

## CONDOMINIUM PUBLIC REPORT

Prepared & Issued by: Developer: MARTHA F. RYKER, M.D., Trustee of the Martha F. Ryker, M.D. Trust dated 10/1/96, as amended  
Address: P. O. Box 547, Kalaheo, Kauai, Hawaii 96741

Project Name(\*): MAI'A SPLIT ACRES CONDOMINIUM  
Address: 3755 Waha Road, Kalaheo, Kauai, Hawaii 96741

Registration No. 4543  
(Partial Conversion)

Effective date: April 11, 2005  
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 government agency. Neither the Commission nor any other government agency has judged or approved the merits or value, in 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 \_\_\_\_\_
- SECOND SUPPLEMENTARY:**  
(pink) This report updates information contained in the:  
 Preliminary Public Report dated: \_\_\_\_\_  
 Final Public Report dated: February 1, 2001  
 Supplementary Public Report dated: December 12, 2003
- And  Supersedes all prior public reports  
 Must be read together with the supplementary public report dated 12/12/03  
 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

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

- Required and attached to this report (attached as Exhibit E, as amended)                       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:

The public report expired on March 1, 2002. The Supplementary Public Report was given a January 13, 2004 effective date. The purpose of the Abbreviated Supplementary Public Report is to provide supplemental information concerning the project. Changes to the public report include the following:

Real Estate Broker:

John Friedman, RA  
RE3 LLC, Real Estate Services  
3-3586 Kuhio Highway, Suite 2  
Lihue, Hawaii 96766  
Phone: (808) 245-5758, Ext. 15

Attorney:

Glen T. Hale  
Hale & Goldberg LLP  
2970 Kele Street, Suite 210  
Lihue, Hawaii 96766  
Phone: (808) 245-4100

The Second Amendment to Declaration of Condominium Property Regime Mai'a Split Acres Condominium was recorded on January 18, 2005, Document No. 2005-012929. Section 15 of the Declaration has been amended by adding a Limited Power of Attorney provision allowing individual unit owners to amend and record Declaration Amendments in certain circumstances. An additional Power of Attorney is added giving unit owners the power to apply for building permits without seeking approval from other unit owners. A new Section 24 has been added to the Declaration. Section 24 contains an arbitration provision applicable for disputes between unit owners.

Information regarding the Farm Dwelling Agreement dated May 24, 1989, recorded in Liber 23277 at Page 197, is hereby incorporated herein.

The Developer discloses that, in order to process the necessary permits for the construction of a farm dwelling and the processing of a farm dwelling agreement on agriculturally zoned parcels, authorization from at least 75% of the legal and equitable ownership of the entire project shall not be required, consistent with the Limited Power of Attorney provision contained in the Second Amendment to Declaration of Condominium Property Regime. Except as limited specifically by the project documents of record, all uses permitted in the agricultural zone are permitted. Such uses include, but are not limited to, growing crops, raising animals, residence, diversified agriculture, forestry, orchards and nurseries and wildlife management. See Kauai County Comprehensive Zoning Ordinance, Article 8.7. for detailed information. In relation to specifically permitted uses of buildings and other improvements, structures shall only be occupied or used for agriculture, associated residential uses or other uses permitted by law and the recorded project documents. A farm dwelling may not be constructed unless a unit owner demonstrates to the County his ability to derive income from his property, established and verified prior to any building permit approval.

