

CONDOMINIUM PUBLIC REPORT

Prepared & Issued by:

Developer JEAN V. DEVICH
Address 73-4477 Kukuna Street, Kailua-Kona, Hawaii 96740

Project Name(\*): HOLO HOLO EAST
Address: 1286 Kukuna Street, Kailua-Kona, Hawaii 96740; TMK: (3) 7-3-046-114

Registration No. 4061
(Conversion)

Effective date: October 1, 2010
Expiration date: Non-expiring pursuant to §514A-43(b), HRS

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 governmental 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. [X] 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: January 26, 1999 [ ] Supplementary Public Report dated:

And [ ] Supersedes all prior public reports [X] Must be read together with Final Public Report dated January 26, 1999 [ ] 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

**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:

**Revised pages 1, 2, 5, 6, 10, 19 and 21, and Exhibits "B" and "D" to the Final Public Report dated January 26, 1999 are attached hereto and incorporated herein by reference and supersede and replace such pages in the original Final Public Report.**

1. To reflect that a First Amendment to Declaration of Condominium Property Regime dated August 23, 2010, was recorded in the Bureau of Conveyances of the State of Hawaii as Document Number 2010-124193 (the "First Amendment"). The First Amendment served to replace the Exhibit "A" attached to the original Declaration.

2. To reflect the change of the address of the Developer to 73-4477 Kukuna Street, Kailua-Kona, Hawaii 96740.

3. To reflect the change of the real estate broker for the project.

4. To reflect the decrease in width of the 40-foot Driveway Easement to approximately 20 feet wide, appurtenant to Unit 2-E, as set forth in the Amended Grant of Easement dated August 23, 2010, and recorded in said Bureau as Document Number 2010-124191, and the First Amendment as described in Exhibit "B" and Exhibit "D" attached hereto and made a part hereof.

**I. PERSONS CONNECTED WITH THE PROJECT**

Developer: JEAN V. DEVICH Phone: (808) 325-0127  
Name \* (Business)  
73-4477 Kukuna Street  
Business Address  
Kailua-Kona, Hawaii 96740

Names of officers and directors of developers who are corporation; general partners of a partnership; partners of a Limited Liability Partnership (LLP); or manager and members of a Limited Liability Company (LLC) (attached separate sheet if necessary):

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Real Estate Broker\*: Clark Realty Corp. (Derinda Thatcher) Phone: (808) 329-5255, Ext. 521  
Name (Business)  
75-5722 Kuakini Hwy., Suite 103  
Business Address  
Kailua-Kona, Hawaii 96740

Escrow: FIRST HAWAII TITLE CORPORATION Phone: (808) 329-8227  
Name (Business)  
75-5722 Kuakini Highway, Suite 210  
Business Address  
Kailua-Kona, Hawaii 96740

General Contractor\*: N/A Phone: \_\_\_\_\_  
Name (Business)  
\_\_\_\_\_  
Business Address  
\_\_\_\_\_

Condominium Managing Agent\*: Self-managed by association of unit owners Phone: \_\_\_\_\_  
Name (Business)  
\_\_\_\_\_  
Business Address  
\_\_\_\_\_

Attorney for Developer: MATTHEW G. JEWELL (Jewell & Krueger) Phone: (808) 326-7654  
Name (Business)  
75-5722 Kuakini Highway, Suite 208  
Business Address  
Kailua-Kona, Hawaii 96740

\* For Entities: Name of corporation, partnership, Limited Liability Partnership (LLP), or Limited Liability Company (LLC)

**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. 98-131946 \_\_\_\_\_  
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]:

First Amendment to Declaration of Condominium Property Regime dated August 23, 2010, and recorded in the Bureau of Conveyances of the State of Hawaii as Document Number 2010-124193.

- 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. 2791 \_\_\_\_\_  
 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. 98-131947 \_\_\_\_\_  
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]:

Fee Owner: JEAN V. DEVICH  
 Name  
73-4477 Kukuna Street  
 Address  
Kailua-Kona, Hawaii 96740

Lessor: N/A  
 Name  
 \_\_\_\_\_  
 Address  
 \_\_\_\_\_

**C. Buildings and Other Improvements:**

1.  New Building(s)  
 Conversion of Existing Building(s)  
 Both New Building(s) and Conversion

2. Number of Buildings: 2 Floors Per Building Unit 1-E: 1; Unit -E2: 1  
 Exhibit \_\_\_\_\_ contains further explanations.

