

**AMENDMENT 2 TO
DEVELOPER'S PUBLIC REPORT
FOR A CONDOMINIUM**

CONDOMINIUM PROJECT NAME:	HENRY COURT
PROJECT ADDRESS:	2839 Henry Street Honolulu, Hawaii 96817
REGISTRATION NUMBER:	6425 (conversion)
EFFECTIVE DATE OF REPORT:	August 23, 2013
THIS AMENDMENT:	<input checked="" type="checkbox"/> Must be read together with <input checked="" type="checkbox"/> Developer's Public Report dated <u>November 16, 2007</u> <input type="checkbox"/> Amended Report dated _____ <input type="checkbox"/> Supersedes all prior amendments: Includes all prior amendment(s) and <u>must</u> be read together with <input type="checkbox"/> Developer's Public Report dated _____ <input type="checkbox"/> Amended Report dated _____
DEVELOPER(S):	Home Investment, LLC

Preparation of this Amendment

The Developer prepared this amendment pursuant to the Condominium Property Act, Section 514B-56, Hawaii Revised Statutes (HRS), as amended from time to time. Section 514B-56, HRS, requires that after the Commission has issued an effective date for the Developer's Public Report, if there are any changes, either material or pertinent changes, or both, regarding the information contained in or omitted from the Developer's Public Report, or if the developer desires to update or change the information set forth in the Developer's Public Report, the developer shall immediately submit to the Commission an amendment to the Developer's Public Report or an amended Developer's Public Report clearly reflecting the change, together with such supporting information as may be required by the Commission, to update the information contained in the Developer's Public Report.

The law defines "material change" as used in parts IV and V of Chapter 514B, HRS means any change that directly, substantially, and adversely affects the use or value of (1) A purchaser's unit or appurtenant limited common elements; or (2) Those amenities of the project available for the purchaser's use.

The law defines "pertinent change" to mean, as determined by the commission, a change not previously disclosed in the most recent public report that renders the information contained in the public report or in any disclosure statement inaccurate, including, but not limited to (1) The size, construction materials, location, or permitted use of a unit or its appurtenant limited common element; (2) The size, use, location, or construction materials of the common elements of the project; or (3) The common interest appurtenant to the unit. A pertinent change does not necessarily constitute a material change.

The filing of an amendment to the Developer's Public Report or an amended Developer's Public Report, in and of itself, shall not be grounds for a purchaser to cancel or rescind a sales contract. A purchaser's right to cancel or rescind a sales contract shall be governed by sections 514B-86 and 514B-87, HRS, the terms and conditions of the purchaser's contract for sale, and applicable common law.

This material can be made available for individuals with special needs. Please call the Senior Condominium Specialist at (808) 586-2643 to submit your request.

This Amendment has not been prepared or issued by the Real Estate Commission or any other governmental agency. The issuance by the Commission of an effective date for this amendment to the Developer's Public Report (1) does not mean that the Commission approves or disapproves of the project; (2) does not mean that the Commission thinks that either all material facts, material changes, or pertinent changes about the project have been fully or adequately disclosed; and (3) is not the Commission's judgment of the value or merits of the project.

The law defines "material facts" to mean any fact, defect, or condition, past or present that to a reasonable person, would be expected to measurably affect the value of the project, unit, or property being offered or proposed to be offered for sale.

This amendment may be used by the Developer for promotional purposes only if it is used with the last Developer's Public Report in its entirety.

Prospective purchasers and purchasers are encouraged to read this amendment carefully and to seek professional advice.

Summary of Changes from Earlier Developer's Public Report are Described Beginning on the Next Page

This material can be made available for individuals with special needs. Please call the Senior Condominium Specialist at (808) 586-2643 to submit your request.

Summary of Changes from Earlier Developer's Public Report:

This summary contains a general description of the changes, if any, made by the developer since the last Developer's Public Report was issued an effective date. It is not necessarily all inclusive. Prospective purchasers and purchasers must read this amendment together with the last Developer's Public Report with the effective date as noted on the top of page 1 if they wish to know the specific changes that have been made.

Changes made are as follows (include a description of what the change is and page number and or exhibit alphabet or number; additional pages may be used):

Amendment 2 must be read together with Developer's Public Report dated November 16, 2007, and Amendment 1 dated December 1, 2009.

