

CONDOMINIUM PUBLIC REPORT

Prepared & Issued by: JEANNE HELEN BOROVILOS PERSONAL REPRESENTATIVE FOR THE ESTATE OF LISA LOUISE HIXSON (DECEASED) Developer Address POST OFFICE BOX 5600, KAILUA-KONA, HI 96745

Project Name(*): HALE OLA KINO Address: 82-5782 NAPOOPOO ROAD, CAPTAIN COOK, HI 96704

Registration No. 4567 Effective date: July 11, 2002 Expiration date: August 11, 2003

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 a 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. [X] This report must be read together with FINAL PUBLIC REPORT

X SUPPLEMENTARY: (pink) This report updates information contained in the: [] Preliminary Public Report dated: [X] Final Public Report dated: JANUARY 30, 2001 [] Supplementary Public Report dated: [] Supersedes all prior public reports [X] Must be read together with FINAL PUBLIC REPORT [X] This report reactivates the FINAL PUBLIC REPORT public report(s) which expired on JUNE 24, 2002

(*) Exactly as named in the Declaration

This material can be made available for individuals with special needs. Please call the Senior condominium Specialist at 586-2644 to submit your request

FORM: RECO-30 286/986/189/1190/892/0198/0800

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 Report

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:

Lisa L. Hixson died on January 17, 2002. An Application for Informal Probate of Will and Informal Appointment of Personal Representative and Joinder by Beneficiaries was filed as P. No. 02-1-0075 in the Circuit Court of the Third Circuit of the State of Hawaii. Jeanne Helen Borovilos was named as Personal Representative of the Estate of LISA LOUISE HIXSON, DECEASED, in that Informal Probate. A lapsed in the effective date for the developer's Final Public Report of approximately 20 days is hereby acknowledged. 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 right 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 agent. No other changes to the Public Report of project have been made.

SPECIAL ATTENTION

This is a Condominium Project, **not** a subdivision. The land area beneath and immediately appurtenant to each unit is designated as a LIMITED COMMON AREA and is NOT a legally subdivided lot. The dotted lines on the Condominium Map bounding the designated number of square feet in each limited common element land area are for illustrative purposes only and should not be construed to be the property lines of legally subdivided lots.

This Public Report does not constitute approval of the Project by the Real Estate Commission, or any other governmental agency, nor does it ensure that all applicable County codes, ordinances, and subdivision requirements have necessarily been complied with.

There are three buildings on the project, both of which are agricultural greenhouses or sheds and both of which may be defined as an "Apartment" under the Condominium Property Act. The agricultural greenhouses or sheds are not intended for human habitation.

THERE ARE RESTRICTIONS ON THE NUMBER OF RESIDENTIAL DWELLING UNITS, OR OTHER STRUCTURES, WHICH MAY BE BUILT ON THE PROPERTY. THERE IS NO ASSURANCE THAT THE PURCHASER WILL BE ABLE TO BUILD A RESIDENTIAL DWELLING UNIT ON THE PROPERTY. THERE IS ALSO NO ASSURANCE THAT THE PURCHASER WILL BE ABLE TO CONVERT AN EXISTING NON-RESIDENTIAL STRUCTURE TO A RESIDENTIAL USE. ANY DWELLING CONSTRUCTED ON THE PROJECT MUST COMPLY WITH CHAPTER 25 OF THE HAWAII COUNTY CODE AND RULE 13 OF PLANNING DEPARTMENT RULES, AS THOSE RULES MAY BE ALTERED, AMENDED OR REPLACED. THE PURCHASER IS URGED TO CONSULT WITH THE APPROPRIATE COUNTY AGENCIES TO DETERMINE WHETHER THE PURCHASER MAY BUILD A RESIDENTIAL DWELLING UNIT, OR ANY OTHER TYPE OF STRUCTURE, ON THE PROPERTY

Facilities and improvements normally associated with County approved subdivisions, such as fire protection devices, County street lighting, electricity, upgraded water facilities, improved access for owners and emergency traffic, drainage facilities, etc., may not be provided, and services such as County street maintenance and trash collection may not be available for interior roads and driveways

THE PROSPECTIVE PURCHASER IS CAUTIONED TO CAREFULLY REVIEW THE CONDOMINIUM DOCUMENTS REFERENCED IN THIS PUBLIC REPORT FOR FURTHER INFORMATION WITH REGARD TO THE FOREGOING

"PLANNING DIRECTOR INITIATED AMENDMENT TO CHAPTER 23 OF THE COUNTY OF HAWAII ZONING CODE REGARDING CONDOMINIUM PROPERTY REGIME" IS CURRENTLY PENDING BEFORE THE COUNTY OF HAWAII COUNTY COUNSEL. IF THE INITIATED AMENDMENT IS ADOPTED BY THE COUNTY COUNSEL THE ABILITY OF PROSPECTIVE PURCHASERS TO ENTER INTO FARM DWELLING AGREEMENTS WITH THE PLANNING DIRECTOR OF THE COUNTY OF HAWAII COULD BE LIMITED.

