

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**

**KIAHUNA (PHASE III-B)
INCREMENT II
Poipu Beach, Island and County of Kauai, Hawaii**

REGISTRATION NO. 1117

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 16, 1979
Expires: November 16, 1980

SPECIAL ATTENTION

A comprehensive reading of this report 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 FILED APRIL 6, 1979, AND ADDITIONAL INFORMATION SUBSEQUENTLY SUBMITTED AS OF SEPTEMBER 28, 1979. THE DEVELOPER, IN 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 Preliminary Public Report of June 1, 1979 on KIAHUNA (PHASE III-B) INCREMENT II, the Developer reports that changes have been made in the plan or setup of the Project. The changes subsequently made are determined to be a material revision to the information disclosed earlier.

This Final Public Report covers only the eighteen (18) beachhouses situated in Increment II of the KIAHUNA (PHASE III-B) Condominium Project as described herein and in the Preliminary Public Report of June 1, 1979.

Increment I (18 beachhouses) has been completed and reference is made to Registration No. 950.

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

3. The basic documents (Declaration of Horizontal Property Regime, By-Laws of the Association of Beachhouse Owners and a copy of the approved Floor Plans) have been filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii. The Declaration of Horizontal Property Regime dated November 15, 1978, with 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. 914094. The approved floor plans have also been filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii and designated as Condominium Map No. 352. Said Declaration was subsequently amended and a proposed amendment to the Declaration relating to Increment II of KIAHUNA (PHASE III-B) will be filed upon completion of construction of the said beachhouses to fully incorporate them into the KIAHUNA (PHASE III-B) Condominium 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 514A of the Hawaii Revised Statutes, as amended, and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.

6. This Final Public Report is made a part of the registration on KIAHUNA (PHASE III-B) INCREMENT II condominium project. The Developer has the responsibility of placing a true copy of the Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers together with a copy of the Preliminary Public Report (yellow paper stock) and the Disclosure Abstract. Securing a signed receipt for these 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 16, 1979, unless a Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the period of this report.

The information disclosed in the Preliminary Public Report of June 1, 1979 under the topical headings hereinafter set forth has been amended. Information disclosed in the remaining topical headings of the Preliminary Public Report has not been disturbed.

ENCUMBRANCES AGAINST TITLE: A Preliminary Title Report dated September 13, 1979 issued by Security Title Corporation, as submitted to the Commission, discloses that the following are encumbrances against title to the property:

1. The terms and provisions of that certain Indenture of Lease dated December 15, 1972 (but effective April 15, 1972), by and between First Hawaiian Bank and Valdemar L'Orange Knudsen, Trustees of the Eric A. Knudsen Trust, and Bishop Trust Company, Limited, Trustee of the Augustus F. Knudsen Trust, as Lessor, and Moana Development Corporation, as Lessee, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 618969; said Lease now held by Moana/Kauai Corporation by Assignment of Lease dated November 23, 1977, filed in said Office of the Assistant Registrar as Document No. 864956.

Said Lease is subject to the following:

(a) Mortgage dated May 29, 1979, filed in said Office of the Assistant Registrar as Document No. 945452 in favor of BANK OF HAWAII;

(b) Lessor's Estoppel Certificate dated April 2, 1979, filed in said Office of the Assistant Registrar as Document No. 945449.

2. Said Declaration, By-Laws and Condominium Map filed with the Land Court of the State of Hawaii.

3. For information on real property taxes that may be due and owing, please check with the tax assessor for the Fourth Division.

In addition, the Developer has disclosed that said Declaration of Horizontal Property Regime dated November 15, 1978, was amended by instrument dated March 1, 1979, and filed in the Office of the Assistant Registrar of the Land Court on April 12, 1979, as Document No. 932373. A copy thereof has been provided the Commission, together with a copy of said proposed second amendment dealing with parking areas, location of units, and other matters.

STATUS OF PROJECT: The Developer advises that it has entered into a Construction Contract dated February 20, 1979, with Kenneth Shioi & Co., Ltd. for construction of the Project and that construction commenced on April 23, 1979. Said contract is for the construction of both KIAHUNA (PHASE III-B) INCREMENT II and KIAHUNA (PHASE IV-A), Registration No. 1116, which are being built concurrently. The Developer further advises that it estimates that construction of the Project will be completed on or about March 15, 1980.

The purchaser and 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 as of April 6, 1979, and additional information subsequently submitted as of September 28, 1979.

This is a FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT which is made a part of REGISTRATION NO. 1117 filed with the Commission April 6, 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 white.

Ah Kau Young

AH KAU YOUNG, CHAIRMAN
REAL ESTATE COMMISSION
STATE OF HAWAII

Distribution:

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

REGISTRATION NO. 1117

October 16, 1979