## TABLE OF CONTENTS

	Page
Preparation of this Report	1
Expiration Date of Reports	1
Type of Report	1
Disclosure Abstract	2
Summary of Changes from Earlier Public Reports	2
Table of Contents	3
General Information of Condominiums	4
Operation of the Condominium Project	4
I. PERSONS CONNECTED WITH THE PROJECT	5
Developer                      Attorney for Developer                      General Contractor	
Real Estate Broker          Escrow Company                                  Condominium Managing Agent	
II. CREATION OF THE CONDOMINIUM; CONDOMINIUM DOCUMENTS	
A. Declaration	6
B. Condominium Map (File Plan)	6
C. Bylaws	6
D. House Rules	7
E. Changes to Condominium Documents	7
III. THE CONDOMINIUM PROJECT	
A. Interest to be Conveyed to Buyer	8
B. Underlying Land	9
C. Buildings and Other Improvements	10
D. Common Elements, Limited Common Elements, Common Interest	13
E. Encumbrances Against Title	14
F. Construction Warranties	15
G. Status of Construction	16
H. Project Phases	16
IV. CONDOMINIUM MANAGEMENT	
A. Management of the Common Elements	17
B. Estimate of Initial Maintenance Fees	17
C. Utility Charges for Apartments	17
V. MISCELLANEOUS	
A. Sales Documents Filed with the Real Estate Commission	18
B. Buyer's Right to Cancel Sales Contract	18
C. Additional Information Not Covered Above	20
D. Signature of Developer	21
EXHIBIT A:	Common Elements (See prior report)
EXHIBIT B:	Amended Encumbrances Against Title
EXHIBIT C:	Summary of Sales Contract (See prior report)
EXHIBIT D:	Summary of Escrow Agreement (See prior report)
EXHIBIT E:	Amended Disclosure Statement
EXHIBIT F:	Building and House Rules (See prior report)
EXHIBIT G:	Metes and Bounds Description of Limited Common Element for each Apartment; Amended Condominium Map No. 3187 (See prior report)
EXHIBIT H:	Estimate of Initial Maintenance Fees and Disbursements (See prior report)
EXHIBIT I:	Sample Farm Dwelling Agreement (See prior report)

I. PERSONS CONNECTED WITH THE PROJECT

Developer: MARTHA F. RYKER, M.D., Trustee of the Martha F. Ryker, M.D. Trust dated 10/1/96, as amended Name\* Phone: (808) 245-1933  
P. O. Box 547 (Business)  
Business Address  
Kalaheo, Hawaii 96741

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

N/A

Real Estate Brokers\*: John Friedman, RA Name Phone: (808) 245-5758  
RE3 LLC Real Estate Services (Business)  
3-3586 Kuhio Highway, Suite 2 Business Address  
Lihue, Hawaii 96766

Escrow: Title Guaranty Escrow Services, Inc. Name Phone: 808-521-0211  
Name (Business)  
235 Queen Street, First Floor Business Address  
Honolulu, Hawaii 96813

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

Condominium Managing Agent\*: Self-Managed by the Association of Name Phone: \_\_\_\_\_  
Name (Business)  
Apartment Owners Business Address  
\_\_\_\_\_

Attorney for Developer: Glen T. Hale Name Phone: 808-245-4100  
Hale & Goldberg LLP (Business)  
2970 Kele Street Suite 210 Business Address  
Lihue, Hawaii 96766-1803

\*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. 2000-163251

Book \_\_\_\_\_ Page \_\_\_\_\_

Filed - Land Court:

Document No. \_\_\_\_\_

The Declaration referred to above has been amended by the following instruments: First Amendment to Declaration of Condominium Property Regime Mai'a Split Acres Condominium, dated November 7, 2003, recorded as Document No. 2003-274751, and Second Amendment to Declaration of Condominium Property Regime Mai'a Split Acres Condominium, dated January 18, 2005, recorded as Document No. 2005-012929.

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. 3187

Filed - Land Court Condo Map No. \_\_\_\_\_

The Condominium Map has been amended by the following instruments: Amended Map No. 3187, dated October 15, 2003, recorded as Exhibit A to the First Amendment to Declaration of Condominium Property Regime Mai'a Split Acres Condominium identified above, and filed contemporaneously therewith.

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. 2000-163252

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:

Apartment 1 – 2.56 acres

Apartment 2 – 5.65 acres

Note: Land area referenced herein are not legally subdivided lots. See Exhibit G for description of the limited common element area for each apartment.

3. Common Interests: Each apartment will have an undivided fractional interest in all of the common elements. This interest is called the "common interests." 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:

Apartment 1 – 50% appurtenant common interest.

Apartment 2 – 50% appurtenant common interest.

- 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 on or your purchase and ownership of an apartment in the project.

Exhibit   B   describes the encumbrances against the title contained in the title report dated   January 31, 2005   and issued by   Title Guaranty of Hawaii, Inc.  .

