

**AMENDMENT 1 TO  
DEVELOPER'S PUBLIC REPORT  
FOR A CONDOMINIUM**

CONDOMINIUM PROJECT NAME:	"474 KULIOUOU ROAD"
PROJECT ADDRESS:	474 Kuliouou Road, Honolulu, Hawaii 96821
REGISTRATION NUMBER:	7531
EFFECTIVE DATE OF REPORT:	August 20, 2015
MUST BE READ TOGETHER WITH DEVELOPER'S PUBLIC REPORT DATED:	November 10, 2014
DEVELOPER(S):	THURSTON STREET APTS., LLC, a Hawaii registered Limited Liability Company

**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 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

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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

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**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):

**1. The Condominium Project**

**1.1 The Underlying Land (page 3)**

The address of property is expected to be change because the Department of Planning and Permitting issued newly re-assigned addressed replacing the current addresses of the Existing and Spatial Units, as follows (see Exhibit "A"):

Developers Public Report's		Dept. Planning & Permitting		TMK No.	CPR NO.
Unit No	Current Address	Unit No	New Address		
1	474 - A Kuliouou Rd	1	474-C Kuliouou Rd	(1) 3-8-010:009	0001
2	474 - B Kuliouou Rd	2	474-A Kuliouou Rd	(1) 3-8-010:009	0002
3	474 Kuliouou Rd	3	461-A Kahinu St	(1) 3-8-010:009	0003
4	474 - C Kuliouou Rd	4	461 Kahinu St	(1) 3-8-010:009	0004
A	474 - D Kuliouou Rd	5	466-A Kahinu St	(1) 3-8-010:009	0005
B	474 - E Kuliouou Rd	6	466 Kahinu St	(1) 3-8-010:009	0006
C	474 - F Kuliouou Rd	7	To Be Assigned	(1) 3-8-010:009	0007
D	474 - G Kuliouou Rd	8	To Be Assigned	(1) 3-8-010:009	0008

**Unit 1**, current address of 474-A Kuliouou Rd., is assigned to the new address of 474-C Kuliouou Rd. Unit 1 has direct access to Kuliouou Road, a public roadway.

**Unit 2**, current address of 474-B Kuliouou Rd., is assigned to the new address of 474-A Kuliouou Rd. Unit 2 has direct access to Kuliouou Road, a public roadway.

**Unit 3**, current address of 474 Kuliouou Rd, is assigned to the new address of 461-A Kahinu St. Unit 3 has access over Driveway A to Kahinu Street, a public roadway.

**Unit 4**, current address of 474-C Kuliouou Rd., is assigned to the new address of 461 Kahinu St. Unit 4 has access over Driveway A to Kahinu Street, a public roadway.

**Spatial Unit 5**, current address of 474-D Kuliouou Rd., has been unofficially assigned by DPP as new address of Spatial Unit 5, 466-A Kahinu Street. DPP will not issue an official House Number Certificate until a residential structure is constructed in accordance with all applicable county zoning laws, ordinance and permitting requirement. The unit has access to Kahinu Street, a public roadway, over Driveway A.

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Changes continued:

**Spatial Unit 6**, current address of 474-E Kuliouou Rd., has been unofficially assigned by DPP as new address of **Spatial Unit 6**, 466 Kahinu Street. DPP will not issue an official House Number Certificate until a residential structure is constructed in accordance with all applicable county zoning laws, ordinance and permitting requirement. The unit has access to Kahinu Street, a public roadway, over Driveway A.

**Spatial Unit C (Unit 7)**, current address is 474-F Kuliouou Road – To-date, DPP will not assign a new address, nor an official House Number Certificate, until a residential structure is constructed in accordance with all applicable county zoning laws, ordinance and permitting requirement. This unit has access to Lani Street, a public roadway, over Driveway B.

**Spatial Unit D (Unit 8)**, current address is 474-G Kuliouou Road – To-date, DPP will not assign a new address, nor an official House Number Certificate, until a residential structure is constructed in accordance with all applicable county zoning laws, ordinance and permitting requirement. This unit has access to Lani Street, a public roadway, over Driveway B.