Section 1.14, page 6:

This section of the Developer's Public Report originally indicated that the Project contained non-conforming uses, but has been revised to indicate that all uses are conforming.

The 3 dwelling units comprising the Project were at one time considered nonconforming under a law that restricted the maximum number of dwelling units on a residential lot to 2 unless an existing use permit from the Department of Planning and Permitting (DPP), City and County of Honolulu was obtained. In 2010, the City and County of Honolulu enacted Ordinance no. 10-19 which changed that restriction. Under this new ordinance, up to 8 dwelling units may be placed on a single residential lot provided certain other requirements are met.

Based on Ordinance no. 10-19, the DPP has confirmed, by letter dated April 8, 2013, that the 3 dwelling units comprising the Project are no longer considered to be nonconforming based on the number of units. Rather, the DPP confirmed that "if the existing three single-family detached dwellings burn down or are demolished by any means, the construction of up to three single-family dwellings or two two-family detached dwellings may be permitted, provided the LUO development standards for the R-5 District, parking requirements, and the requirement for access (as mentioned above) are met." A copy of the DPP's April 8, 2013 letter is attached hereto.

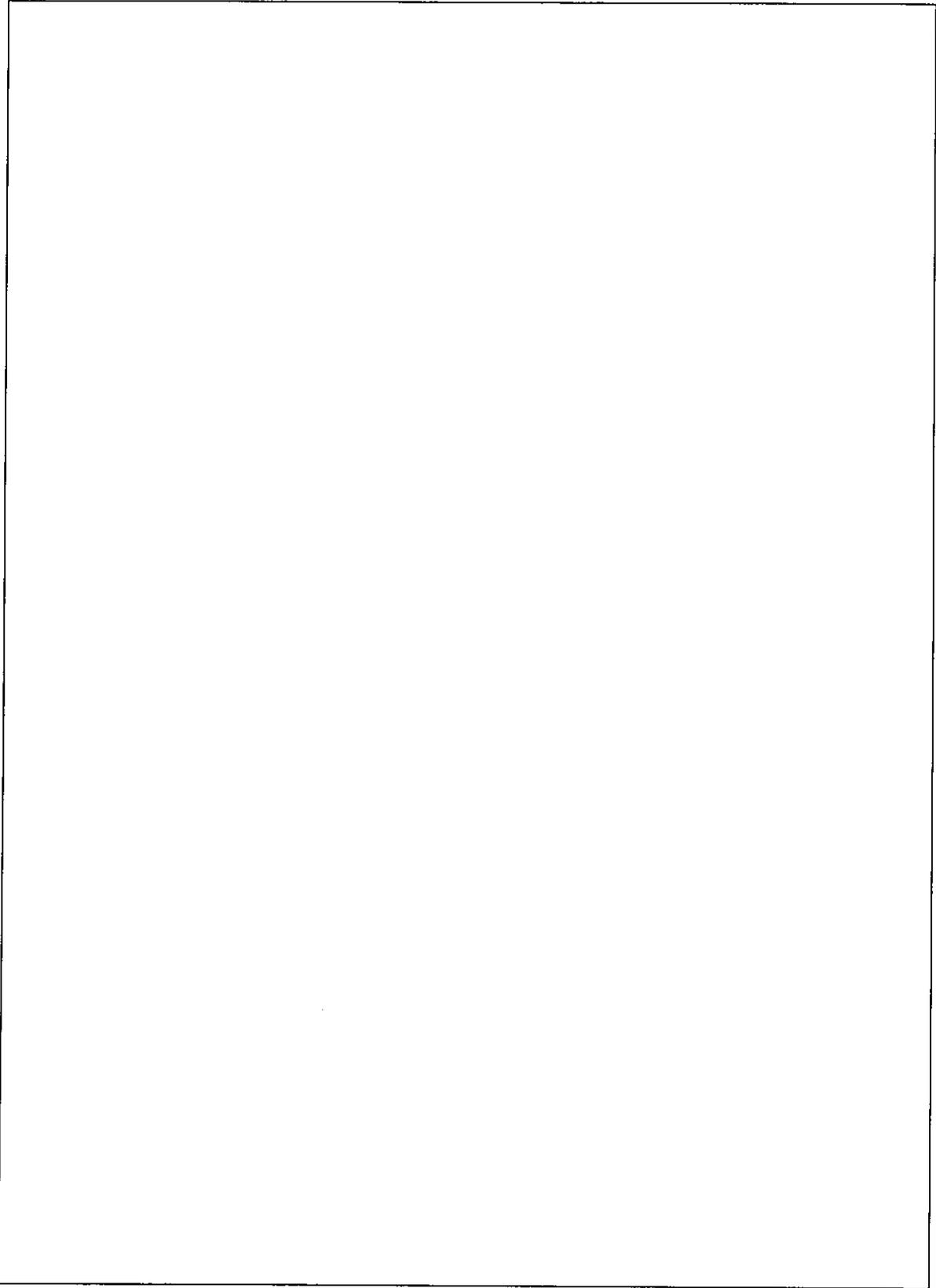
Based on the above, Section 1.14 on page 6 of the Developer's Public Report has therefore been revised to indicate that the "Uses" of the Project are "Conforming." A new page 6 is attached hereto.

