

# 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

KAHALA AT POIPU KAI T  
Poipu, Island and County of Kauai, Hawaii

REGISTRATION NO. 1126

### **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, 1979  
Expires: November 2, 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 SUBMITTED APRIL 27, 1979, AND INFORMATION SUBSEQUENTLY SUBMITTED AS OF JUNE 4, 1979 AND SEPTEMBER 19, 1979. THE DEVELOPER, 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 June 6, 1979, the Developer reports that changes have been made in the Project. This Final Public Report (white paper stock) amends the Preliminary Public Report (yellow paper stock) becoming a part of the KAHALA AT POIPU KAI I registration.

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 Developer advises that the Declaration of Horizontal Property Regime of Kahala at Poipu Kai I, dated August 24, 1979, with By-Laws of the Association of Apartment Owners annexed thereto have been recorded in the Bureau of Conveyances of the State of Hawaii in Liber 13993, Page 341. The approved floor plans have also been filed in the Bureau of Conveyances of the State of Hawaii and designated as Condominium File Plan No. 643.

4. 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 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 of the KAHALA AT POIPU KAI I 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). Securing a signed copy of the Receipt of these Horizontal Property Regime 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, 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 6, 1979 in the topical headings hereinafter set forth have been amended. Information disclosed in the remaining topical headings have not been disturbed.

DEVELOPER: ADM. INTERNATIONAL, LTD., a Hawaii corporation, whose principal place of business is in Koloa, Kauai, Hawaii and whose post office address is P. O. Box 537, Koloa, Kauai, Hawaii (telephone: (808) 742-6703). The officers of the corporation are: John S. Kay, Jr., President; Robert Fritts, Vice President; Marvin Gebler, Second Vice President; Gregory Kamm, Secretary; Mike Warren, Assistant Secretary; Diana Gervais, Treasurer.

DESCRIPTION OF PROJECT: The first paragraph has been amended to read as follows:

"The proposed Project contains 82 residential apartments in ten (10) two- and three-story buildings with 124 parking stalls. Recreational facilities include a swimming pool complex consisting

of a swimming pool and cabana. The Project and the apartments are more specifically described in Exhibit "A" attached hereto and made a part hereof."

Exhibit "A" attached to the Preliminary Report has been amended to reflect the fact that the following apartments have been assigned the following new parking stall numbers:

<u>Apartment No.</u>	<u>New Assigned Parking Stall No.</u>
F101	31
F104	38
F201	32
F204	37
F102	33
F103	36
F202	29
F203	35
F302	30
F303	34

COMMON ELEMENTS: The forty-six (46) guest parking stalls referred to in paragraph (c) have been reduced to forty-two (42) guest parking stalls.

Paragraph (d) has been amended to read as follows:

"(d) The swimming pool complex located on the Project lands, consisting of a swimming pool and cabana."

OWNERSHIP OF TITLE: An updated Preliminary Title Report, dated August 23, 1979, issued by Title Guaranty of Hawaii Incorporated states that fee simple title to the land is held by ADM. International, Ltd.

ENCUMBRANCES: The updated Preliminary Title Report discloses that the title to the property is subject to the following encumbrances:

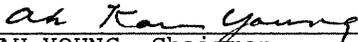
1. For any taxes that may be due and owing, reference is made to the Office of the Tax Assessor, fourth division.
2. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
3. Pedestrian Easement "A" (15' and 10' wide) along Lot D-24.
4. Declaration of Covenants and Restrictions, dated January 8, 1979, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 13428, Page 440, as amended by First Supplemental Declaration of Covenants and Restrictions, dated April 17, 1979, recorded in said Bureau in Liber 13622, Page 445.
5. Grant of Perpetual Nonexclusive Easement, dated August 1, 1979, recorded in said Bureau in Liber 13910, Page 298.
6. Declaration as to Merger of Increments in a Condominium Project recorded in said Bureau in Liber 13993, Page 329.

STATUS OF PROJECT: The Developer reports that a building permit for the Project has been issued by the Department of Public Works of the County of Kauai and that a construction contract for the Project was executed on August 23, 1979 with Cawdrey-Mars-General. Construction of the Project commenced in August, 1979, and the estimated date of completion is September, 1980.

NOTE: The Developer further advises that it intends to construct a private tennis club known as the "Poipu Kai Tennis Club" and that it has entered into a License Agreement with the Association of Apartment Owners of Kahala at Poipu Kai. Under the terms of the License Agreement, the owner of an apartment in the Project and his respective family, tenants or guests shall have a non-exclusive license to use the recreational facilities of the Poipu Kai Tennis Club upon the payment by the Association of a monthly fee of \$1,476.00 for the first year of the term of the License Agreement. This license fee will constitute a portion of the Association's common expenses which are reflected in the monthly assessment for common expenses against the respective apartments. The License Agreement has an initial term of one year and will be automatically renewed from year to year thereafter unless the Association, by two-thirds vote of its members, votes to have the License Agreement terminated.

-----  
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 27, 1979, and additional information subsequently submitted as of June 4, 1979 and September 19, 1979.

This is a FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT which is made a part of REGISTRATION NO. 1126 filed with the Commission on April 27, 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, 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. 1126

October 2, 1979