

CONDOMINIUM PUBLIC REPORT

Prepared &
Issued by: Developer: MARK ROGER HENDERSON
Address: 4660 HAUAALA ROAD
KAPAA, HAWAII 96746

Project Name(*): HENDERSON CONDOMINIUM
Address: 4660 HAUAALA ROAD
KAPAA, HAWAII 96746

Registration No. 5743 Effective date: February 10, 2006
(Partial Conversion) Expiration date: October 20, 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, 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
- SUPPLEMENTARY:
(pink) This report updates information contained in the:
 Preliminary Public Report dated:
 Final Public Report dated: September 20, 2005
 Supplementary Public Report dated:
- And Supersedes all prior public reports
 Must be read together with Final Public Report dated September 20, 2005
 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-30 286/986/189/1190/892/0197/1098/0104

Disclosure Abstract: Separate Disclosure Abstract on this condominium project:

[X] Required and attached to this report As Exhibit "G" [] 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.

[X] Changes made are as follows:

1. Page 1. One year has elapsed since the residence on Unit A was completed under an owner-builder permit. Therefore, as of October 5, 2005, Unit A can now be offered for sale.
2. Page 5. The address for Steven R. Lee, attorney for Developer has changed.
3. Page 5 and Exhibit G have been revised to show the real estate broker for the sale of both Units A and B.
4. Page 20 has been revised to delete the Disclosure regarding selection of a Real Estate Broker and the Disclosure regarding renovation of Unit A by Owner
5. Seller represents that there are no additional encumbrances to be added to Exhibit F since the July 25, 2005 title report.

SPECIAL NOTICE:

1. Issuance of an effective date for this Public Report does not constitute an approval of the project by the Real Estate Commission, or any other governmental agency, nor does it imply that all County codes, ordinances and subdivision requirements have been complied with.
2. This project does not involve the sale of individual subdivided lots. The land area beneath and immediately adjacent to each unit, as shown on the Amended Condominium Map, is designated as a limited common element for that unit and does not represent a legally subdivided lot. The dotted lines on the Amended Condominium Map merely represent the location of the limited common element assigned to each unit.
3. 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.

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

I. PERSONS CONNECTED WITH THE PROJECT

Developer: MARK ROGER HENDERSON Phone: (808) 353-9308
Name*
4660 HAUAALA ROAD
Business Address
KAPAA, HAWAII 96746

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 Broker*: ALL STAR REALTY, INC. Phone: (808) 822-3133
Name
PO BOX 1305
Business Address
KILAUEA, HAWAII 96754

Escrow: FIRST AMERICAN TITLE COMPANY Phone: (808) 536-3866
Name
333 QUEEN STREET, #700
Business Address
HONOLULU, HAWAII 96813

General Contractor*:
Name
Business Address
Phone:

Condominium Managing Agent*: SELF-MANAGED BY ASSOCIATION Phone:
Name
OF APARTMENT OWNERS
Business Address

Attorney for Developer: STEVEN R. LEE Phone: (808) 246-1101
Name
4334 RICE STREET, SUITE 204-C
Business Address
LIHUE, HAWAII 96766

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

C. Additional Information Not Covered Above:

This is a condominium project, not a subdivision. Units purchased are not subdivided lots. To determine whether your expectations can be realized, you should carefully review the contents of this Report. You should also conduct your own investigations and ascertain the validity of information provided.

The prospective purchaser of Unit B shall have the right to build one single-family dwelling at purchaser's expense. The purchaser shall also, in such event, file the "as-built" certificate within thirty days of completion of the residence in conformance with Section 514A-12, Hawaii Revised Statutes, and record an amendment of the Declaration of Condominium Property Regime ("Declaration") to describe the residence. The County of Kauai Planning Department requires, in order to process the necessary permits for the construction of a residence, authorization from at least 75% of the legal and equitable ownership of the entire project, consistent with the Declaration and the Bylaws ("condominium documents"). Except as limited specifically by the condominium documents and house rules, all uses permitted in the residential zone are permitted.

Except as limited specifically by the condominium documents and subdivision restrictive covenants, all uses permitted in the residential zone are permitted. The prospective purchaser should consult the appropriate county agency for information on uses and construction in the residential zone.

A buyer should understand that all development and use of the property shall be in compliance with County codes and ordinances, that owners in this condominium project will not necessarily receive the same County benefits as owners of approved subdivided lots and that owners who develop their limited common element later than others may find that land use and zoning changes or insufficient utility capacities may thwart their expectations.

Disclosure regarding prior building violation. By letter dated April 26, 2005 the Kauai Planning Department acknowledged that the Developer had rectified the zoning violations cited in its letter of January 24, 2005. See Exhibit "I".

- 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.

MARK ROGER HENDERSON

Printed Name of Developer

By: 
Duly Authorized Signatory*

1/31/06
Date

MARK ROGER HENDERSON, DEVELOPER

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 "G"

AMENDED DISCLOSURE ABSTRACT

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

1. The Developer of the project is MARK ROGER HENDERSON, 4660 Hauaala Road, Kapaa, Kauai, Hawaii 96746, telephone (404) 353-9308.

2. The original maintenance fees still serve the needs of the project. See Exhibit "H" to the Final Public Report.

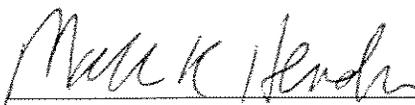
3. There are no warranties against defects of material and workmanship in individual apartments, common elements or exclusive use areas, and the purchaser buys his/her unit in an "as is" condition

4. All of the apartments of the project are to be used for permitted residential purposes only. No apartments shall be used for hotel or timeshare purposes. There will be no commercial use except those activities permitted by county ordinance.

5. Units A and B are currently listed for sale. The Developer has selected All Star Realty, Inc., P.O. Box 1305, Kilauea, Hawaii 96754, telephone (808) 822-3133, as the broker for the sale.

6. The Developer has not conducted a reserve study in accordance with §514A-83.6, HRS, 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.

7. The Developer discloses Common Interest has been divided equally as shown: Unit A – 50% and Unit B – 50%, reflecting the burden on common elements by the two units.


MARK ROGER HENDERSON, Developer


Date

RECEIPT

The undersigned has received a copy of the foregoing Disclosure Abstract this ____ day
of _____, 20__.

Purchaser(s): _____