Exhibit E:

In addition, Exhibit E to the Developer's Public Report entitled "Disclosure Regarding Nonconforming Uses, Structures, and Parking" has been revised to delete section 1 relating to nonconforming uses. A new Exhibit E is attached hereto.

This material can be made available for individuals with special needs. Please call the Senior Condominium Specialist at (808) 586-2643 to submit your request.

Changes continued:



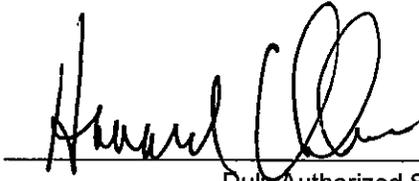
This material can be made available for individuals with special needs. Please call the Senior Condominium Specialist at (808) 586-2643 to submit your request.

The Developer declares subject to the penalties set forth in Section 514B-69, HRS that this project continues to conform to the existing underlying county zoning for the project, zoning and building ordinances and codes and all applicable permitting requirements adopted by the county in which the project is located, all in accordance with Sections 514B-5 and 32(a) (13), HRS.

For any conversion, if any variances have been granted, they are specified in Section 1.14 of this report as amended, and, if purchaser deposits are to be used by the Developer to cure any violations of zoning, permitting requirements or rules of the county in which the project is located, the violation is specified in Section 1.15 of this report as amended, along with the requirements to cure any violation, and Section 5.5 specifies the date by which the cure will be completed.

The Developer hereby certifies that all the information contained in this report as amended and the exhibits attached to this report (if any) as amended and all documents to be furnished by the Developer to purchasers 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. The Developer hereby agrees promptly to amend this report as amended to report and include either or all material facts, material or pertinent changes to any information contained in or omitted from this report and to file annually a report to update the material contained in this report as amended at least 30 days prior to the anniversary date of the effective date of this report.

Home Investment, LLC
Printed Name of Developer



Duly Authorized Signatory*

AUG 20 2013

Date

Howard Unebasami, Member-Manager

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; for a partnership or limited liability partnership (LLP) by the general partner; for a limited liability company (LLC) by the manager or an authorized member; and for an individual by the individual.**

This material can be made available for individuals with special needs. Please call the Senior Condominium Specialist at (808) 586-2643 to submit your request.

1.13 Uses Permitted by Zoning and Zoning Compliance Matters

Uses Permitted by Zoning							
	Type of Use	No. of Units	Use Permitted by Zoning			Zoning	
<input checked="" type="checkbox"/>	Residential	3	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	R-5
<input type="checkbox"/>	Commercial		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	
<input type="checkbox"/>	Mix Residential/Commercial		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	
<input type="checkbox"/>	Hotel		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	
<input type="checkbox"/>	Timeshare		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	
<input type="checkbox"/>	Ohana		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	
<input type="checkbox"/>	Industrial		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	
<input type="checkbox"/>	Agricultural		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	
<input type="checkbox"/>	Recreational		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	
<input type="checkbox"/>	Other(specify)		<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	
Is/Are this/these use(s) specifically permitted by the project's Declarations or Bylaws?			<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	
Variances to zoning code have been granted.			<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	
Describe any variances that have been granted to zoning code.		N/A					

