

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF COMMERCE & CONSUMER AFFAIRS

STATE OF HAWAII

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

SECOND

## SUPPLEMENTARY

## HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

WAIKOMO STREAM VILLAS

Poipu Road and Poipu Beach Road  
Poipu, Koloa, Kauai, Hawaii

(Registration for Apartments 100, 102, 120, 122, 123,  
131, 133, 200, 202, 203, 220, 230, 233, 300, 301, 302,  
303, 320, 322, 323, 330, 331, 332, 333, 400, 421, 430,  
500, 501, 502, 503, 520, 521, 523, 530, 531 and 532.)

REGISTRATION NO. 1083

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

It was prepared as a supplement to an earlier Report dated March 14, 1970, April 8, 1980, and September 22, 1983, issued by the Real Estate Commission on the above 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: May 27, 1986  
Expires: June 27, 1987

### 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 TO SELL SUBMITTED JANUARY 31, 1979, AND INFORMATION SUBSEQUENTLY FILED AS OF MAY 9, 1986. THE SELLER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. Since the issuance of the Commission's Preliminary Public Report of March 14, 1979, the Final Public Report of April 8, 1980, and the Supplementary Public Report of September 22, 1983 on WAIKOMO STREAM VILLAS, Registration No. 1083, the Owner/Seller reports that changes have been made in the plan or setup as presented in the forementioned

reports. The changes subsequently made are determined to be a material revision to the information disclosed earlier. This Supplementary Public Report amends the Preliminary Public Report and the Final Public Report, becoming a part of WAIKOMO STREAM VILLAS registration.

2. THIS SUPPLEMENTARY PUBLIC REPORT IS ISSUED ONLY WITH RESPECT TO THOSE APARTMENTS LISTED ON PAGE 1 OF THIS REPORT.
3. The Owner/Seller has submitted to the Commission for examination all documents necessary for the registration of the condominium project and issuance of this Second Supplementary Public Report. The basic documents, the Declaration of Horizontal Property Regime, dated February 12, 1980, together with the By-Laws of the Association of Owners was recorded in the Bureau of Conveyances in Liber 14509, Page 666 and filed in the Office of the Assistant Registrar of the Land Court as Land Court Document No. 997814. The Condominium plans have been designated as Condominium File Plan No. 685 in said Bureau and as Condominium Map No. 405 in the Office of the Assistant Registrar of the Land Court. An amendment to the Declaration of Horizontal Property Regime dated April 28, 1981 was filed as Land Court Document No. 1065830 and recorded in the Bureau of Conveyances in Liber 15524 Page 261.
4. The purchaser and prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A, Hawaii Revised Statutes, as amended, and the Condominium Rules and Regulations promulgated thereunder which relate to Horizontal Property Regimes.
5. No advertising and promotional matter has been submitted to the Commission.
6. The Owner/Seller is responsible for placing a true copy of this Second Supplementary Public Report (pink paper stock), the Supplementary Public Report (pink paper stock), the Preliminary Public Report (yellow paper stock), the Final Public Report (white paper stock) and Amended Disclosure Abstract of April 24, 1986 in the hands of all purchasers and obtaining a receipt therefor.
7. This Supplementary Public Report expires on June 27, 1987, unless the Commission, upon review of the registration, issues an order extending the effective date of this report.

The information under the topical headings RESTRICTIONS AS TO USE, ENCUMBRANCES AGAINST TITLE and MANAGEMENT OF PROJECT have been altered as hereinafter set forth. All other topical headings have not been disturbed.

RESTRICTIONS AS TO USE: The Owner/Seller advises that it did not and will not seek an amendment to the Declaration of Horizontal Property Regime to provide that the apartments of the Project may also be used for hotel and for time-sharing purposes as indicated in the Supplementary Public Report. 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 may be utilized in long-term or transient rentals. The owners of the respective apartments shall have the absolute right to rent or lease the apartments subject to all provisions of the Declaration, the By-Laws and the House Rules.

ENCUMBRANCES AGAINST TITLE: A preliminary title report dated April 28, 1986, issued by Title Guaranty of Hawaii, Incorporated, reports that title to the land is subject to the following:

1. For any real property taxes that may be due and owing, reference is made to the Office of the Tax Assessor of the County of Kauai (4th Division).
2. Reservation in favor of the State of Hawaii of all minerals and metallic mines.
3. "SUBJECT, HOWEVER, to the provisions of that certain instrument dated August 27, 1937, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 40955," as set forth in Deed dated April 11, 1972, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 581668.
4. Free flowage of water from Waikomo Stream, as set forth by Land Court Order No. 55548, filed January 25, 1980.
5. Right-of-Entry in favor of Citizens Utilities Company, a Delaware corporation, dated October 16, 1980, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 15196, Page 566, granting a right-of-entry and temporary easement for construction and maintenance of power and communication lines.
6. Conveyance of Water Facility dated November 18, 1981, recorded as aforesaid in Liber 16084, Page 430, Waikomo Stream Associates conveys all water facilities connected to existing 12-inch water main along Poipu Road, Koloa, Kauai, to County of Kauai, through its Department of Water.

7. Covenants, conditions, restrictions, reservations, agreements, obligations, easements and provisions set forth in the Declaration of Horizontal Property Regime dated February 12, 1980, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 997814, and also recorded in the Bureau of Conveyances of the State of Hawaii in Liber 14509, Page 666, and to the By-Laws attached thereto, as the same are or may hereafter be amended in accordance with law, said Declaration or said By-Laws. Said Declaration was amended by instrument dated April 28, 1981, filed as Document No. 1065830, and also recorded in Book 15524, Page 261.

8. Condominium Map No. 405 filed in the Office of the Assistant Registrar and Condominium Map No. 685 filed in the Bureau of Conveyances.

MANAGEMENT OF PROJECT: The Commission has been furnished with a copy of an executed Management Agreement dated December 7, 1984, as amended by letter agreement dated December 11, 1984, which reflects that RHK Enterprises, Ltd. is the current managing agent of the Project.

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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 January 31, 1979, and additional information subsequently filed as of May 9, 1986.

This is a SECOND SUPPLEMENTAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT which is made a part of REGISTRATION NO. 1083 filed with the Commission on January 31, 1979. This report when reproduced shall be a true copy of the Commission's Public Report. The paper stock used in making facsimiles must be pink.

*Constance B. Smalus, Commission*  
*for G. A. Morris*  
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G. A. "RED" MORRIS, CHAIRMAN  
REAL ESTATE COMMISSION  
STATE OF HAWAII

Distribution:  
DEPARTMENT OF FINANCE  
BUREAU OF CONVEYANCES  
PLANNING COMMISSION,  
COUNTY OF KAUAI  
FEDERAL HOUSING ADMINISTRATION  
ESCROW AGENT

REGISTRATION NO. 1083  
May 27, 1986