

CONDOMINIUM PUBLIC REPORT

Prepared &

Issued by: Developer ALTON BRUCE MacDONALD and ALEJANDRA H. F. MacDONALD  
Address P. O. Box 977, Bailey, Colorado 90421-0977

Project Name(\*): HALE POKI CONDOMINIUM  
Address: 1140 Puuopae Road, Kapaa, Kauai, Hawaii

Registration No. 3180 (Conversion)                      Effective date: August 17, 1995  
Expiration date: September 17, 1996

Preparation of this Report:

This report has been prepared by the Developer pursuant to the Condominium Property Act, Chapter 514A, Hawaii Revised Statutes, as amended. This report is not valid unless the Hawaii Real Estate Commission has issued a registration number and effective date for the report.

This report has not been prepared or issued by the Real Estate Commission or any other government agency. Neither the Commission nor any other government agency has judged or approved the merits or value, if any, of the project or of purchasing an apartment in the project.

Buyers are encouraged to read this report carefully, and to seek professional advice before signing a sales contract for the purchase of an apartment in the project.

Expiration Date of Reports. Preliminary Public Reports and Final Public Reports automatically expire thirteen (13) months from the effective date unless a Supplementary Public Report is issued or unless the Commission issues an order, a copy of which is attached to this report, extending the effective date for the report.

Exception: The Real Estate Commission may issue an order, a copy of which shall be attached to this report, that the final public report for a two apartment condominium project shall have no expiration date.

Type of Report:

       PRELIMINARY:    The developer may not as yet have created the condominium but has filed with the Real Estate Commission minimal information sufficient for a Preliminary Public Report. A Final Public Report will be issued by the developer when complete information is filed.  
(yellow)

       FINAL:            The developer has legally created a condominium and has filed complete information with the Commission.  
(white)                      [ ] No prior reports have been issued.  
                                 [ ] This report supersedes all prior public reports.  
                                 [ ] This report must be read together with \_\_\_\_\_

  X   SUPPLEMENTARY: This report updates information contained in the:  
(pink)                      [ ] Preliminary Public Report dated: \_\_\_\_\_  
                                 [X] Final Public Report dated: August 8, 1994  
                                 [ ] Supplementary Public Report dated: \_\_\_\_\_  
  
                                 And [ ] Supersedes all prior public reports  
                                 [X] Must be read together with the Final Public Report dated August 8, 1994  
                                 [ ] This report reactivates the \_\_\_\_\_  
                                 public report(s) which expired on \_\_\_\_\_

(\*) Exactly as named in the Declaration

**Disclosure Abstract:** Separate Disclosure Abstract on this condominium project:

Required and attached to this report

Not required - disclosures covered in this report.

**Summary of Changes from Earlier Public Reports:**

This summary contains a general description of the changes, if any, made by the developer since the last public report was issued. It is not necessarily all inclusive. Prospective buyers should compare this public report with the earlier reports if they wish to know the specific changes that have been made.

No prior reports have been issued by the developer.

Changes made are as follows:

1. The land area under and surrounding Unit 1 is 0.49 acre and not 0.51 acre. Paragraph D.2. on Page 14 of the Final Public Report, dated August 8, 1994, is amended by substituting the land area under and surrounding Unit 1 from "0.51" acre to "0.49" acre.
2. The land area under and surrounding Unit 2 is 0.51 acre and not 0.49 acre. Paragraph D.2 on Page 14 of the Final Public Report, dated August 8, 1994, is amended by substituting the land area under and surrounding Unit 2 from "0.49" acre to "0.51" acre.
3. The floor plans, elevation and layout of the "Unit 2, Garage (525 sq. ft.)" were erroneously attached to the floor plan, elevation and layout for Unit 1, House 1. As a result, the floor plans, elevation and layout for Units 1 and 2 were resubmitted to the Bureau of Conveyances of the State of Hawaii showing that the Garage is a part of Unit 2 and not Unit 1. Said amendment was noted pursuant to that certain Amendment to Declaration of Condominium Property Regime of the Hale Poki Condominium, June 8, 1995, filed in the Bureau of Conveyances of the State of Hawaii as Document No. 95-081391.