2. Rights Under the Sales Contract: Before signing the sales contract, prospective buyers should ask to see and carefully review all the 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, 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 House Rules (unrecorded); Farm Dwelling Agreement; Waiver and Release; Mortgages (2); and Grants (3)

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:

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. 4543 filed with the Real Estate Commission on December 26, 2000

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- 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.

MARTHA F. RYKER, M.D., Trustee of the  
Martha F. Ryker, M.D. Trust dated 10/1/96, as amended  
 Name of Developer

By: *Martha F. Ryker, M.D., Trustee*  
 Duly Authorized Signatory\*

2/15/05  
 Date

MARTHA F. RYKER, M.D., Trustee of the  
Martha F. Ryker, M.D. Trust dated 10/1/96, as amended  
 Printed Name & Title of Person Signing Above

Distribution:

Department of Finance, County of Kauai

Planning Department, County of Kauai

**\*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**

AMENDED ENCUMBRANCES AGAINST TITLE

1. Real Property Taxes. Check with the County of Kauai, Department of Finance, Real Property Tax Division, for detailed information.
2. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the following:

**INSTRUMENT:** FARM DWELLING AGREEMENT

**DATED:** May 24, 1989

**RECORDED:** Liber 23277 Page 197

**PARTIES:** WILLIAM G. MUSTARD and MARTHA F. RYKER,  
M.D.; and COUNTY OF KAUAI PLANNING  
DEPARTMENT

3. GRANT

**TO:** CITIZENS UTILITIES COMPANY, a Delaware corporation and GTE HAWAIIAN COMPANY INCORPORATED, a Hawaii corporation, now known as VERIZON HAWAII INC.

**DATED:** January 3, 1990

**RECORDED:** Document No. 90-059684

**GRANTING:** a perpetual non-exclusive utility easement over Easement "E-1"

4. WAIVER AND RELEASE

**DATED:** February 1, 2000

**RECORDED:** Document No. 2000-022810

**BY:** MARTHA F. RYKER

**WITH:** COUNTY OF KAUAI, BUILDING DIVISION OF THE  
DEPARTMENT OF PUBLIC WORKS

**RE:** water services

5. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the following:

**INSTRUMENT:** DECLARATION OF CONDOMINIUM PROPERTY  
REGIME FOR "MAI'A SPLIT ACRES  
CONDOMINIUM" CONDOMINIUM PROJECT

DATED: July 20, 2000  
RECORDED: Document No. 2000-163251  
MAP: 3187 and any amendments thereto

Said Declaration was amended by the following instruments:

<u>Document No.:</u>	<u>Dated:</u>
2003-274751	November 7, 2003
2005-012929	January 18, 2005

6. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the following:

INSTRUMENT: BY-LAWS OF THE ASSOCIATION OF APARTMENT OWNERS

DATED: July 20, 2000  
RECORDED: Document No. 2000-163252

7. REAL PROPERTY MORTGAGE AND FINANCING STATEMENT

MORTGAGOR: MARTHA F. RYKER, as Trustee of the unrecorded Martha F. Ryker, M.D. Trust dated October 1, 1996

MORTGAGEE: FIRST HAWAIIAN BANK, a Hawaii corporation

DATED: September 24, 2002  
RECORDED: Document No. 2002-173902

8. MORTGAGE

MORTGAGOR: MARTHA F. RYKER, M.D., not personally but as Trustee on behalf of The Martha F. Ryker, M.D. Trust dated October 1, 1996, as amended and restated

MORTGAGEE: BANK OF HAWAII, a Hawaii corporation

DATED: December 27, 2002  
RECORDED: Document No. 2003-001138

9. GRANT OF UTILITY EASEMENTS (U-1 and U-2)

TO: KAUAI ISLAND UTILITY COOPERATIVE, a cooperative association formed pursuant to the provision of Chapter 421C of the Hawaii Revised Statutes, and VERIZON HAWAII INC., a Hawaii corporation

DATED: December 10, 2003

RECORDED: Document No. 2003-274748  
GRANTING: an easement for access and utility purposes over Easements U-1 and U-2, as shown on the map attached thereto

10. GRANT OF EASEMENT (A-1)

TO: MICHAEL JAMES DICK and MARIA ELENA MOREL-DICK, husband and wife

DATED: November 7, 2003  
RECORDED: Document No. 2003-274749  
GRANTING: an easement for access purposes over Easement A-1, affecting portions of TMK (4) 2-3-018:002, in favor of TMK (4) 2-3-018:029 more particularly described therein.

