

**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

KALAPAKI VILLAS  
Rice Street, Lihue, Kauai, Hawaii

Registration No. 1236

**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: February 27, 1981  
Expires: March 27, 1982

SPECIAL ATTENTION

A comprehensive reading of this report by prospective purchasers 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 SUBMITTED ON January 29, 1980, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF FEBRUARY 23, 1981. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. Since the issuance of the Commission's Preliminary Public Report of February 15, 1980 on KALAPAKI VILLAS, Registration No. 1236, the Developer has forwarded additional information reflecting the fact that material changes have been made in the documents and plans for the project.
2. The Developer shall be responsible for placing this Final Public Report (white paper stock), the Preliminary Public Report (yellow paper stock) and Disclosure Abstract in the hands of all purchasers and prospective purchasers and securing a signed receipt therefor.
3. Advertising and promotional matter has been submitted to the Real Estate Commission.
4. The Declaration of Horizontal Property Regime, together with the By-Laws of the Association of Apartment Owners attached thereto, was recorded at the Bureau of Conveyances of the State of Hawaii in Liber 15325 at Page 500. Approved floor plans and elevations have been filed in said Bureau of Conveyances as Condominium Map No. 785.
5. This Final Public Report expires thirteen (13) months after date of issuance, February 27, 1981, unless a Supplementary Public Report is issued, or the Commission, upon review of the registration, issues an order extending the effective period of this report.

Except for the information under the topical headings which follow, the information in the Preliminary Public Report dated February 15, 1980 has not been changed.

ATTORNEY REPRESENTING DEVELOPER: The address and phone number of the attorney has been changed to Suite 1800, 900 Fort Street, Honolulu, Hawaii; phone 524-8000.

DESCRIPTION OF THE PROJECT: The Developer advises that apartment 406 is a "D" type apartment as opposed to an "E" type; that apartment 2806 is an "E" type apartment as opposed to a "D" type; that apartment 408 is an "I" type apartment as opposed to a "J" type; and that apartment 2808 is a "J" type apartment as opposed to an "I" type.

The distinguishing characteristics between the apartments are as follows:

| <u>UNIT TYPE</u> | <u>CHARACTERISTICS</u>  | <u>APARTMENT NUMBERS</u>                                 | <u>TOTAL APPROXIMATE AREA</u> |
|------------------|---|--|-------------------------------|
| A                | The interior floor area is 1,070 square feet; lanais, 155 square feet. This is a first floor unit and lanais have direct access to the grounds. | 301, 311, 2401, 2407, 2501, 2511, 2601, 2611, 2701, 2711 | 1,225                         |

|   |  |   |       |
|---|--|---|-------|
| B | The interior floor area is the same as in A. The lanai area is 183 square feet. This is a second floor unit and lanais do not have direct access to the grounds.                             | 302, 312, 2402,<br>2408, 2502, 2512,<br>2602, 2612, 2702,<br>2712   | 1,253 |
| C | The interior floor area is 1,010 square feet; lanais, 153 square feet. This is a first floor unit and lanais have direct access to the grounds.  | 103, 105, 203, 205,<br>303, 305, 307, 309,<br>403, 405, 2503,<br>2505, 2507, 2509,<br>2603, 2605, 2607,<br>2609, 2703, 2705,<br>2707, 2709, 2803,<br>2805 | 1,163 |
| D | The interior floor area is the same as in C. The lanai area is 139 square feet. This is a second floor unit and lanais do not have direct access to the grounds.                             | 104, 106, 204, 206,<br>304, 310, 404, 406,<br>2504, 2510, 2604,<br>2610, 2704, 2710,<br>2804  | 1,149 |
| E | The interior floor area is 1,050 square feet; lanais, 152 square feet. This particular type is found only on the second floor, and as such lanais do not have direct access to the grounds.  | 306, 308, 2506,<br>2508, 2606, 2608,<br>2706, 2708, 2806  | 1,202 |
| F | The interior floor area and lanai square footages are the same as in H. This is a first floor unit and lanais have direct access to the grounds.   | 2403, 2405  | 1,397 |
| G | The interior floor area and lanai square footages are the same as in I. This is a second floor unit and lanais do not have direct access to the grounds.                                     | 2404, 2406  | 1,383 |
| H | The interior floor area is 1,244 square feet; lanais, 153 square feet. This is a first floor unit and lanais have direct access to the grounds.  | 101, 107, 201, 207,<br>401, 407, 2801,<br>2807  | 1,397 |
| I | The interior floor area is the same as in H. The lanai area is 139 square feet. This is a second floor unit and lanais do not have direct access to the grounds.                             | 102, 108, 202, 208,<br>402, 408, 2802   | 1,383 |
| J | The interior floor area is 1,280 square feet; lanais, 152 square feet. This particular type is found only on the second floor, and as such, lanais do not have direct access to the grounds. | 2808  | 1,432 |

NOTE: In accordance with local architectural practice, the approximate floor area of each apartment as set forth above includes all of the walls and partitions within its perimeter walls, the entirety of its perimeter non-party walls, and the interior half of its perimeter party walls, whether load-bearing or non-load bearing. THE AREAS SHOWN ABOVE ARE APPROXIMATE ONLY, AND THE ACTUAL APARTMENT AREAS ARE LIKELY TO VARY SOMEWHAT.

