

CONDOMINIUM PUBLIC REPORT

Prepared & Issued by: Developer JEFFREY T. LONG and JAMIE FELICE LONG, Co-Trustees of the Jeffrey T. Long 2001 Revocable Trust, dated September 7, 2001
Business Address 1100 Alakea Street, #300, Honolulu, Hawaii 96813

Project Name(*): 115A & 115B POPOIA ROAD
Address: 115A & 115B Popoia Road, Kailua, Hawaii 96734

Registration No. 4002

Effective date: October 1, 2013
Expiration date: November 1, 2014

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: (yellow) 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.

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

X SUPPLEMENTARY: (pink) This report updates information contained in the:
[] Preliminary Public Report dated:
[X] Final Public Report dated: August 27, 1998
[] Supplementary Public Report dated:

And [] Supersedes all prior public reports.
[X] Must be read together with Final Public Report dated August 27, 1998
[] This report reactivates the public report(s) which expired on

(*) Exactly as named in the Declaration
This material can be made available for individuals with special needs. Please call the Senior Condominium Specialist at 586-2643 to submit your request.
FORM: RECO-30 286/986/189/1190/892/0197/1098/0800/0203/0104/0107
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Disclosure Abstract: Separate Disclosure Abstract on this condominium project:

Required and attached to this report as Exhibit "H" 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. Original Developer Jeffrey Thurman Long has conveyed his interest in both Units to his Trust (JEFFREY T. LONG and JAMIE FELICE LONG, Co-Trustees of the Jeffrey T. Long 2001 Revocable Trust, dated September 7, 2001).
2. An updated title report has been filed with the Real Estate Commission, which discloses that (a) the blanket mortgages referred to in the Final Public Report have been released; (b) Developer has entered into new mortgages covering the Units; and (c) ingress and egress between the Project and Kawailoa Road (a public road) is provided by a non-exclusive easement for access purposes from the State of Hawaii over Easement S-5329 (Popoia Road). See revised pages 14, 15, 20, and Exhibit E.
3. The rules relating "Ohana" units have changed. See revised page 20 and Exhibit I.
4. The Developer's Final Public Report expired on September 27, 1999. Pursuant to Section 16-107-19, Hawaii Administrative Rules, sales contracts executed during the period that the Public Report was not in effect may be rescinded at the option of the purchaser and all monies refunded to the purchaser. The purchaser's rights to rescind under this rule shall be void thirty (30) calendar days after receipt of written notification of these rights from the Developer or his real estate agent.

SPECIAL ATTENTION

The Developer has disclosed the following:

- (a) This is a CONDOMINIUM PROJECT, not a subdivision. The land area beneath and immediately appurtenant to each unit is designated a LIMITED COMMON ELEMENT and does not represent a legally subdivided lot. The dotted lines in the Condominium Map bounding the designated number of square feet in each limited common element land area are for illustration purposes only and should not be construed to be formal subdivision lines.
- (b) Facilities and improvements normally associated with county approved subdivisions, such as fire protection devices, County street lighting, electricity, upgraded water facilities, improved access for owner and emergency traffic, drainage facilities, etc., may not necessarily be provided for, and services such as County street maintenance and trash collection will not be available for interior roads and driveways.

This public report does not constitute approval of the Project by the Real Estate Commission or any other governmental agencies, nor does it ensure that all applicable County codes, ordinances, and subdivision requirements have necessarily been complied with. THE PROSPECTIVE PURCHASERS ARE CAUTIONED TO CAREFULLY REVIEW ALL DOCUMENTS REGARDING THIS CONDOMINIUM PROJECT FOR FURTHER INFORMATION WITH REGARD TO THE FOREGOING.

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 D .

as follows:

NOTE: Reference to said Exhibit "D" to "Dwelling Areas" does not mean 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 _____.

as follows:

Dwelling 115A - 50%
Dwelling 115B - 50%

- 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 August 19, 2013 and issued by Old Republic National Title Insurance Company .

Blanket Liens:

A blanket lien is an encumbrance (such as a mortgage) on the entire condominium project that secures some type of monetary debt (such as a loan) or other obligation. A blanket lien is usually released on an apartment-by-apartment basis upon payment of specified sums so that individual apartments can be conveyed to buyers free and clear of the lien.

There are no blanket liens affecting title to the individual apartments.

There are blanket liens which may affect title to the individual apartments.

Blanket liens (except for improvement district or utility assessments) must be released before the developer conveys the apartment to a buyer. The buyer's interest will be affected if the developer defaults and the lien is foreclosed prior to conveying the apartment to buyer.

