

## CONDOMINIUM PUBLIC REPORT

Prepared &  
Issued by: Developer: WILLIAM FRANKLIN MOWRY, Trustee of the William F. Mowry Living Trust dated  
November 16, 2000 and Trustee of the Martha J. Mowry Living Trust dated  
November 16, 2000  
Business Address: P. O. Box 929  
Hanalei, Kauai, Hawaii 96714  
Project Name(\*): Piilani Mahina Condominium  
Address: Lot 14, Hanalei Garden Farms Estates, Hanalei Plantation Road  
Hanalei, Kauai, Hawaii

Registration No. 5990

Effective date: May 21, 2007  
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 \_\_\_\_\_
- SUPPLEMENTARY:**  
**(pink)** This report updates information contained in the:  
 Preliminary Public Report dated: \_\_\_\_\_  
 Final Public Report dated: May 8, 2006  
 Supplementary Public Report dated: \_\_\_\_\_
- And  Supersedes all prior public reports  
 Must be read together with the Final Public Report dated May 8, 2006  
 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



**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. 2006-042839

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 of Piilani Mahina Condominium dated April 5, 2007, and recorded as Document No. 2007-062756.

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. 4185

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. 2006-042840

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]:

First Amendment to the Bylaws of the Association of Unit Owners of Piilani Mahina Condominium dated April 5, 2007, and recorded as Document No. 2007-062757.

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 "D" \*.

as follows:

\* Note: Land areas referenced herein are not legally subdivided lots.

3. Common Interests: Each apartment will have an undivided fractional interests 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:

Each unit shall have appurtenant thereto an undivided fifty percent (50%) interest in all common elements of the property, and the same proportionate share in all common profits and common expenses of the property (except as may be otherwise provided in the Bylaws) and for all other purposes, including voting. The fractional common interest for each unit is determined by assigning a fifty percent (50%) interest to each of the two (2) units irrespective of the actual land areas contained in the limited common elements appurtenant to each unit.

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

Exhibit "E" describes the encumbrances against the title contained in the title report dated April 12, 2007 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 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](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. 5990 filed with the Real Estate Commission on April 25, 2006.

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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.

WILLIAM FRANKLIN MOWRY,  
 Trustee of the William F. Mowry Living Trust dated November 16, 2000,  
and Trustee of the Martha J. Mowry Living Trust dated November 16, 2000  
 Owners/Developers

By   
 \_\_\_\_\_  
 MAX W. J. GRAHAM, JR.  
 His Attorney-in-Fact

May 2, 2007  
 \_\_\_\_\_  
 Date

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 "E"

### ENCUMBRANCES AGAINST TITLE

1. Possible rollback or retroactive property taxes. Reference is made to the Department of Taxation, County of Kauai.
2. RIGHT-OF-ENTRY to CITIZENS UTILITIES COMPANY, a Delaware corporation, dated February 4, 1998, recorded as Document No. 99-011892, granting a right-of-entry and easement for utility purposes.
3. SETBACK (15 feet wide) for building purposes, as shown on subdivision map dated December 1, 1999.
4. SETBACK (15 feet wide) for swimming pool purposes, as shown on subdivision map dated December 1, 1999.
5. SETBACK (30 feet wide) for building purposes, as shown on subdivision map dated December 1, 1999.
6. SETBACK (130 feet wide) for second dwelling purposes, as shown on subdivision map dated December 1, 1999, approved on April 9, 2002, by the Planning Commission of the County of Kauai.
7. SETBACK (10 feet wide) for building purposes, as shown on subdivision map dated December 1, 1999.
8. RESTRICTION OF VEHICULAR ACCESS RIGHTS along Hanalei Plantation Road, as shown on subdivision map dated December 1, 1999.
9. DESIGNATION OF EASEMENT "H-14" for landscape purposes, as shown on subdivision map dated December 1, 1999.
10. DESIGNATION OF EASEMENT "L-24" for landscape purposes, as shown on subdivision map dated December 1, 1999.
11. The terms, conditions and provisions contained in Special Management Area Use Permit SMA(U)-96-1, Project Development Use Permit U-96-1, and Class IV Zoning Permit Z-IV-96-1, approved by the Planning Commission of the County of Kauai on August 8, 1996, as set forth in that certain unrecorded letter dated August 12, 1996, from Dee M. Crowell, Planning Director, County of Kauai Planning Department, to William F. Mowry and Martha J. Mowry, as set in that certain unrecorded letter dated August 12, 1996, from Dee M. Crowell, Planning Director, County of Kauai Planning Department, to William F. Mowry and Martha J. Mowry.
12. Water service is not available from the Department of Water, County of Kauai, as shown on subdivision map prepared by Thomas H. Oi, Licensed Professional Land Surveyor, dated December 1, 1999.
13. The terms and provisions contained in the following:  
  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE HANAIEI GARDEN FARMS ESTATES dated July 15, 2002, recorded as Document No. 2002-138948.

Said Declaration was amended by instrument dated October 17, 2002, recorded as Document No. 2002-184603, restated by instrument dated September 9, 2003, recorded as Document No. 2003-193061, and amended by instrument dated November 28, 2003, recorded as Document No. 2003-267002.

CORRECTION TO FIRST RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE HANAIEI GARDEN FARMS ESTATES dated August 12, 2004, recorded as Document No. 2004-172341.

14. The terms and provisions contained in the following:

DECLARATION OF GRANT AND RESERVATION OF EASEMENTS FOR THE HANAIEI GARDEN FARMS ESTATES SUBDIVISION dated July 15, 2002, recorded as Document No. 2002-138949.

15. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.

16. The terms and provisions contained in the following:

DECLARATION OF THE CONDOMINIUM PROPERTY REGIME OF PIILANI MAHINA CONDOMINIUM dated March 2, 2006, and recorded as Document No. 2006-042839.

Condominium Map No. 4185 and any amendments thereto.

Said Declaration was amended by FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM PROPERTY REGIME OF PIILANI MAHINA CONDOMINIUM dated April 5, 2007, and recorded as Document No. 2007-062756.

17. The terms and provisions contained in the following:

BY-LAWS OF THE ASSOCIATION OF UNIT OWNERS OF PIILANI MAHINA CONDOMINIUM dated March 2, 2006, and recorded as Document No. 2006-042840.

Said By-Laws were amended by FIRST AMENDMENT TO THE BYLAWS OF THE ASSOCIATION OF UNIT OWNERS OF PIILANI MAHINA CONDOMINIUM dated April 5, 2007, and recorded as Document No. 2007-062757.

18. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.

19. Any unrecorded leases and matters arising from or affecting the same.

20. Any lien (or claim of lien) for services, labor or material arising from an improvement or work related to the land described herein.