**II. CREATION OF THE CONDOMINIUM;  
CONDOMINIUM DOCUMENTS**

A condominium is created by recording in the Bureau of Conveyances and/or filing with the Land Court a Declaration of Condominium Property Regime, a Condominium Map (File Plan), and the Bylaws of the Association of Apartment Owners. The Condominium Property Act (Chapter 514A, HRS), the Declaration, Bylaws, and House Rules control the rights and obligations of the apartment owners with respect to the project and the common elements, to each other, and to their respective apartments. The provisions of these documents are intended to be, and in most cases are, enforceable in a court of law.

A. Declaration of Condominium Property Regime contains a description of the land, buildings, apartments, common elements, limited common elements, common interests, and other information relating to the condominium project.

The Declaration for this condominium is:

- Proposed
- Recorded - Bureau of Conveyances: Document No. 94-155929  
Book \_\_\_\_\_ Page \_\_\_\_\_
- Filed - Land Court: Document No. \_\_\_\_\_

The Declaration referred to above has been amended by the following instruments [state name of document, date and recording/filing information]: Amendment to Declaration of Condominium Property Regime of the Hale Poki Condominium, dated June 8, 1995, and recorded in the Bureau of Conveyances as Document No. 95-081391.

B. Condominium Map (File Plan) shows the floor plan, elevation and layout of the condominium project. It also shows the floor plan, location, apartment number, and dimensions of each apartment.

The Condominium Map for this condominium project is:

- Proposed
- Recorded - Bureau of Conveyances Condo Map No. 2106
- Filed - Land Court Condo Map No. \_\_\_\_\_

The Condominium Map has been amended by the following instruments [state name of document, date and recording/filing information]:

C. Bylaws of the Association of Apartment Owners govern the operation of the condominium project. They provide for the manner in which the Board of Directors of the Association of Apartment Owners is elected, the powers and duties of the Board, the manner in which meetings will be conducted, whether pets are prohibited or allowed and other matters which affect how the condominium project will be governed.

The Bylaws for this condominium are:

- Proposed
- Recorded - Bureau of Conveyances: Document No. 94-155930  
Book \_\_\_\_\_ Page \_\_\_\_\_
- Filed - Land Court: Document No. \_\_\_\_\_

The Bylaws referred to above have been amended by the following instruments [state name of document, date and recording/filing information]:

2. **Limited Common Elements:** Limited Common Elements are those common elements which are reserved for the exclusive use of the owners of certain apartments.

There are no limited common elements in this project.

The limited common elements and the apartments which use them, as described in the Declaration, are:

described in Exhibit \_\_\_\_\_.

as follows:

Unit 1: The land area under and surrounding Unit 1, consisting of approximately 0.49 acre, as designated on the Condominium Map, is reserved for the exclusive use of Unit 1 for the support of the building and other improvements comprising Unit 1, and for the yard, driveway purposes and parking.

Unit 2: The land area under and surrounding Unit 2, consisting of approximately 0.51 acre, as designated on the Condominium Map, is reserved for the exclusive use of Unit 2 for the support of the building and other improvements comprising Unit 2, and for the yard, driveway purposes and parking.

NOTE: Land areas herein described are not legally subdivided lots.

3. **Common Interest:** Each apartment will have an undivided fractional interest in all of the common elements. This interest is called the "common interest." It is used to determine each apartment's share of the maintenance fees and other common profits and expenses of the condominium project. It may also be used for other purposes, including voting on matters requiring action by apartment owners. The common interests for the apartments in this project, as described in the Declaration, are:

described in Exhibit "E".

as follows:

E. **Encumbrances Against Title:** An encumbrance is a claim against or a liability on the property or a document affecting the title or use of the property. Encumbrances may have an adverse effect on the property or your purchase and ownership of an apartment in the project.

Exhibit "E" describes the encumbrances against the title contained in the title report dated July 29, 1994 and issued by Title Guaranty of Hawaii.