<u>Type of Lien</u>	<u>Effect on Buyer's Interest and Deposit if Developer Defaults or Lien is Foreclosed Prior to Conveyance</u>
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F. Construction Warranties:

Warranties for individual apartments and the common elements, including the beginning and ending dates for each warranty, are as follows:

1. Building and Other Improvements:

Seller is making a one year warranty from the date of substantial completion on the materials and workmanship of Dwelling 115A and Dwelling 115B.

2. Appliances:

Purchaser shall have the direct benefit of any manufacturer's or dealer's warranties covering the furnishings and appliances in the Apartments.

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 issued 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, as amended.
 - D) House Rules, if any.
 - E) Condominium Map, as amended.
 - 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 or through the developer's sales agent, if any. The Condominium Property Regime Law (Chapter 514A, HRS) and the Administrative Rules, (Chapter 107), are available on line. Please refer to the following sites:

Website to access official copy of laws: www.capitol.hawaii.gov
Website to access unofficial copy of laws: www.hawaii.gov/dcca/hrs
Website to access rules: www.hawaii.gov/dcca/har

This Public Report is a part of Registration No. 4002 filed with the Real Estate Commission on August 27, 1998.

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

YELLOW paper stock

WHITE paper stock

PINK paper stock

C. Additional Information Not Covered Above

DISCLOSURE REGARDING SELECTION OF REAL ESTATE BROKER

The Developer has not selected a real estate broker for the sales of Dwellings in the Project. In the event the Developer chooses to use a real estate broker for the sale of a Dwelling, prior to entering into a binding contract for such sale the Developer shall (1) submit to the Real Estate Commission a duly executed copy of a broker listing agreement with a Hawaii-licensed real estate broker, together with a duly executed disclosure abstract identifying the designated broker, and (2) provide a copy of the disclosure abstract to the purchaser together with a copy of this Public Report.

EASEMENT S-5329 (POPOIA ROAD)

Ingress and egress between the Project and Kawailoa Road (a public road) is provided by a non-exclusive easement for access purposes from the State of Hawaii over Easement S-5329 (Popoia Road). The easement is over a parcel of land containing 5,229 square feet that is a portion of Kailua Beach Park. The easement was granted by a Lease that expires on March 21, 2056. The Developer is the holder of the Lease. Rights under the easement are shared with owners of other lots that are contiguous to the easement area, and are subject to the rights of the public, who use Kailua Beach Park. Rent under the Lease was paid in a single installment when the Lease was entered into in 1994. The Developer will assign his rights in the Lease and easement along with the transfer of title to each condominium unit, which assignment will require consent by the State of Hawaii.

- D. The developer declares subject to the penalties set forth in section 514A-49(b) that this project is in compliance with all county zoning and building ordinances and codes, and all other county permitting requirements applicable to the project, pursuant to Act 251 (SLH 2000) [Section 514A-1.6] (The developer is required to make this declaration for issuance of an effective date for a final public report.)
- E. 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.

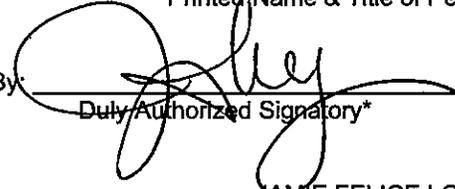
JEFFREY T. LONG and JAMIE FELICE LONG, Co-Trustees of the Jeffrey T. Long 2001 Revocable Trust, dated September 7, 2001

Printed Name of Developer

By:  _____
 Duly Authorized Signatory* 7/26/13
Date

JEFFREY T. LONG, Co-Trustee

Printed Name & Title of Person Signing Above

By:  _____
 Duly Authorized Signatory* 7/26/13
Date

JAMIE FELICE LONG, Co-Trustee

Printed Name & Title of Person Signing Above

Distribution:

Department of Finance, City and County of Honolulu

Planning Department, City and County of Honolulu

****Must be signed for a: corporation by an officer; partnership or Limited Liability Partnership (LLP) by the general partner; Limited Liability Company (LLC) by the manager or member; and for an individual by the individual.***

EXHIBIT "E"

