

CONDOMINIUM PUBLIC REPORT

Prepared & Issued by:

Developer DALE ALAN MOORE and PATRICIA MOORE, husband and wife and DON ROLAND COWELL, husband of Peggy Ann Cowell
Address 2186 Round Top Drive, Honolulu, Hawaii 96822

Project Name (*): "KAWELA KAI HOMES"
Address: 57-473 Kamehameha Highway, Kahuku, Hawaii 96731

Registration No. 5602 Effective date: November 25, 2005
Expiration date: July 17, 2006

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: June 22, 2004
[] Supplementary Public Report dated:
And [] Supersedes all prior public reports.
[X] Must be read together with Final Public Report
[] 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.

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) FIRST AMENDMENT OF BY-LAWS of the Association of Apartment Owners of "KAWELA KAI HOMES", dated May 6, 2005, filed as Land Court Document No. 3282782 and recorded as Document No. 2005-118317.
- 2) SECOND AMENDMENT OF BY-LAWS of the Association of Apartment Owners of "KAWELA KAI HOMES", dated October 19, 2005, filed as Land Court Document No. 3347754 and recorded as Document No. 2005-220858.
- 3) FIRST AMENDMENT OF HOUSE RULES of the Association of Apartment Owners of "KAWELA KAI HOMES" dated October 19, 2005.

SPECIAL ATTENTION

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 is not a legally subdivided lot. The (dotted) dashed 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.

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

**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. 2004-183469

Book _____ Page _____

Filed - Land Court: Document No. 3162857

The Declaration referred to above has been amended by the following instruments [state name of document, date and recording/filing information]: First Amendment of Declaration Submitting Property To The Condominium Property Regime of "KAWELA KAI HOMES" dated May 6, 2005 filed as Land Court Doc No. 3271333 and recorded as Doc No. 2005-101530.

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. 3833

Filed - Land Court Condo Map No. 1662

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. 2004-183470

Book _____ Page _____

Filed - Land Court: Document No. 3162858

The Bylaws referred to above have been amended by the following instruments [state name of document, date and recording/filing information]: First Amendment of By-Laws of the Association of Apartment Owners of "KAWELA KAI HOMES" dated May 6, 2005, filed as Land Court Doc No. 3282782 and recorded as Doc No. 2005-118317.

Second Amendment of By-Laws of the Association of Apartment Owners of "KAWELA KAI HOMES" dated October 19, 2005, filed as Land Court Doc No. 3347754 and recorded as Doc No. 2005-220858.

D. **House Rules.** The Board of Directors may adopt House Rules to govern the use and operation of the common elements and limited common elements. House Rules may cover matters such as parking regulations, hours of operation for common facilities such as recreation areas, use of lanais and requirements for keeping pets. These rules must be followed by owners, tenants, and guests. They do not need to be recorded or filed to be effective. The initial House Rules are usually adopted by the developer.

The House Rules for this condominium are:

Proposed Adopted * Developer does not plan to adopt House Rules

* NOTE: First Amendment of House Rules of the Association of Apartment Owners of "KAWELA KAI HOMES", dated October 19, 2005

E. **Changes to Condominium Documents** Changes to the Declaration, Condominium Map, and Bylaws are effective only if they are duly adopted and recorded and/or filed. Changes to House Rules do not need to be recorded or filed to be effective.

1. **Apartment Owners:** Minimum percentage of common interest which must vote for or give written consent to changes:

	<u>Minimum Set by Law</u>	<u>This Condominium</u>
Declaration (and Condo Map)	75%*	<u>75%</u>
Bylaws	65%	<u>65%</u>
House Rules	---	<u>Approved by Board of Directors</u>

* The percentages for individual condominium projects may be more than the minimum set by law for projects with five or fewer apartments.

2. **Developer:**

No rights have been reserved by the developer to change the Declaration, Condominium Map, Bylaws or House Rules.

Developer has reserved the following rights to change the Declaration, Condominium Map, Bylaws or House Rules:

Unit 2: Developer reserves the right to replace said shed with a residential dwelling, and amend the Declaration and Map accordingly.

To grant, adjust easements; to file "as built" amendment; changing parking stalls; to comply with governmental and mortgage requirements.

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 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
- 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 5602 filed with the Real Estate Commission on January 7, 2005.

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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.

DALE ALAN MOORE
Printed Name of Developer

By: *dale alan moore* JUL 25 2005
Duly Authorized Signatory* Date

By: *PM* By: *Don Roland Cowell*
PATRICIA MOORE, Developer DON ROLAND COWELL, Developer
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 "B"

ENCUMBRANCES AGAINST TITLE

1. Taxes and assessments, general and special, for the fiscal year 2004-2005, County of Honolulu, as follows:

Tax Map Key: (1) 5-7-003:070

1st Installment: \$552.75 Marked Paid

2nd Installment: \$552.75 Marked Paid

2. Title to all minerals and metallic mines reserved to the State of Hawaii.
3. GRANT OF EASEMENT dated February 5, 2003 and recorded in the Bureau of Conveyances as Document No. 2003-023536 in favor of HAWAIIAN ELECTRIC COMPANY, INC., and GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED, now known as VERIZON HAWAII INC., granting an easement for wire line purposes.
4. Covenants, Conditions and Restrictions, 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, as provided in the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, dated July 28, 1981 and filed as Land Court Document No. 1080139 and also recorded in the Bureau of Conveyances in Liber 15747, Page 144. Said Declaration was amended by instruments:

<u>DATED</u>	<u>LAND COURT SYSTEM</u>	<u>LIBER</u>	<u>PAGE</u>
July 3, 1984	1247596	18024	605
September 10, 1984	1257263	18142	426

[Not noted on Transfer Certificate(s) of Title referred to herein]

5. Any lien (or claim of lien) for services, labor or material arising from an improvement or work related to the land described hereinabove.
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, as provided in the DECLARATION OF CONDOMINIUM PROPERTY REGIME of "KAWELA KAI HOMES", dated November 21, 2003 and recorded as Document No. 2004-183469 and filed as Land Court Document No. 3162857.

7. FIRST AMENDMENT OF DECLARATION OF "KAWELA KAI HOMES", dated May 6, 2005 filed as Land Court Document No. 3271333 and recorded in the Bureau of Conveyances as Document No. 2005-101530
8. BY-LAWS OF THE ASSOCIATION OF APARTMENT OWNERS OF "KAWELA KAI HOMES", dated June 22, 2004 and recorded as Document No. 2004-183470 and filed as Land Court Document No. 3162858. Said By-Laws were amended by instruments:

<u>DATED:</u>	<u>LAND COURT SYSTEM</u>	<u>REGULAR SYSTEM</u>
May 6, 2005	3282782	2005-118317
October 19, 2005	3347754	2005-220858

9. Condominium Map No. 3833 filed in the Bureau of Conveyances and Condominium Map No. 1662, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii.
10. MORTGAGE dated September 3, 2004, recorded as Document No. 2004-185557 and filed as Land Court Document No. 3163886 in favor of FIRST HAWAIIAN BANK, a corporation organized and existing under the laws of Hawaii.
11. FINANCING STATEMENT (UCC-1) recorded as Document No. 2004-185558 in favor of FIRST HAWAIIAN BANK, a Hawaii corporation.