2. Rights Under the Sales Contract: Before signing the sales contract, prospective buyers should ask to see and carefully review all documents relating to the project. If these documents are not in final form, the buyer should ask to see the most recent draft. These include but are not limited to the:
- A) Condominium Public Reports issued by the developer which have been given an effective date by the Hawaii Real Estate Commission.
  - B) Declaration of Condominium Property Regime, as amended.
  - C) Bylaws of the Association of Apartment Owners.
  - D) House Rules.
  - E) Condominium Map.
  - F) Escrow Agreement.
  - G) Hawaii's Condominium Property Act (Chapter 514A, HRS, as amended) and Hawaii Administrative Rules, (Chapter 16-107, adopted by the Real Estate Commission, as amended).
  - H) Other \_\_\_\_\_

Copies of the condominium and sales documents and amendments made by the developer are available for review through the developer and are on file at the Department of Commerce and Consumer Affairs. Reprints of Hawaii's Condominium Property Act (Chapter 514A, HRS) and Hawaii Administrative Rules, Chapter 16-107, are available at the Cashier's Office, Department of Commerce and Consumer Affairs, 1010 Richards Street, 3rd Floor, Honolulu, Hawaii, mailing address: P. O. Box 541, Honolulu, HI 96809, at a nominal cost.

This Public Report is a part of Registration No. 3180 filed with the Real Estate Commission on Sept. 23. 1994

Reproduction of Report. When reproduced, this report must be on:

yellow paper stock                       white paper stock                       pink paper stock

D. The developer hereby certifies that all the information contained in this Report and the Exhibits attached to this Report and all documents to be furnished by the developer to buyers concerning the project have been reviewed by the developer and are, to the best of the developer's knowledge, information and belief, true, correct and complete.

ALTON BRUCE MacDONALD and ALEJANDRA H. F. MacDONALD  
Name of Developer

By: Alejandra H. F. Macdonald 6-8-95  
Duly Authorized Signatory Date

By: Alton Bruce Macdonald 6-8-95

ALTON BRUCE MacDONALD and ALEJANDRA H. F. MacDONALD, Owner/Developer  
print name & title of person signing above

Distribution:

Department of Finance, County of Kauai  
Planning Department, County of Kauai  
Federal Housing Administration

**BELLES GRAHAM  
PROUDFOOT & WILSON**

MICHAEL J. BELLES  
MAX W.J. GRAHAM, JR.  
DAVID W. PROUDFOOT  
DONALD H. WILSON

ATTORNEYS AT LAW

WATUMULL PLAZA  
4334 RICE STREET, SUITE 202  
LIHUE, KAUAI, HAWAII 96766-1388

COUNSEL  
PETER M. MORIMOTO

TELEPHONE NO: (808) 245-4705  
FACSIMILE NO: (808) 245-3277

Federal I.D. No. 99-0317663

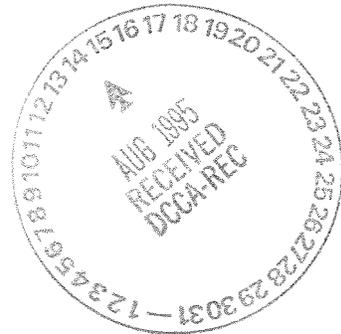
August 11, 1995

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75.00

Mrs. Benedyne Stone  
Condominium Specialist  
State of Hawaii  
Real Estate Branch  
Department of Commerce and Consumer Affairs  
250 South King Street, Room 702  
Honolulu, Hawaii 96813



Re: Hale Poki Condominium  
Registration No. 3180

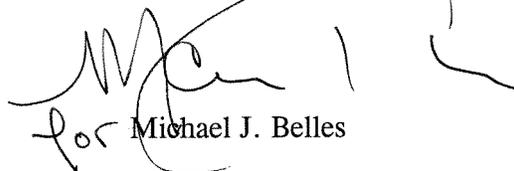
Dear Mrs. Stone:

Pursuant to your letter of August 9, 1995, I am enclosing pages 1, 19 and 21 of the public report, as well as our check in the amount of \$75.00 to cover the cost of the supplementary public report.

Thank you again for your assistance in this matter. Please contact me if you have any questions or require additional information.