COMMON ELEMENTS: Except for paragraph (7) which has been re-numbered as paragraph (8) and paragraph (7) which has been revised in its entirety as follows, all other information under this topical heading in the Preliminary Public Report remains unchanged.

(7) Those certain unassigned parking stalls and guest parking stalls designated as follows:

| <u>Unassigned Parking Stalls</u>   | <u>Guest Parking Stalls</u>  |
|--|--|
| 3002, 3006, 3008, 3010, 3012,<br>3014, 3016, 3018, 3020, 3022,<br>3024, 3026, 3028, 3030, 3032,<br>3034, 3036, 3038, 3040, 3042,<br>3046, 3048, 3050, 3052, 3054,<br>3058, 3060, 3064, 3066, 3068,<br>3070, 3072, 3149, 3151, 3153,<br>3155, 3157, 3159, 3161, 3165,<br>3167, 3169, 3171, 3173, 3175,<br>3177, 3179, 3181, 3182, 3189,<br>3191, 3193, 3201, 3203, 3205,<br>3207, 3209, 3211, 3213, 3215,<br>3217, 3219, 3221, 3250, 3252,<br>3254, 3256, 3258, 3260, 3262,<br>3264 | 3001, 3005, 3007, 3009, 3011,<br>3013, 3015, 3017, 3019, 3021,<br>3023, 3025, 3027, 3029, 3031,<br>3033, 3035, 3037, 3039, 3041,<br>3045, 3047, 3049, 3051, 3053,<br>3055, 3059, 3061, 3065, 3067,<br>3069, 3071, 3073, 3150, 3152,<br>3154, 3156, 3158, 3160, 3162,<br>3166, 3168, 3170, 3172, 3174,<br>3176, 3178, 3180, 3182, 3181,<br>3190, 3192, 3194, 3202, 3204,<br>3206, 3208, 3210, 3212, 3214,<br>3216, 3218, 3220, 3249, 3251,<br>3253, 3255, 3257, 3259, 3261,<br>3263 |

(8) All other parts of the property necessary or convenient to its existence, maintenance, and safety, or normally in common use.

LIMITED COMMON ELEMENTS: Paragraph (1) has been revised in its entirety as follows:

(1) Each apartment shall have for its exclusive use one (1) parking stall bearing the same designation as the apartment to which the stall is appurtenant; provided, however, that in addition to said one parking stall, the following apartments shall have for their exclusive use the stall designated and set forth opposite the respective apartment numbers, as follows:

| <u>APARTMENT NO.</u> | <u>STALL NO.</u> | <u>APARTMENT NO.</u> | <u>STALL NO.</u> |
|----------------------|------------------|----------------------|------------------|
| 101                  | 3199             | 407                  | 3147             |
| 102                  | 3200             | 408                  | 3148             |
| 107                  | 3197             | 2403                 | 3056             |
| 108                  | 3198             | 2404                 | 3057             |
| 201                  | 3196             | 2405                 | 3063             |
| 202                  | 3195             | 2406                 | 3062             |
| 207                  | 3184             | 2801                 | 3003             |
| 208                  | 3185             | 2802                 | 3004             |
| 401                  | 3164             | 2807                 | 3043             |
| 402                  | 3163             | 2808                 | 3044             |

Paragraph (3) has been deleted.

INTEREST TO BE CONVEYED TO PURCHASER: Each apartment shall have appurtenant thereto an undivided percentage interest in all common elements of the property (herein called the "common interest"), and the same proportionate share in all common profits and expenses of the property and for all other purposes, including voting, as set forth below (subject to change upon completion of any subsequent increment):

| <u>UNIT TYPE</u> | <u>APARTMENT NUMBER</u>  | <u>APPROXIMATE GROSS AREA</u> | <u>PERCENTAGE COMMON INTEREST</u> |
|------------------|--|-------------------------------|-----------------------------------|
| A (1st floor)    | 301, 311, 2401, 2407, 2501, 2511, 2601, 2611, 2701, 2711   | 1,225                         | 1.12836                           |
| B (2nd floor)    | 302, 312, 2402, 2408, 2502, 2512, 2602, 2612, 2702, 2712   | 1,253                         | 1.15415                           |
| C (1st floor)    | 103, 105, 203, 205, 303, 305, 307, 309, 403, 405, 2503, 2505, 2507, 2509, 2603, 2605, 2607, 2609, 2703, 2705, 2707, 2709, 2803, 2805 | 1,163                         | 1.07015                           |
| D (2nd floor)    | 104, 106, 204, 206, 304, 310, 404, 406, 2504, 2510, 2604, 2610, 2704, 2710, 2804   | 1,149                         | 1.05834                           |
| E (2nd floor)    | 306, 308, 2506, 2508, 2606, 2608, 2706, 2708, 2806   | 1,202                         | 1.10716                           |
| F (1st floor)    | 2403, 2405   | 1,397                         | 1.28679                           |
| G (2nd floor)    | 2404, 2406   | 1,383                         | 1.27389                           |
| H (1st floor)    | 101, 107, 201, 207, 401, 407, 2801, 2807   | 1,397                         | 1.28677                           |
| I (2nd floor)    | 102, 108, 202, 208, 402, 408, 2802   | 1,383                         | 1.27389                           |
| J (2nd floor)    | 2808   | 1,432                         | 1.31901                           |

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The revised proposed House Rules also provide in part that:

(1) It is the responsibility of the owners to inform their guests not to park in vacant spaces, other than guest parking facilities, unless arrangements have been made for such use.

