

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII
1010 RICHARDS STREET
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HONOLULU, HAWAII 96801

FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on

POIPU ESTATE
("PHASE ONE")
Weliweli, Koloa, Kauai, Hawaii

REGISTRATION NO. 830

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 12, 1976

Expires: November 12, 1977

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 DECEMBER 11, 1975, AND INFORMATION SUBSEQUENTLY FILED AS OF OCTOBER 6, 1976. 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 on POIPU ESTATE ("PHASE ONE"), Registration No. 830, dated January 15, 1976, the Developer has prepared and forwarded additional information to that filed in the December 11, 1975 submittal. This Final Public Report is made a part of the registration and the Developer is responsible for placing this Final

Public Report (white paper stock) in the hands of all purchasers and prospective purchasers receiving the Preliminary Public Report (yellow paper stock).

Securing a signed copy of the Receipt for Horizontal Property Regimes Public Report from each purchaser and prospective purchaser is also the responsibility of the Developer.

2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the issuance of this Final Public Report.
3. Advertising and promotional matter has been submitted pursuant to the rules and regulations promulgated by the Commission.
4. The basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owners, and a copy of the approved Floor Plans) have been recorded in the office of the recording officer.

The Declaration of Horizontal Property Regime, together with the By-Laws of the Association of Apartment Owners attached thereto, was recorded in the Bureau of Conveyances of the State of Hawaii on September 14, 1976 in Liber 11673, Page 303 and Condominium Map No. 472 has been designated to the project by said Bureau.

5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of 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 date of issuance, October 12, 1976, unless a Supplementary Public Report issues or the Commission, upon review of the registration issues an order extending the effective period of this report.

The information under the topical headings of the Preliminary Public Report has not changed, except for ENCUMBRANCES AGAINST TITLE, STATEMENT OF FINANCING and STATUS OF PROJECT, which changes are reflected below.

ENCUMBRANCES AGAINST TITLE: The Developer has filed with the Commission an updated title search report prepared by Security Title Corporation, dated September 15, 1976, a supplement thereto dated September 24, 1976, and disclosure

of release of three mortgages and a mechanic's lien. Therefore, title to the land committed to the regime is now subject to the following:

1. Real Property Taxes, first installment, Fiscal Year July 1, 1976 to June 30, 1977.
2. Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent Grant 1416.
3. Third Real Property Mortgage and Financing Statement dated September 19, 1975, recorded on September 24, 1975, in said Bureau of Conveyances in Book 10922, Page 536, made by HOWARD GRUENBERG and RUTH ALLEN GRUENBERG, husband and wife, as Mortgagors, to NORMAN ALWEIS and SHIRLEY ALWEIS, husband and wife, AS JOINT TENANTS, as Mortgagees, to secure the repayment of the sum of \$125,000.00, any additional advances and other amounts secured thereby, all according to the terms of that certain promissory note of said mortgagors therein referred to.
4. Condominium Map No. 472, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii on September 14, 1976.
5. The covenants, agreements, obligations, conditions and other provisions as contained in that certain Declaration of Horizontal Property Regime Poipu Estate (Phase One) dated September 9, 1976, recorded on September 14, 1976, in the Bureau of Conveyances of the State of Hawaii in Book 11673, Page 303, and the By-Laws attached thereto, to which reference is hereby made.
6. The restrictive covenants as contained in that certain Deed dated February 6, 1962, recorded on February 13, 1962, in said Bureau of Conveyances in Book 4215, Page 473, to-wit:

"And the Grantee shall not for a period of twenty (20) years from and after the date of this grant, mortgage the granted premises or any portion thereof or any improvement constructed thereon, except that any mortgage given, executed, or entered into by the Grantee shall expressly provide that upon default by the Grantee herein of any of the terms or conditions of said mortgage of a nature legally sufficient to give the mortgagee the right to commence, institute, or pursue foreclosure proceedings, the Grantor shall have the

right to require the mortgagee to surrender and transfer to the Grantor herein all his security, right, title or interest in the mortgaged property upon the payment by the Grantor herein to the mortgagee of the full amount of the mortgage indebtedness then outstanding and unpaid."

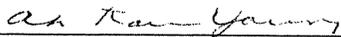
NOTE: The Developer has advised the Commission that the Mortgage currently encumbering the property contains specific provisions whereby upon payment of the purchase price of each apartment and the conveyance of the apartment to the buyer, the apartment shall be fully released from the lien of said Mortgage.

STATEMENT OF FINANCING: The Statement of Program of Financing submitted by the Developer reflects that the Developer intends to pay the cost of the project from funds available through a loan from Hawaii Thrift and Loan incorporated to a maximum of \$200,000, Developer's funds, and purchasers' funds deposited with Escrow.

STATUS OF PROJECT: The Developer advises that construction commenced on September 2, 1975 and that construction was completed as of May 6, 1976.

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 December 11, 1975, and information subsequently filed as of October 6, 1976. Information disclosed in the Commission's Preliminary Public Report of January 15, 1976, should be carefully reviewed by purchasers and prospective purchasers.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 830 filed with the Commission December 11, 1975. This report, when reproduced, shall be a true copy of the Commission's public report. The paper stock used in making facsimiles must be white.



AH KAU YOUNG, Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII

Distribution:

DEPARTMENT OF TAXATION
BUREAU OF CONVEYANCES
PLANNING DEPARTMENT, COUNTY OF MAUI
FEDERAL HOUSING ADMINISTRATION
ESCROW AGENT

October 12, 1976

Registration No. 830