation for voting purposes in the Association of Apartment Owners shall be the undivided interest shown in the tabulation under subsection b. of the Description of Apartments in the column entitled 'Common Interest.'"

OWNERSHIP OF TITLE: A Certificate of Title prepared by Security Title Corporation issued on August 25, 1976, states that Poipu Makai holds the record title to the land committed to the project.

ENCUMBRANCES AGAINST TITLE: Said Certificate of Title prepared by Security Title Corporation identifies the following encumbrances on the land committed to the project:

1. Tax Key: 2-8-20-04, Area Assessed: 33,036 square feet.  
Real Property Taxes for the Fiscal Year 1975-1976.
2. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
3. As to that portion of the land herein described bordering on the Ocean:  
  
The effect of Sections 205-31 to 205-37, inclusive, Hawaii Revised Statutes, as now or hereafter amended pertaining to shoreline setbacks.
4. Any adverse claim of the State of Hawaii based upon the contention that some portion of the land lies seaward of the line of vegetation per County of Hawaii vs. Sotomura (1973) 55 H. 176, 517 P.2d 57.
5. Mortgage dated December 30, 1975, recorded in the Bureau of Conveyances of Hawaii in Liber 11141, page 177, made by POIPU MAKAI, a Hawaii limited partnership, as Mortgagor, to PACIFIC SAVINGS AND LOAN ASSOCIATION, a Hawaii corporation, as Mortgagee, to secure the repayment of the sum of \$1,298,400.00.
6. Mortgage dated May 15, 1974, recorded in said Bureau in Liber 9934, page 307, made by JAMES C. BLACKWELL, JR., ET AL., as Mortgagors, to NICHOLAS G. SMITH and BLACKWELL CONSTRUCTION, INC., as Mortgagees, to secure repayment of the sum of \$140,000.00 and any additional amounts secured thereby.
7. Grant of easement 5 feet wide for pedestrian access purposes to the County of Kauai dated January 21, 1976, recorded in the Bureau of Conveyances in Liber 11410, page 526.
8. Declaration of Horizontal Property Regime dated August 13, 1976, recorded in the Bureau of Conveyances in Liber 11628, page 223.

9. Condominium Map No. 471, filed in said Bureau of August 25, 1976.

MANAGEMENT AND OPERATIONS: The Declaration discloses that the administration of the project shall be vested in The Association of Apartment Owners. The Declaration and Bylaws of the Association place the responsibility of employing a responsible managing agent to manage and control the project, subject at all times to direction by the Board of Directors upon the Board. There is on file with the Commission a Management Agreement between Developer and Sleeping Giant Realty, Inc., a Hawaii corporation, under which it will provide management services to the Association of Apartment Owners on a continuing basis cancellable upon 60 days notice by either party.

STATUS OF PROJECT: The Developer has entered into a Construction Contract with Blackwell Construction, Inc. for the construction of the project. The Developer has advised the Commission that construction should be completed in December 1976.

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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 October 15, 1975 and information subsequently filed as of September 28, 1976.

This FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 815 filed with the Commission on October 15, 1975.

The report, when reproduced, shall be a true copy of the Commission's Public Report. In making facsimiles the paper stock shall be white in color.

  
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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. 815  
October 2, 1976