Further, unless otherwise provided by the Board, no occupant (other than a guest) shall use any parking space designated as a guest parking space (as such spaces are designated hereinabove and in Exhibit "F" to the Declaration, and shown on the Condominium Map).

(2) Unless otherwise provided by the Board, all occupants (collectively) of any one particular apartment shall not at any one time use more than one unassigned parking space (as such spaces are designated hereinabove under Common Elements and in Exhibit "F" to the Declaration, and shown on the Condominium Map).

ENCUMBRANCES AGAINST TITLE: The Preliminary Title Report dated December 8, 1980 by Hawaii Escrow & Title, Inc. reflects 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. Assessments or charges levied by Municipal or Governmental Authority or imposed by any other lawfully constituted body authorized by Statute to assess, levy and collect the same, if any.
3. Title to all minerals and metallic mines reserved to the State of Hawaii.
4. An easement affecting a portion of said land and for the purposes stated therein, and incidental purposes, in favor of Tomotsu Shinseki and Fudeko Shinseki, husband and wife, dated April 7, 1952, recorded in Liber 2575, Page 121.
5. An easement affecting a portion of said land and for the purposes stated therein, and incidental purposes, as disclosed by an instrument dated August 24, 1965, recorded in Liber 5165, Page 1.
6. A water tunnel easement in favor of The Lihue Plantation Company, Limited, which water tunnel, 10 feet wide, lies within the Southerly portion of the land.
7. An easement affecting a portion of said land and for the purposes stated therein, and incidental purposes, in favor of Citizens Utilities Company, a Delaware corporation, for roadway and utility purposes within Easement 11 (12 feet wide), dated December 4, 1978, recorded in Liber 13351, Page 721.
8. An easement affecting a portion of said land and for the purposes stated therein, and incidental purposes, in favor of The Lihue Plantation Company, Limited, a Hawaii corporation, as disclosed by an instrument recorded on December 28, 1978, in Liber 13379, Page 41.
9. Financing Statement by and between Kalapaki Associates, as Debtor, and State Savings and Loan Association, as Secured Party, recorded on November 28, 1980 in Liber 15170, Page 6.
10. Mortgage dated November 28, 1980, by and between Kalapaki Associates, as Mortgagor, and State Savings and Loan Association, as Mortgagee, recorded in Liber 15170, Page 21.

GRANTING/REALIGNMENT OF EASEMENTS: Developer, its successors and assigns, shall have the reserved right, to and until June 1, 1990, to delete, relocate, realign, reserve and grant those certain easements and rights of way over, under and on the common elements necessary or desirable, including but not limited to, easements and/or rights of ways for utilities, cesspools, sanitary and storm sewers, cable television, refuse disposal driveways, parking areas and roadways, provided that such easements and/or rights of way shall not be located on or within any existing structure on said property and shall not be exercised as to unreasonably disturb, impair or interfere with the normal use and enjoyment of the property by the apartment owners.

Each and every party acquiring an interest in the property, by such acquisition, consents to such granting and/or realignment of easements and/or rights of way and to the recordation of any and all documents necessary to effect the same in the Bureau of Conveyances of the State of Hawaii, including any amendment or amendments of this Declaration; agrees to execute such documents and instruments and do such other things as may be necessary or convenient to effect the same; and appoints the Developer and its assigns his attorney-in-fact with full power of substitution to execute such documents and instruments and to do such things on his behalf, which grant of such power, being coupled with an interest, is irrevocable for the term of said reserved rights, and shall not be affected by the disability of such party or parties.

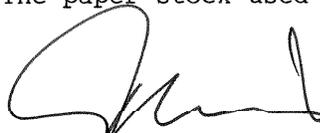
MANAGEMENT AND OPERATION: The Developer advises that The Great American Management Group of Hawaii, Inc., whose principal place of business is Suite 1900, 2255 Kuhio Avenue, Honolulu, Hawaii, has been selected as the initial Managing Agent.

STATUS OF THE PROJECT: The Developer advises that construction of the project is scheduled to commence on about December 1980, and completion is scheduled for about June 1982.

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The purchaser or respective purchaser should be cognizant of the fact that this published report represents information disclosed by the Developer in the Notice of Intention submitted on January 29, 1980, and information subsequently filed as of February 23, 1981.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of Registration No. 1236 filed with the Commission on January 29, 1980.

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.

  
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G. A. "RED" MORRIS, Chairman  
Real Estate Commission  
State of Hawaii

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Registration No. 1236

February 27, 1981