**END OF EXHIBIT B**

## EXHIBIT E

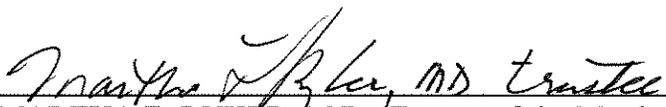
### MAI'A SPLIT ACRES CONDOMINIUM REGISTRATION NO. 4543 AMENDED DISCLOSURE STATEMENT

Pursuant to Hawaii Revised Statutes, Section 514(A)-61, the Developer of MAI'A SPLIT ACRES CONDOMINIUM makes the following disclosures:

1. Name of Project: MAI'A SPLIT ACRES CONDOMINIUM
2. Address: 3755 Waha Road, Kalaheo, District of Koloa, Kauai, Hawaii 96741
3. Name of Developer and Address:  
  
MARTHA F. RYKER, M.D., Trustee of the  
Martha F. Ryker, M.D. Trust dated 10/1/96, as amended  
P. O. Box 547  
Kalaheo, Hawaii 96741
4. Telephone: (808) 245-9054
5. Project Manager or Agent: Self-managed by Association of Apartment Owners.
6. Address: 3755 Waha Road, Kalaheo, Kauai, Hawaii 96741
7. Maintenance Fees: There are maintenance fees since the project has easements located within each apartment unit. The maintenance fees are estimated to be less than \$50.00 per month per Apartment Unit. Each apartment owner to take out his or her own insurance for their respective apartment and their appurtenant limited common element and shall add the name of the Association as an additional assured. (See Exhibit H.)
8. Commencement of Maintenance Fees: At such time that the first sale of an apartment is made. If not, the Declarant will continue to maintain the premises at his own cost and expense.
9. Warranties: The Project is a fee simple condominium project and there are no warranties.
10. Project: The Project consists of two (2) condominium apartments. Apartment 1 is a free-standing detached dwelling. Apartment 2 is a free standing detached shade shed. The uses will be agricultural, residential and other uses that are permitted by the County of Kauai ordinances. No units shall be used for hotel or timeshare purposes. There will be no commercial use except those activities permitted by County Ordinance.

11. There are no warranties against defects of material and workmanship in individual apartments, common elements or exclusive use areas, and the purchaser buys his/her unit in an "as is" condition.
12. The real estate broker for the Project is: RE3 LLC, Real Estate Services, 3-3586 Kuhio Highway, Suite 2, Lihue, Hawaii 96766, telephone: 808-245-5758, ext. 15.
13. The Developer has not conducted a reserve study in accordance with 514A-83.6, and the replacement reserve rules, Subchapter 6, Title 16, Chapter 107, Hawaii Administrative Rules, as amended. There are no depreciable common elements in the Project.
14. This project includes existing structures which have been converted to condominium ownership.
15. The Declaration was amended to reflect the recordation of access and utility easements. Please refer to Exhibit H of this Supplemental Public Report which contains copies of the recorded easements.
16. Easement A-1 benefits the adjacent parcel which uses the 20-foot wide roadway easement along with Apartments 1 and 2 of the project for access purposes.
17. Easement A-2 benefits Apartments 1 and 2 for access purposes. The easement was granted by the owner of the adjacent parcel identified as TMK No. (4) 2-3-018:-29.
18. Easements U-1 and U-2 are granted to Kauai Island Utility Cooperative and Verizon Hawaii Inc. for utility purposes. Easement U-1 is also in favor of Apartment 2 for utility purposes.

In witness whereof, the Developer has executed this Amended Disclosure Statement this 8<sup>th</sup> day of March, 2005.

  
MARTHA F. RYKER, M.D., Trustee of the Martha  
F. Ryker, M.D. Trust dated 10/1/96, as amended

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RECEIPT

The undersigned has received a copy of the foregoing Disclosure Abstract with Exhibit H this \_\_\_ day of \_\_\_\_\_, 200\_\_.

Purchaser(s):

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**END OF EXHIBIT E**