

# 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

MANUALOHA I - PHASE I  
Poipu, Kauai, Hawaii

REGISTRATION NO. 1131

### **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: November 30, 1979  
Expires: December 30, 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 MAY 16, 1979, AND INFORMATION SUBSEQUENTLY SUBMITTED AS OF NOVEMBER 20, 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 27, 1979, the Developer reports that changes have been made in the Project. This Final Public Report amends the Preliminary Public Report becoming a part of the MANUALOHA I - PHASE 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 Manualoha I, dated October 31, 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 14168, Page 215. 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. 662.

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 MANUALOHA I - PHASE 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, November 30, 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 27, 1979 in the topical headings hereinafter set forth have been amended. Information disclosed in the remaining topical headings have not been disturbed.

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

The first paragraph remains unchanged except for the fact that the swimming pool complex described therein will no longer contain a cabana. The second sentence of the first paragraph has, therefore, been amended by the deletion of the word "cabana" appearing therein.

Exhibits "A", "B" and "C" attached to the Preliminary Public Report have been revised to reflect the following changes:

1. Apartment No. 904 has been renumbered as Apartment No. 902, and vice-versa, and Apartment No. 704 has been renumbered as Apartment No. 702, and vice-versa.

2. Apartment Model A-1, previously designated as a two-bedroom apartment, is now designated as a one-bedroom apartment with a loft.

3. Apartment Model B, previously identified as having an entry of 88 square feet, is now identified as no longer having an entry.

4. The square footages (gross, interior, lanai and entry) of each of the apartments have been revised, and the percentage common interests appurtenant to the apartments have been revised to reflect the changes in the square footages.

5. Each apartment will now have an assigned parking stall designated with the same number of the apartment to which it has been assigned.

The foregoing changes have been incorporated in revised Exhibits "A", "B" and "C" attached to this Final Public Report and made a part hereof. Each purchaser's receipt of a copy of this Final Public Report will constitute his or her agreement to accept each of the foregoing changes and the revised figures set forth in Exhibits "A", "B" and "C" attached to this Final Public Report.

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

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

LIMITED COMMON ELEMENTS: The entire paragraph has been amended to read as follows:

"Each apartment shall have appurtenant thereto an exclusive easement for the use of the parking space designated with the same number as the apartment and as shown on the Condominium Map."

INTEREST TO BE CONVEYED TO PURCHASER: The percentage common interest appurtenant to the apartments have been revised as shown on Exhibit "B" attached to this Final Public Report.

ENCUMBRANCES AGAINST TITLE: A Preliminary Report dated September 20, 1979 and issued by Title Guaranty of Hawaii Incorporated states that 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. "A portion of Easement 'A' (10 feet wide) along Bacile Tract, Block 'C', as shown in red on the condominium map. A Grant of Easement conveying Easement 'A' and other easements for pedestrian purposes to the County of Kauai, was executed by Leadership Homes of Hawaii, Inc., a Delaware corporation, prior to its conveyance of the above-described property to The Housing Group, a California corporation, licensed to do business in Hawaii, and will be executed, dated and recorded by the County of Kauai subsequent hereto. The recordation of the Grant of Easement shall relate back and said Grant of Easement shall be considered to have been in effect prior to the date of the conveyance of the

above-described property by Leadership Homes of Hawaii, Inc., to The Housing Group," as set forth in Deed dated January 17, 1979, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 13428, Page 521.

4. Mortgage made by Palakiko Company, Ltd., a limited partnership, in favor of The Housing Group, a California corporation, dated January 19, 1979, recorded in said Bureau in Liber 13428, Page 527.

5. Mortgage and Financing Statement made by Leadership Homes of Hawaii, Inc., a Delaware corporation, in favor of First Hawaiian Bank, a Hawaii corporation, dated June 7, 1974, recorded in said Bureau in Liber 9953, Page 333. Said mortgage was assigned to Crocker National Bank, a National Banking Association, on February 10, 1977 and recorded in Liber 12037, Page 332.

6. Those certain instruments executed by and between Leadership Homes of Hawaii, Inc., Leadership Housing Inc., a Delaware corporation, and Crocker National Bank, dated February 9, 1977, recorded in said Bureau in Liber 12037, Page 334 and Liber 12996, Page 433.

7. Declaration of Covenants and Restrictions, dated January 8, 1979, recorded in said Bureau in Liber 13428, Page 440, as supplemented by First Supplemental Declaration of Covenants and Restrictions dated April 17, 1979, recorded in Liber 13622 at Page 445, and Second Supplemental Declaration of Covenants and Restrictions dated May 22, 1979, recorded in Liber 13709 at Page 20.

8. Grant in favor of Poipu Kai Association, dated August 1, 1979, recorded in said Bureau in Liber 13910, Page 298.

9. Declaration as to Merger of Increments in a Condominium Project, dated October 31, 1979, recorded in said Bureau in Liber 14168, Page 201.