3. Principal Construction Material:

Concrete       Hollow Tile       Wood  
 Glass and other building materials

4. Permitted Uses by Zoning:

	<u>No. of Apts.</u>	<u>Use Permitted By Zoning</u>
<input type="checkbox"/> Residential	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Commercial	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Mix Res/Comm	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Hotel	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Timeshare	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Ohana	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Industrial	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/> Agricultural	<u>2</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Recreational	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Other _____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

Is/Are this/these use(s) specifically permitted by the project's Declaration or Bylaws?  
 Yes       No

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, as amended.
  - D) House Rules, if any.
  - 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: Specimen Deed; Declaration of Covenants, Conditions and Restrictions dated March 31, 1978, and recorded in said Bureau in Liber 12852, Page 372; Amendment to Declaration of Covenants, Conditions and Restrictions dated February 25, 1998, and recorded in said Bureau as Document Number 98-028218; Grant of Easement dated March 7, 1988, and recorded in said Bureau in Book 21889, Page 109; Amended Grant of Easement dated August 23, 2010, and recorded in said Bureau as Document Number 2010-124191; Farm Dwelling Notice.

Copies of the condominium and sales documents and amendments made by the developer are available for review through the developer 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 online. Please refer to the following sites:

Website to access official copy of laws: [www.capitol.hawaii.gov](http://www.capitol.hawaii.gov)  
Website to access unofficial copy of laws: [www.hawaii.gov/dcca/hrs](http://www.hawaii.gov/dcca/hrs)  
Website to access rules: [www.hawaii.gov/dcca/har](http://www.hawaii.gov/dcca/har)

This Public Report is a part of Registration No. 4061 filed with the Real Estate Commission on November 5, 1998

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YELLOW paper stock                       WHITE paper stock                       PINK paper stock

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.

JEAN V. DEVICH  
Printed Name of Developer

By   
Duly Authorized Signatory\*

August 26, 2010  
Date

JEAN V. DEVICH  
Printed Name & Title of Person Signing Above

Distribution:

Department of Finance, County of Hawaii

Planning Department, County of Hawaii

*\*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 B**

**LIMITED COMMON ELEMENTS**

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

1. **PRIVATE LAND AREA OR YARD.** Certain land area of the project, located as shown on the condominium map and designated thereon as limited common element, is appurtenant to and for the exclusive use of each unit as designated on the condominium map.

<u>Unit No.</u>	<u>Private land area (approx. land area)</u>
1-E	21,781 square feet
2-E	21,781 square feet

**NOTE:** The boundaries of the private land area or yard appurtenant to each unit, as shown on the condominium map, **do not** represent County-approved subdivided lots. Such boundaries serve only to delineate the limited common element private land area or yard appurtenant to each unit.

2. **ACCESS EASEMENT.** The access easement (approximately 20 feet wide) over and across the southern boundary of adjoining Lot 2 in favor of Lot 1, being the land underlying the project, as more particularly described in that certain Amended Grant of Easement dated August 23, 2010, and recorded in the Bureau of Conveyances of the State of Hawaii as Document Number 2010-124191, shall be a limited common element appurtenant to Unit 2-E, providing access to such unit from Holoholo Street.

**EXHIBIT "D"**

**ENCUMBRANCES AGAINST TITLE**

1. For real property taxes that may be due and owing, reference is made to the Real Property Tax Office of the Third Division. Also, possible rollback taxes may be assessed by the Real Property Tax Office of the Third Tax Division.
2. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
3. The terms, provisions, covenants, easements and reservations as contained in that certain instrument (Declaration) dated March 31, 1978, and recorded in said Bureau in Liber 12852, Page 372, as amended by instrument dated February 25, 1988, and recorded in said Bureau as Document Number 98-028218.
4. The terms, provisions, covenants, easements and reservations as contained in that certain instrument (Deed) dated October 6, 1978, and recorded in said Bureau in Liber 13294, Page 797.
5. Grant of Easement dated March 7, 1988, and recorded in said Bureau of Conveyances in Book 21889, Page 109, as amended by Amended Grant of Easement dated August 23, 2010, and recorded in said Bureau as Document Number 2010-124191.
6. DECLARATION OF CONDOMINIUM PROPERTY REGIME OF "HOLO HOLO EAST" dated May 26, 1998, and recorded in said Bureau as Document Number 98-131946 (project covered by Condominium Map No. 2791), as amended by FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM PROPERTY REGIME dated August 23, 2010, and recorded in said Bureau as Document Number 2010-124193, as the same may be further amended from time to time in accordance with law and said Declaration.
7. BY-LAWS OF THE ASSOCIATION OF APARTMENT OWNERS OF "HOLO HOLO EAST" dated May 26, 1998, and recorded in said Bureau as Document Number 98-131947, as the same may be amended from time to time in accordance with law and said Bylaws.