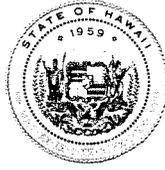
Very truly yours,

BELLES GRAHAM  
PROUDFOOT & WILSON

  
for Michael J. Belles

MJB:dmst  
Enclosure  
cc: Alton MacDonald

BENJAMIN J. CAYETANO  
GOVERNOR



OFFICE COPY

KATHRYN S. MATAYOSHI  
DIRECTOR

NOE NOE TOM  
LICENSING ADMINISTRATOR

STATE OF HAWAII  
**REAL ESTATE BRANCH**  
PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

250 SOUTH KING STREET, ROOM 702  
HONOLULU, HAWAII 96813

August 9, 1995

Michael J. Belles, Esq.  
Belles Graham Proudfoot  
& Wilson  
4334 Rice Street, Suite 202  
Lihue, HI 96766

Dear Mr. Belles:

Re: Hale Poki Condominium  
Registration No. 3180

Upon review of your correspondence dated August 3, 1995 by a condominium project consultant, please be advised that a short form supplementary public report (\$75 fee), an amended disclosure abstract and substitution of appropriate pages to the public report are required to update the above-referenced file.

In addition, as you have submitted pages 2, 6 and 14 of the public report, kindly submit pages 1 and 21.

Please feel free to call me at 586-2646 should you have any questions regarding the above.

Very truly yours,

REAL ESTATE COMMISSION

Benedyne Stone  
Condominium Specialist

**BELLES GRAHAM  
PROUDFOOT & WILSON**

ATTORNEYS AT LAW

WATUMULL PLAZA  
4334 RICE STREET, SUITE 202  
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Federal I.D. No. 99-0317663

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REAL ESTATE BRANCH

COUNSEL  
PETER M. MORIMOTO

'95 AUG -7 P1:04

DEPT OF COMMERCE  
& CONSUMER AFFAIRS  
STATE OF HAWAII

MICHAEL J. BELLES  
MAX W.J. GRAHAM, JR.  
DAVID W. PROUDFOOT  
DONALD H. WILSON

August 3, 1995

Mrs. Benedyne Stone  
Condominium Specialist  
State of Hawaii  
Real Estate Branch  
Department of Commerce and Consumer Affairs  
250 South King Street, Room 702  
Honolulu, Hawaii 96813

Re: Hale Poki Condominium  
Registration No. 3180

Dear Mrs. Stone:

Pursuant to our prior telephone conversations, this is to confirm that we recently discovered an error in the Condominium Property Regime documents regarding the acreage of Units 1 and 2. We also noted that the floor plans for the garage of Unit 2 was attached to the floor plans for Unit 1 when, in fact, it should have been attached and is a part of Unit 2.

Consequently, the errors were corrected by way of an Amendment to Declaration of Condominium Property Regime of the Hale Poki Condominium, recorded in the Bureau of Conveyances as Document No. 95-081391. I have also amended the appropriate pages to the Public Report and have enclosed the original pages for your review, as well as a file-stamped copy of the Amendment to Declaration of Condominium Property Regime.

It is our understanding that the aforementioned revisions will be adequately resolved by simply substituting the appropriate pages to the Public Report and filing the same with the Real Estate Commission as opposed to filing a Supplementary Report. Please advise us if you agree with our assessment and what further steps or fees are necessary to complete this process.

Real Estate Commission  
Department of Commerce and Consumer Affairs  
Page 2  
August 3, 1995

Thank you again for your assistance in this matter. Please contact me if you have any questions or require additional information.

Very truly yours,

BELLES GRAHAM  
PROUDFOOT & WILSON

A handwritten signature in black ink, appearing to read "Michael J. Belles", with a horizontal line extending to the right.