PHASE DEVELOPMENT: The first paragraph has been amended to read as follows:

"The Developer has reserved the right up to and including December 31, 1985, to construct and add to the Project twelve (12) residential apartments comprising Phase II of Manualoha I, together with such supporting and servicing common and limited common elements which the Developer determines in its sole discretion are beneficial to Manualoha I, on less than an acre of the Project lands, as more particularly shown on the Condominium Map. The incorporation of the 12 apartments comprising Phase II into the Project shall take effect on the date that a certificate of occupancy has been issued by the appropriate county agency with respect to each apartment in Phase II (the "Date of Issuance"); provided, however, that on or prior to the Date of Issuance, the Developer shall without the consent or joinder of any apartment owner (i) have recorded in the Bureau of Conveyances of the State of Hawaii an amendment to the Declaration describing the apartments comprising Phase II and the percentage common interests appurtenant to such apartments, and (ii) have filed in said Bureau site, floor and building elevation plans for such apartments (if such plans differ from the Condominium Map). Upon the issuance of such certificate, the Developer shall without the consent or joinder of any apartment owner record in the Bureau of Conveyances of the State of Hawaii an amendment to the Declaration certifying that such certificate has been issued."

The second paragraph has been amended to read as follows:

"At all times prior to the Date of Issuance, the apartment owners of Phase I shall bear all of the common expenses and share in all of the common profits of Manualoha I, with each apartment in Phase I having such percentage in all common profits and expenses in Manualoha I and for all other purposes, including the payment of real property taxes and voting, as the ratio its common percentage set forth in Exhibit "B" attached hereto bears to the total of all percentage common interests appurtenant to apartments in Phase I set forth in said Exhibit "B"; provided, however, that all common expenses actually incurred by the apartment owners in connection with Phase II or the lands comprising Phase II shall be paid by the Developer until such time as the apartments comprising Phase II are incorporated into the Project as hereinabove provided. Thus, until the Date of Issuance, each apartment in Phase I shall have the percentage in all common profits and expenses of Manualoha I and all other purposes, including the payment of real property taxes and voting, set forth in Exhibit "C" attached hereto and made a part hereof. It is the intention of the Developer that while each apartment in Phase I is to have, until the Date of Issuance, the percentage in the common expenses and profits of the Project and for all other purposes, including the payment of real property taxes and voting, set forth in Exhibit "C" attached hereto, the ownership of the apartments in the Project and the undivided percentage interest in the common elements appurtenant to each apartment, including the land comprising the Project, shall remain unaffected, and that such undivided percentage interest shall always be the percentage set forth in Exhibit "B" attached hereto. From and after the Date of Issuance, the following consequences shall ensue: . . ."

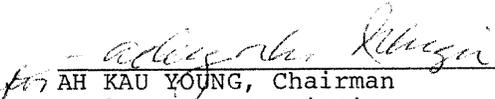
PURCHASE MONEY HANDLING: The Developer intends to grant to each purchaser the option to finance the final payment due under the Deposit Receipt and Sales Contract (Payment E) by way of an Agreement of Sale in the form previously delivered to each purchaser. Those purchasers desiring to exercise such option will be required to execute an amendment to the Deposit Receipt and Sales Contract, a copy of which amendment will be delivered to each purchaser.

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 31, 1979 with Kenneth Shioi & Co., Ltd. The estimated date of completion of the Project is September, 1980.

NOTE: The Developer further advises that on behalf of the Association of Apartment Owners of Manualoha I, it will enter into a License Agreement with ADM. International, Ltd. for the use of a private tennis club known as the "Poipu Kai Tennis Club". 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 \$936.00 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.

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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 May 16, 1979, and additional information subsequently submitted as of November 20, 1979.

This is a FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT which is made a part of REGISTRATION NO. 1131 filed with the Commission on May 16, 1979. This report when reproduced shall be a true copy of the Commission's Public Report. The paper stock used in making facimiles must be white.

  
for 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. 1131

November 30, 1979

EXHIBIT "A"

PHYSICAL DESCRIPTION

A. PROJECT: MANUALOHA I - PHASE I

The Project consists of nine (9) two- and three-story buildings (Buildings 100, 200, 300, 400, 500, 600, 700, 800 and 900), 78 on-site parking stalls consisting of 52 assigned parking stalls and 26 guest parking stalls, and a swimming pool complex consisting of a swimming pool and restrooms. Each of the buildings will be constructed principally of wood and reinforced concrete foundations, without a basement. The 9 buildings contain 52 residential apartments of six (6) models (A, A-1, B, C, D and E).

