

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF COMMERCE & CONSUMER AFFAIRS

STATE OF HAWAII
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FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on
POIPU PROPERTY - RJC
Weliweli, Koloa, Kauai, Hawaii

REGISTRATION NO. 1433

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: August 1, 1983
Expires: September 1, 1984

SPECIAL ATTENTION

A comprehensive reading of this report is urged in order that personal requirements and expectations to be derived from the property can be ascertained. The attention of the purchaser and prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED JUNE 10, 1981 AND INFORMATION SUBSEQUENTLY FILED AS OF JULY 19, 1983. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES LAW, CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. Since the issuance of the Commission's Preliminary Public Report of July 10, 1981, the Developer reports that changes have been made in the plan or setup as presented in the June 10, 1981 notice of intention to sell.

2. The Developer of the project has submitted to the Commission for examination all documents and exhibits deemed necessary for the issuance of this Final Public Report.
3. The Declaration of Horizontal Property Regime dated November 10, 1982 has been recorded in the Bureau of Conveyances of the State of Hawaii in Liber 16702 at Page 650, and the By-Laws of Association of Apartment Owners dated November 10, 1982 has been recorded in the said Bureau of Conveyances in Liber 16702 at Page 676. Condominium Map No. 861 has been assigned to the 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 Chapter 514A, Hawaii Revised Statutes, as amended, and the Condominium Rules and Regulations which relate to Horizontal Property Regime.
6. This Final Public Report is made a part of the registration on POIPU PROPERTY - RJC condominium project. The Developer has the responsibility of placing a true copy of this Final Public Report (white paper stock) and Disclosure Abstract along with a copy of the Preliminary Public Report (yellow paper stock) in the hands of all purchasers and prospective purchasers and for securing a signed copy of the receipt for both Public Reports from each purchaser or prospective purchaser.
7. This Final Public Report automatically expires thirteen (13) months from the date of issuance, August 1, 1983, unless a Supplementary Public Report is published, or the Commission, upon review of the registration, issues an order extending the effective period of this report.

The information under the topical headings of the Preliminary Public Report of July 10, 1981 remains unchanged except as follows:

DESCRIPTION OF PROJECT: The three (3) buildings in the project are two-story masonry and wooden frame structures on concrete slab with wood shingle roofing, each containing one single-family residential dwelling with a two-car garage. Each unit is distinct and none of the unit layouts are identical.

Three (3) freehold estates are designated within the spaces bounded by the outside of the perimeter walls, floors, foundations and roofs of each of the three (3) apartments in the project, each contained in a separate building described as Units A, B and C, respectively.

Unit A is a three-bedroom single-family dwelling of approximately 2,874 square feet. The first floor contains two bedrooms, a bathroom, a family room and a two-car garage with

storage. The second floor contains a master bedroom, master bathroom, powder room, dressing room, toilet, utility room, kitchen, dining room, living room and covered decks, all as shown on Condominium Map No. 861.

Unit B is a three-bedroom single-family dwelling of approximately 3,015 square feet. The first floor contains two bedrooms, a bathroom, a family room and a two-car garage with storage. The second floor contains a master bedroom, master bathroom, dressing room, toilet, utility room, kitchen, dining room, living room and covered decks, all as shown on said Condominium Map.

Unit C is a three-bedroom single-family dwelling of approximately 2,920 square feet. The first floor contains two bedrooms, a bathroom, a family room and a two-car garage with storage. The second floor contains a master bedroom, master bathroom, dressing room, toilet, utility room, kitchen, dining room, living room and covered decks, all as shown on said Condominium Map.

Each apartment shall include the exterior surface of the exterior walls; doors and door frames; windows and window frames; decks; roofs, floors, foundations and any appurtenances adjoining or connected thereto.

Each apartment shall have access to the grounds of the project which has access to a public roadway.

COMMON ELEMENTS: The common elements for the project will include the limited common elements described below and all other portions of the land and improvements, excluding those areas and items defined as a part of an apartment in the above paragraph. The common elements shall also include the following:

a. Said land in fee simple.

b. Any and all apparatus and installations of common use, including all ducts, sewer lines, electrical equipment, pipes, wiring, tanks, pumps, motors, fans and compressors, and all other parts of the project necessary or convenient to its existence, maintenance or safety, and normally in common use.

c. Area A-2, containing approximately 929 square feet, Area B-2, containing approximately 916 square feet, and Area C-2, containing approximately 1332 square feet, as shown on said Condominium Map, which shall be used as a driveway.

d. Area "E", containing approximately 4,871 square feet, as shown on said Condominium Map, which shall be used for drainage purposes.