1.14 Other Zoning Compliance Matters

Conforming/Non-Conforming Uses, Structures and Lots
<p>In general, a non-conforming use, structure or lot is a use, structure or lot that was lawful at one time but that does not now conform to present zoning requirements. Under present zoning requirements, limitations may apply to extending, enlarging or continuing the non-conformity and to altering and repairing non-conforming structures. In some cases, a non-conforming structure that is destroyed or damaged cannot be reconstructed.</p> <p>If a variance has been granted or if uses, structures or lots are either non-conforming or illegal, the purchaser should consult with county zoning authorities as to possible limitations that may apply in situations such as those described above.</p> <p>A purchaser may not be able to obtain financing or insurance if the condominium project has a non-conforming or illegal use, structure or lot.</p>

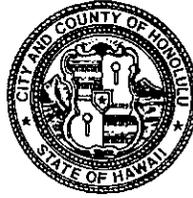
	Conforming	Non-Conforming	Illegal
Uses (See Exhibit E)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Structures	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lot	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<p>If a non-conforming use, structure or lot exists in this project, this is what will happen under existing laws or codes if the structure is damaged or destroyed:</p> <p>See Exhibit E</p>

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.gov • CITY WEB SITE: www.honolulu.gov

KIRK CALDWELL
MAYOR



GEORGE I. ATTA, FAICP
DIRECTOR DESIGNATE

ARTHUR D. CHALLACOMBE
DEPUTY DIRECTOR

2013/ELOG-675 (JL)

April 8, 2013

Mr. Kenneth K. Hoo
McCorriston Miller Mukai Mackinnon LLP
P.O. Box 2800
Honolulu, Hawaii 96813

Dear Mr. Hoo:

Subject: Nonconforming Inquiry
2839 Henry Street – Nuuanu
Tax Map Key 2-2-36: 13

This is in response to your letter received on April 13, 2013, and we apologize for the incorrect Tax Map Key noted on our March 28, 2012 letter to you. Your earlier letter of September 12, 2011, was to request for confirmation that the three single-family dwellings located on the above property comply with the requirements of the current Land Use Ordinance (LUO).

Pursuant to Ordinance 10-19, which amended the LUO Section 21-8.20A in 2010, we are confirming that an Existing Use Permit is no longer required for certain multiple dwelling units on a single country or residential district zoning lot, including the above site. Please note that to rebuild more than two dwellings on the site, however, the requirement in LUO Section 21-8.20A(5) for sufficient width access to a street or right-of-way must be met.

The site is currently zoned R-5 Residential District and has a lot area of 16,068 square feet. Therefore, based on the lot size, if the existing three single-family detached dwellings burn down or are demolished by any means, the construction of up to three single-family dwellings or two two-family detached dwellings may be permitted, provided the LUO development standards for the R-5 District, parking requirements, and the requirement for access (as mentioned above) are met.

Please note that we did not check the site, site plans, or the complete building permit history for the site, which may reveal unique circumstances and conditions associated

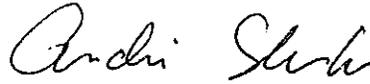
APR 09 2013

Mr. Kenneth K. Hoo
April 8, 2013
Page 2

with the property. However, single-family detached dwellings are a permitted use in the R-5 District.

Please contact Jenny Lee of our staff at 768-8027, if you have any questions.

Very truly yours,



George I. Atta, FAICP
Director Designee
Department of Planning and Permitting

GIA:hd

Exhibit E
Disclosure Regarding Nonconforming Uses, Structures, and Parking

The Project contains the following non-conformities:

1. Nonconforming Parking

The total number of all-weather-surface, off-street parking (4) is considered non-conforming.

2. Nonconforming Structure

a. The Carport is considered nonconforming because it encroaches into the required ten-foot front yard setback and five-foot side yard setback.

b. Unit 3 is considered nonconforming because it encroaches into the required five-foot side yard setback.

If that portion of any structure which is nonconforming is destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with Article 4 and other applicable provisions of the Land Use Ordinance. **PURCHASERS ARE ENCOURAGED TO OBTAIN LEGAL ADVICE REGARDING THE RISKS AND CONSEQUENCES OF SUCH NONCONFORMITY.**

End of Exhibit E