B. APARTMENTS

The Project contains 52 apartments (10 one-bedroom, one-bath apartments; 6 one-bedroom, two-bath apartments; 10 two-bedroom, two-bath apartments; 8 one-bedroom with loft, two-bath apartments; 14 two-bedroom, two and one-half-bath apartments; and 4 three-bedroom, three-bath apartments) based on six different models. All apartments are furnished with a bathtub, dishwasher, disposal, refrigerator, electric range/oven, rangehood, washer/dryer, carpeting, and wet-bar adjacent to the dining area. Each apartment on the first floor has immediate access to the walkways connecting the Building to the Project grounds and parking areas and each apartment on the second and third floors has immediate access to stairwells providing access to the walkways connecting the Building to the Project grounds and parking areas. Each apartment has been assigned a parking stall which will be a limited common element appurtenant to that apartment and which has been designated

with the same number as the apartment.

There are six (6) Model "A" apartments, each consisting of one bedroom, two baths, one living/dining room and one kitchen. Each such apartment contains a total area of approximately 1047 square feet, consisting of an interior area of approximately 885 square feet and a lanai or deck area of approximately 162 square feet.

There are eight (8) Model "A-1" apartments, each consisting of one bedroom, two baths, one living/dining room, one loft and one kitchen. Each such apartment contains a total area of approximately 1,225 square feet consisting of an interior area of approximately 1,005 square feet and two lanai or deck areas totalling approximately 220 square feet.

There are ten (10) Model "B" apartments, each consisting of one bedroom, one bath, one living/dining room and one kitchen. Each such apartment contains a total area of approximately 1,014 square feet consisting of an interior area of approximately 852 square feet and a lanai or deck area of approximately 162 square feet.

There are ten (10) Model "C" apartments, each consisting of two bedrooms, two baths, one living/dining room and one kitchen. Each such apartment contains a total area of approximately 1,737 square feet consisting of an interior area of approximately 1,313 square feet, three lanai or deck areas totalling approximately 335 square feet and an entry court area of approximately 89 square feet.

There are fourteen (14) Model "D" apartments, each consisting of two bedrooms, two and one-half baths, one living/dining room and one kitchen. Each such apartment

contains a total area of approximately 1,719 square feet consisting of an interior area of approximately 1,331 square feet, two lanai or deck areas totalling approximately 315 square feet and an entry court area of approximately 73 square feet.

There are four (4) Model "E" apartments, each consisting of three bedrooms, three baths, one living/dining room and one kitchen. Each such apartment contains a total area of approximately 1,911 square feet consisting of an interior area of approximately 1,531 square feet, two lanai or deck areas totalling approximately 252 square feet and an entry court area of approximately 128 square feet.

A list of apartments, models, numbers, apartment numbers, areas and percentage of common interest appurtenant to each apartment is set forth in Exhibit "B" attached hereto and made a part hereof. The percentages of common interest have been based upon the approximate interior square footages, and shall be valid and effective whether or not the Developer's calculations of such interests are accurate or mathematically correct.

EXHIBIT "B"

Phase I

<u>Model</u>	<u>Number</u>	<u>Apartment Numbers</u>	<u>Bdrm/Bath</u>	<u>Net Area in Square Feet (Approximate)</u>				<u>Percentage of Common Interest</u>
				<u>Gross</u>	<u>Interior</u>	<u>Lanai</u>	<u>Entry</u>	
A	6	102, 103 202, 203 302, 303	1/2	1,047	885	162	0	1.211
A-1	6	101, 104 201, 204 301, 304 501, 504	1/2 (w/loft)	1,225	1,005	220	0	1.375
B	10	502, 503 601, 602 603, 604 605, 606 802, 803	1/1	1,014	852	162	0	1.167
C	10	608, 609 801, 804 805, 806 903, 902 703, 702	2/2	1,737	1,313	335	89	1.797
D	14	105, 106 205, 206 305, 306 401, 402 403, 404 505, 506 607, 610	2/2-1/2	1,719	1,331	315	73	1.814
E	4	701, 704 901, 904	3/3	1,911	1,531	252	128	2.094

Note: The parking stall assigned to each apartment has been designated with the same number of the apartment and is also designated on the Condominium Map.

EXHIBIT "C"

Percentage Interest in Project Common Expenses and  
Profits and for All Other Purposes for Phase I Apartment  
Owners Until Certificate of Occupancy Issued for Phase II

<u>Model</u>	<u>Apartment Numbers</u>	<u>Percentage Interest</u>
A	102, 103 202, 203 302, 303	1.351
A-1	101, 104 201, 204 301, 304 501, 504	1.623
B	502, 503 601, 602 603, 604 605, 606 802, 803	1.351
C	608, 609 801, 804 805, 806 903, 902 702, 703	2.297
D	105, 106 205, 206 305, 306 401, 402 403, 404 505, 506 607, 610	2.297
E	701, 704 901, 904	2.568