ENCUMBRANCES AGAINST TITLE

1. For Real Property Taxes that may be due and owing, reference is made to the Office of the Tax Assessor, City and County of Honolulu.
2. Title to all minerals, and metallic mines reserved to the State of Hawaii.
3. Terms, provisions and conditions as contained in that certain unrecorded Lease of Non-Exclusive Easement No. S-5329, dated November 1, 1994, and the effect of any failure to comply with such terms, provisions and conditions.
4. AFFIDAVIT recorded August 20, 1997 in the Bureau of Conveyances, State of Hawaii, as Document No. 97-111376.
5. Condominium Map No. 2647, filed in the Bureau of Conveyances, State of Hawaii.
6. Matters in an instrument that, among other things, contain or provide for easements, assessments, liens and their subordination; provisions relating to partition, restrictions on severability of component interest, covenants, conditions and restrictions, provision that no violation thereof and no enforcement of any lien provided for therein shall defeat or render invalid the lien of a mortgage or deed of trust made in good faith and for value, but omitting any covenants or restrictions if any, based upon race color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Title 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, entitled Declaration of Condominium Property Regime, recorded January 12, 1998 in the Bureau of Conveyances, State of Hawaii, as Document No. 98-003888.

Said Declaration was amended by instrument dated July 31, 1998, recorded August 6, 1998 in the Bureau of Conveyances, State of Hawaii, as Document No. 98-115478.
7. By-Laws of the Association of Apartment Owners of 115A & 115B POPOIA ROAD, recorded January 12, 1998 in the Bureau of Conveyances, State of Hawaii, as Document No. 98-003889.
8. Terms, provisions and conditions as contained in the Apartment Deed and the effect of any failure to comply with such terms, provisions and conditions.
9. Any and all easements encumbering the apartment herein mentioned, and/or the common interest appurtenant thereto, as created by or mentioned in said Declaration, as said Declaration may be amended from time to time in accordance with the law and/or in the Apartment Deed, and/or as delineated on said Condominium Map.
10. AS TO DWELLING 115A:

Mortgage dated January 26, 2004, recorded February 20, 2004 in the Bureau of Conveyances, State of Hawaii, as Document No. 2004-034750.

The mortgagee's interest under said mortgage was assigned to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., a Delaware corporation, by instrument, recorded December 21, 2005 in the Bureau of Conveyances, State of Hawaii, as Document No. 2005-260427.
11. AS TO DWELLING 115B:

Mortgage dated January 26, 2004, recorded February 20, 2004 in the Bureau of Conveyances, State of Hawaii, as Document No. 2004-034753.

The mortgagee's interest under said mortgage was assigned to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., a Delaware corporation, by instrument recorded December 21, 2005 in the Bureau of Conveyances, State of Hawaii, as Document No. 2005-260417.

END OF EXHIBIT "E"

EXHIBIT "I"

PROVISIONS REGARDING DWELLING 151B (OHANA UNIT)

The following are provisions of Land Use Ordinance Section 21-2.140-1(i) relating to "Ohana" units presently in effect:

- "(1) Rebuilding. Any ohana dwelling unit that is destroyed by any means to the extent of more than 50 percent of the unit's replacement value may be rebuilt to its previously existing dwelling type under the following conditions:
 - (A) It can be demonstrated that the ohana dwelling unit was legally constructed.
 - (B) It can be demonstrated that the replacement ohana dwelling unit will meet all current underlying district standards including but not limited to height limits, required yards and setbacks, maximum building area and parking.
 - (C) Any ohana dwelling unit rebuilt under the provisions of this subdivision (1) shall not be expanded to increase the floor area beyond the larger of:
 - (i) The floor area shown on approved building plans prior to its destruction; or
 - (ii) The floor area allowable under the current maximum building area development standard in the applicable zoning district.
- (2) Expansion.
 - (A) Notwithstanding subdivision (1), an ohana dwelling unit owned under the provisions of HRS Chapter 514A may be expanded; provided that:
 - (i) The declaration of condominium property regime or declaration of horizontal property regime was filed with the bureau of conveyances of the State of Hawaii on or before December 31, 1988; and
 - (ii) The building permit was issued prior to April 28, 1988, the effective date of Ordinance No. 88-48 which placed floor area restrictions on ohana dwellings.
 - (B) Expansion of an ohana dwelling unit pursuant to this subdivision (2) is subject to the following conditions:
 - (i) The maximum building area for each dwelling unit on the zoning lot shall not exceed the ratio of that unit's proportionate share of the common interest to the total common interest of all units on the same zoning lot multiplied by the maximum building area of the zoning lot. The common interest shall be as specified in the applicable condominium property regime documents.
 - (ii) Any such expansion shall conform to yard requirements and other development standards for the applicable zoning district.
 - (iii) In the event the maximum building area has already been reached or exceeded, no additional expansion shall be permitted."

END OF EXHIBIT "I"