NOTE: The expenses in connection with the common elements shall be borne equally by the apartment owners, including the common driveway (Areas A-2, B-2 and C-2 as set forth in subparagraph c. above.) The common driveway was formerly designated as Area "D" in the Preliminary Public Report dated July 10, 1981 under "MANAGEMENT AND OPERATIONS".

LIMITED COMMON ELEMENTS: Certain parts of the common elements (the "limited common elements") are designated and set aside for the exclusive use of certain apartments and such apartments shall have appurtenant thereto easements for the use of such limited common elements as follows:

a. Area A-1, containing approximately 5904 square feet, and Area A-3, containing approximately 496 square feet, as shown on said Condominium Map, shall be appurtenant to and for the exclusive use of the owner of Unit A.

b. Area B-1, containing approximately 8267 square feet, and Area B-3, containing approximately 392 square feet, as shown on said Condominium Map, shall be appurtenant to and for the exclusive use of the owner of Unit B.

c. Area C-1, containing approximately 8842 square feet, and Area C-3, containing approximately 883 square feet, as shown on said Condominium Map, shall be appurtenant to and for the exclusive use of the owner of Unit C.

Each owner shall be responsible for the maintenance, repair and replacement of the limited common elements appurtenant to his unit.

ENCUMBRANCES AGAINST TITLE: The Developer has filed with the Commission an updated Preliminary Report by Long and Melone, Ltd. dated July 1, 1983. Said Preliminary Report indicates that title to the land is subject to the following:

1. For real property taxes that may be due and owing, reference is made to the Tax Assessor, Fourth Taxation Division.

2. Title to all mineral and metallic mines reserved to the State of Hawaii.

3. Reservations as contained in Deed dated November 21, 1961, recorded in said Bureau of Conveyances in Liber 4170 at Page 122, to wit:

(a) "Reserving also to the State of Hawaii, its successors and assigns, in perpetuity, all minerals in, on or under the land and the right, on its own behalf or through persons authorized by it, to prospect for, mine and remove minerals and to occupy and use so much of the surface of the land as may be required for all purposes reasonably extending to the mining and removal of such minerals by any means whatsoever, conditioned upon the payment, prior to any exercise of such rights, of compensation for destruction of or damage or injury, caused by the exercise of such right to occupy and use said land, to permanent improvements placed upon the land."

"'Minerals' as used herein shall mean any or all oil, gas, coal, phosphate, sodium, sulfur, iron diaspore, boehmite, laterite, gibbsite, alumina, all ores of aluminum and, without limitation thereon, all other mineral substances and ore deposits whether solid, gaseous or liquid, in, on or under the land; provided,

that 'minerals' shall not include sand, rock, gravel, and other similar materials when used in road or building construction."

(b) "Reserving to the State of Hawaii, its successors and assigns, in perpetuity, all rights to ground but not to surface water which are or may be appertaining to the above described land or the ownership thereof."

4. A building setback line along Pane Road, as shown on File Plan 1680.

5. A Grant of Easement in favor of Citizens Utilities Company, dated July 31, 1980, recorded in said Bureau of Conveyances in Liber 14962 at Page 257, for utility purposes over, under and across Electrical Easement A.

6. Mortgage and Security Agreement dated June 20 1980, in favor of First Federal Savings and Loan Association of Hawaii, recorded in said Bureau of Conveyances in Liber 14803 at Page 294.

7. Financing Statement in favor of First Federal Savings and Loan Association of Hawaii, recorded June 23, 1980 in said Bureau of Conveyances in Liber 14803 at Page 324.

8. Mortgage dated March 1, 1983 in favor of Small Business Administration, an agency of the Government of the United States of America, recorded in said Bureau of Conveyances in Liber 17087 at Page 636.

9. Covenants, conditions, restrictions, reservations, easements, liens for assessments, options, powers of attorney, limitations of title, and all other provisions contained in or incorporated by reference in the Declaration of Horizontal Property Regime dated November 10, 1982, recorded in the Bureau of Conveyances in Liber 16702 at Page 650, By-Laws of Association of Apartment Owners dated November 10, 1982, recorded in said Bureau in Liber 16702 at Page 676, Condominium Map No. 861; any instrument creating the estate or interest herein set forth; and in any other allied instrument referred to in any of the instruments aforesaid.

STATUS OF THE PROJECT: The Developer reports that the project has been completed as evidenced by submission of Certificates of Occupancy dated April 13, 1981 to the Commission.

The purchaser or 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 June 10, 1981 and information subsequently filed as of July 19, 1983.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1433.

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 in color.



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

Distribution:

Department of Finance
Bureau of Conveyances
Department of Planning, County of Kauai
Federal Housing Administration
Escrow Agent

Registration No. 1433

August 1, 1983