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I. PERSONS CONNECTED WITH THE PROJECT

Developer: JEANNE HELEN BOROVILOS, PERSONAL REPRESENTATIVE FOR THE ESTATE OF LISA LOUISE HIXSON (DECEASED) Phone: (808) 329-7000
Name* (Business)
75-5875 KAHAKA ROAD
Business Address
KAILUA-KONA, HI, 96740

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

N/A

Real Estate Broker*: C.J. KIMBERLY C.J. KIMBERLY REALTORS® Phone: (808) 329-7000
Name (Business)
75-5875 KAHAKAI ROAD
Business Address
KAILUA-KONA, HI 96740

Escrow: TITLE GUARANTY & ESCROW SERVICE Phone: (808) 329-6666
Name (Business)
75-170 HUALALAI RD. SUITE C310
Business Address
KAILUA-KONA, HI 96740

General Contractor*: ONS INCORPORATED Phone: (808) 329-7349
Name (Business)
75-5806 KAKALANI ST.
Business Address
KAILUA-KONA, HI 96740

Condominium Managing Agent*: THE PROJECT WILL BE SELF-MANAGED BY THE ASSOCIATION OF APARTMENT OWNERS Phone:
Name (Business)
Business Address

Attorney for Developer: COLIN L. LOVE Phone: (808) 329-2460
Name (Business)
POST OFFICE BOX 2072
Business Address
KAILUA-KONA, HI 96745

* 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. 2000-132069
 Book _____ Page _____
 Filed - Land Court: Document No. _____

The Declaration referred to above has been amended by the following instrument [state name of document, date and recording/filing information]:

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

The Condominium Map for this condominium project is:

Proposed
 Recorded - Bureau of Conveyances Condo Map No. 3164
 Filed - Land Count Condo Map No. _____

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

First Amendment to Declaration of Condominium Property Regime of Mack Condominiums dated *** and filed in the Bureau of Conveyances on***, as Document No. ***

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. 2000-132070
 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]:

5. Special Use Restrictions;

The Declaration and Bylaws may contain restrictions on the use and occupancy of the apartments. Restrictions for this condominium project include but are not limited to:

Pets: As provided in the bylaws

Number of Occupants: _____

Other: Except for vehicles belonging to guests, the owners/tenants of the apartments shall keep or park no more than two motor vehicles on the property at any one time. They shall not keep or allow any junked or abandoned vehicle or vessel on the property. The property shall not be used as a location for the repair of any vehicle or vessel if such repair includes painting other than minor touch-up, or the removal and rebuilding of any of a vehicle's or vessel's major parts other than as may be related to minor tune-ups and adjustments. If a vessel is kept on the property it shall be kept in the carport if one is available. The property shall not be used for the outdoor cleaning of any large fish or the slaughtering or outdoor cooking of any whole animals. The property shall not be used for dog kennels, or chicken or pig farming.

There are no special use restrictions.

6. Interior (fill in appropriate numbers)

Elevators: 0 Stairways: 0 Trash Chutes : 0

Apt. Type	Quantity	BR/Bath	Net Living Area (sf)*	Net Other Area (SF)	(Identify)
A	1	0/0	0	48	SHED
B	1	0/0	0	90	SHED
C	1	0/0	0	90	SHED

Total Apartments 3

***Net Living Area is the floor area of the apartment measured from the interior surface of the apartment perimeter walls.**

Other documents and maps may give floor area figures which differ from those above because a different method of determining the floor area may have been used.

Boundaries of Each Apartment:

Each apartment includes, but is not limited to, the exterior finished surfaces of all walls, the doors and door frames, windows and window frames along the perimeters, the air space within the perimeter, and all fixtures originally installed in the apartment. The apartments include the interior load-bearing columns, girders, beams and walls, the undecorated or unfinished surfaces of the floor and ceilings surrounding each apartment and any pipes, shafts, wires, conduits or other utility or service lines running through or servicing only that apartment. which are utilized for or serve more than one apartment. An apartment does not include any pipes, shafts, wires, conduits or other utility or service lines running through or servicing an apartment which are utilized for or serve more than one apartment.

Permitted Alterations to Apartments:

Alterations or additions within an apartment may be made without prior written notice to or the approval of the Board of Directors. If all of the requirements of the County of Hawaii and the State of Hawaii are met the owner of an apartment may be able to convert its agricultural shed to one residence for use in conjunction with agriculture. Only one such residence shall be permitted within the Limited Common Area for Apartment "A" and only one such residence shall be allowed within the Limited Common Area for Apartment "B" and only one such residence shall be allowed within the Limited Common Area for Apartment "C". If an apartment is changed in any material way it will be necessary to file an Amended Declaration of Condominium Property Regime and submit amended Condominium File Plan, and amended elevations and floor plans for the modified apartment. The signature of all apartment owners will be required for the Amended Declaration of Condominium Property Regime

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.
- 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 SUBJECT TO TERMS OF FARM DWELLING AGREEMENT (EX. I)

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 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. 4567 filed with the Real Estate Commission on JANUARY 26, 2001.

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

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 his 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 (SLA 2000) [Section 514A-] The developer is required to make this declaration for issuance of an effective date for a final 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.

JEANNE HELEN BOROVILOS, PERSONAL REPRESENTATIVE TO THE ESTATE
OF LISA LOUISE HIXSON (DECEASED)

Printed Name of Developer

By: Jeanne H. Borovilos
Duly Authorized Signatory*

6/17/2002
Date

JEANNE HELEN BOROVILOS, PERSONAL REPRESENTATIVE TO THE ESTATE
OF LISA LOUISE HIXSON (DECEASED) DEVELOPER

Print 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***