

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

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

SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on
MOANI KAILOHIA
56-207 Kamehameha Highway, Kahuku, Hawaii
REGISTRATION NO. 1084 (CONVERSION)

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

It was prepared as a supplement to an earlier Report dated March 29, 1979 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: July 9, 1980

Expires: October 29, 1980

SPECIAL ATTENTION

Particular attention of purchaser and prospective purchasers are directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION FILED FEBRUARY 2, 1979, AND INFORMATION SUBSEQUENTLY SUBMITTED AS OF JUNE 5, 1980. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514A, HAWAII REVISED STATUTES.

1. Since the issuance of the Commission's Final Public Report on March 29, 1979 on the MOANI KAILOHIA, Registration No. 1084, the Developer reports that certain material changes have been made in the project.
2. This Supplementary Public Report (pink paper stock) amends the Final Public Report (white paper stock) becoming a part of the MOANI KAILOHIA registration. The Developer is responsible for placing true copies of this Supplementary Public Report and

the Final Public Report together with the Disclosure Abstract in the hands of all purchasers and prospective purchasers. Securing from each purchaser a signed receipt for the reports is also the responsibility of the Developer.

3. The Developer of the project has filed all documents and materials deemed necessary by the Commission for the registration of this condominium project and the issuance of this Supplementary Public Report.
4. The Declaration of Horizontal Property Regime dated January 12, 1979, together with the By-Laws of the Association of Apartment Owners annexed thereto have been filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 921335. A copy of the approved Floor Plans has been filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Condominium Map No. 359. Said Declaration has been amended by Amendment to Declaration of Horizontal Property Regime and By-Laws and Supplemental Declaration of Covenants, Conditions and Restrictions filed in the Land Court as aforesaid as Document No. 1012481.
5. No advertising or promotional matter has been filed pursuant to the rules and regulations promulgated by the Commission.
6. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of the Horizontal Property Act, Chapter 514A of the Hawaii Revised Statutes, as amended, and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.
7. This Supplementary Public Report expires on October 29, 1980 unless another Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the period of this report.

The information in the Final Public Report of March 29, 1979, under the topical headings: DEVELOPER, ATTORNEY REPRESENTING DEVELOPER, PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE, has been changed. Two additional topics: EASEMENTS and SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS TO THE DECLARATION OF HORIZONTAL PROPERTY REGIME have been added. The other information in the Final Public Report remains the same.

DEVELOPER: RICHARD CHARLES MacDONALD, husband of Claire Mae MacDONALD, whose business and post office address is Suite 2204, Hawaii Building, 745 Fort Street, Honolulu, Hawaii 96813; Phone: (808) 521-9802.

ATTORNEY REPRESENTING DEVELOPER: Hiroshi Sakai, Attorney at Law, A Law Corporation, 602 City Bank Building, 810 Richards Street, Honolulu, Hawaii 96813; Phone (808) 531-4171.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: Paragraph E the "USE" provision in the Declaration has been amended to read as follows:

"E. Except when the holder of the first mortgage on an apartment has entered into possession of a residential apartment following (i) a default under its first mortgage, (ii) a foreclosure proceeding, or (iii) a conveyance in lieu of foreclosure, the residential apartments shall be occupied and used for residential use or time sharing ownership by the respective owners thereof, their tenants, families, domestic servants, tenants and social guests. The apartments may be sold, leased, rented or used for any time period or periods including any annually recurring period on a fixed or floating basis."

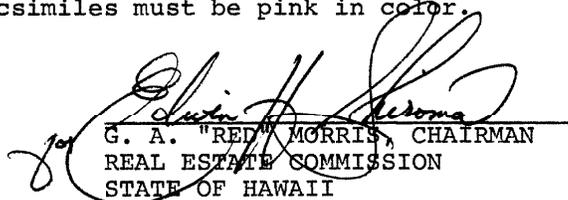
EASEMENTS: A new Subparagraph 4 has been added to Paragraph C in the Declaration to read as follows:

"Notwithstanding the above provisions the Developer, its agents, employees, contractors, licensees, successors, and assigns shall have the right to conduct time sharing sales and management of units in a time sharing program or programs provided that such activities are conducted in an unobstrusive manner which will not unreasonably interfere with the use, possession and aesthetic enjoyment of the property by the other apartment owners."

SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS TO THE DECLARATION OF HORIZONTAL PROPERTY REGIME: The Supplemental Declaration has been added to the Declaration of Horizontal Property Regime to allow the Time Sharing of apartments and further to establish a Time Share Plan for the project.

The purchaser or prospective purchaser shall be cognizant of the fact that this Supplementary Public Report represents information disclosed by the Developer in the required Notice of Intention submitted February 2, 1979 and information filed subsequently as of June 5, 1980.

This SUPPLEMENTARY HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1084, filed with the Commission on February 2, 1979. The report, when reproduced shall be a true copy of the Commissioner's Public Report. The paper stock used in making facsimiles must be pink in color.


G. A. "RED" MORRIS, CHAIRMAN
REAL ESTATE COMMISSION
STATE OF HAWAII

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REGISTRATION NO. 1084

July 9, 1980