Michael J. Belles

MJB:dmst  
Enclosure  
cc: Alton MacDonald

R-644

STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED

JUN 21, 1995 03:04 PM

Doc No(s) 95-081391

/s/CARL T. WATANABE  
ACTING  
REGISTRAR OF CONVEYANCES

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail ( ) Pickup ( ) To:  
BELLES GRAHAM & PROUDFOOT - MJB  
4334 Rice Street, Suite 202  
Lihue, Kauai, Hawaii 96766  
Telephone: (808) 245-4705

**AMENDMENT TO DECLARATION OF  
CONDOMINIUM PROPERTY REGIME OF THE  
HALE POKI CONDOMINIUM**

CONDOMINIUM MAP NO. 2106

WHEREAS, by Declaration of Condominium Property Regime of the Hale Poki Condominium (hereinafter called the "Declaration"), recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 94-155929, ALTON BRUCE MacDONALD and ALEJANDRA H. F. MacDONALD, husband and wife, hereinafter referred to as the "Declarant", submitted certain land and improvements, as described in the Declaration, to a condominium property regime (hereinafter referred to as the "Project"), with the plans therefor filed in the Bureau of Conveyances of the State of Hawaii as Condominium Map No. 2106 (hereinafter referred to as the "Condominium Map"); and

WHEREAS, pursuant to Section 514A-12 of the Act and Section L. 2. of the Declaration, the Declarant may file an amendment to the Declaration and/or the Condominium Map in any manner without approval or consent of any unit purchaser at any time prior to the first recording in the Bureau of Conveyances of any conveyance or transfer (other than for security) of a unit and its appurtenances to a party not a signatory hereof; and

WHEREAS, no conveyances or transfers of units in the Project have occurred as of the date of this Amendment; and

WHEREAS, the Limited Common Elements, as noted on Exhibit "B" to the Declaration, erroneously noted that the acreage of Unit 1 was 0.51 acre and that the acreage of Unit 2 was 0.49 acre, when in fact the acreage of Unit 1 is 0.49 acre, and the acreage of Unit 2 is 0.51 acre; and

WHEREAS, the elevation and floor plans for the garage, which is a part of Unit 2, was inadvertently attached to the elevation and floor plans of Unit 1, but Unit 1 does not have a garage.

NOW, THEREFORE, pursuant to the rights reserved to the Declarant in Section L. 2. of the Declaration, Declarant does hereby amend the Declaration of Condominium Property Regime of Hale Poki Condominium as follows:

1. The section entitled "Limited Common Elements" on page 2 of Exhibit "B" to the Declaration is hereby amended to read as follows:

LIMITED COMMON ELEMENTS:

Certain units shall have appurtenant thereto easements for the exclusive use of certain limited common elements as follows:

Unit 1: The land area under and surrounding Unit 1, consisting of approximately 0.49 acre, as designated on the Condominium Map, is reserved for the exclusive use of Unit 1 for the support of the building and other improvements comprising Unit 1, and for the yard, driveway, purposes and parking.

Unit 2: The land area under and surrounding Unit 2, consisting of approximately 0.51 acre, as designated on the Condominium Map, is reserved for the exclusive use of Unit 2 for the support of the building and other improvements comprising Unit 2, and for the yard, driveway, purposes and parking.

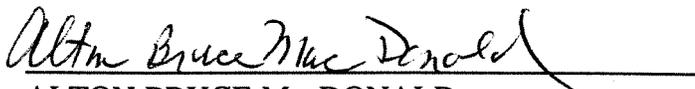
2. The elevation and floor plans for Unit 1 is amended to exclude the elevation and floor plans for the garage, which is not a part of Unit 1; and the elevation and floor plans for

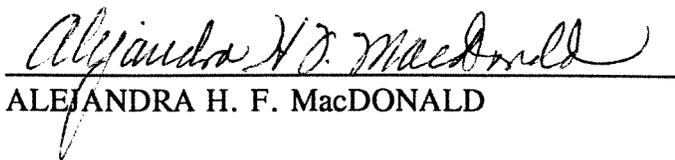
Unit 2 is amended to include the elevation and floor plans for the garage, which is a part of Unit 2.

In all other respects, the Declaration is hereby ratified and confirmed and shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors and assigns.

This Amendment to Declaration of Condominium Property Regime of Hale Poki Condominium may be executed in counterparts. Each counterpart shall be executed by one or more of the parties hereinbefore named and the several counterparts shall constitute one instrument to the same effect as though the signatures of all the parties are upon the same document.

IN WITNESS WHEREOF, the Declarant has executed these presents this 8<sup>th</sup> day of June, 1995.

  
ALTON BRUCE MacDONALD

  
ALEJANDRA H. F. MacDONALD

Declarant