**1.10 Limited Common Elements (page 5)**

Unit's Yard Space or Sites: Each unit will have, appurtenant to it, as a limited common element, a certain yard space, referred to as Site, upon which said unit is located, for said unit's exclusive use, subject, however, to any easement of record, or otherwise disclosed. The sites are assigned and identified as follows (see Exhibit "G")

Existing Unit No.	Location (Street Address)	Site	Sq. Ft.
1	474-A Kuliouou Road	1	5,291
2	474-B Kuliouou Road	2	5,205
3	461-A Kahinu Street	3	6,332
4	461 Kahinu Street	4	5,698
Existing Units Total Sq. Ft.			22,526
Spatial Unit No.	Location (Street Address)	Site	Sq. Ft.
5	466-A Kahinu Street	5	6,517
6	466 Kahinu Street	6	5,475
C	474-F Kuliouou Rd (new address TBD)	7	22,510
D	474-G Kuliouou Rd (new address TBD)	8	5,842
Spatial Units Total Sq. Ft.			40,344

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Changes continued:

		<u>SITES</u> <u>AFFECTED:</u>	
Driveway A (Private)	Limited Common Element for Units 3 & 4, and Spatial Units 5 & 6	3, 4, 5, & 6	1,467
Driveway B (Private)	Limited Common Element for Spatial Units 7 & 8	7 & 8	1,594
Rockfall Fence	Limited Common Element for Spatial Units 5, 6, 7 & 8	5, 6, 7 & 8	3,256
<b>Total Square Footage</b>			<b>69,187</b>

Driveway A: Contains 1,467 sq. ft. and is a limited common element for Existing Units 3 and 4 and for Spatial Units 5 and 6 (see above), and serves as access, to and from, Kahinu Street, a public roadway, and utility purposes for said Units; subject, however, to a server easement in favor of the City and County of Honolulu.

Driveway B: Contains 1,594 sq. ft. and is a limited common element and serves as access, to and from, Lani Street, a public roadway, for Spatial Units 7 and 8, and for utility purpose in favor of said Units (see above).

Rockfall Fence Area: A limited common element, containing 3,256 sq. ft., for Spatial Units 5, 6, 7 and 8.

### 3. CREATION OF THE CONDOMINIUM PROPERTY REGIME

#### 3.1 Declaration of Condominium Property Regime (page 10)

Amendments to Declaration of Condominium Property Regime		
Land Court of Bureau of Conveyances	Date of Document	Document Number
1 <sup>ST</sup> Amendment of Declaration	October 23, 2014	T-9065215
2 <sup>ND</sup> Amendment of Declaration	June 23, 2015	T-9313401

#### 3.3 Condominium Map

The Condominium Map contains a site plan and floor plans, elevations and layout of the condominium project. It also shows the floor plan, unit number and dimensions of each unit.	
Land Court Map Number	2228
Bureau of Conveyances Map Number	
Dates of Recordation of Amendments to the Condominium Map:	
Amended Sheet No 1 Site Plan – October 27, 2014	
Amended Sheet No 2 Site Plan – July 02, 2015	

*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.*

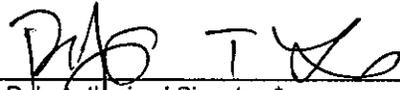
**The Developer declares subject to the penalties set forth in Section 514B-69, HRS that this project continues to conform to the existing underlying county zoning for the project, zoning and building ordinances and codes and all applicable permitting requirements adopted by the county in which the project 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.

THURSTON STREET APTS., LLC

Printed Name of Developer

  
Duly Authorized Signatory\*

May 19, 15  
Date

PHI LUU, Member

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.**

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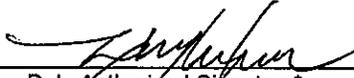
**The Developer declares subject to the penalties set forth in Section 514B-69, HRS that this project continues to conform to the existing underlying county zoning for the project, zoning and building ordinances and codes and all applicable permitting requirements adopted by the county in which the project 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.

THURSTON STREET APTS., LLC

Printed Name of Developer

  
Duly Authorized Signatory\*

May 19, 15  
Date

TODUNG LUU, Member

Printed Name & Title of Person Signing Above

Distribution:

Department of Finance, \_\_\_\_\_ City and County of Honolulu \_\_\_\_\_

Planning Department, \_\_\_\_\_ City and County of Honolulu \_\_\_\_\_

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**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.

THURSTON STREET APTS., LLC

Printed Name of Developer



Duly Authorized Signatory\*

May 19, 15

Date

DUNG PHI LUU, Member

Printed Name & Title of Person Signing Above

Distribution:

Department of Finance, \_\_\_\_\_ City and County of Honolulu

Planning Department, \_\_\_\_\_ City and County of Honolulu

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**EXHIBIT A**

1.1 **The Underlying Land** (continued from page 3)

**Address of Project is expected to change because:**

The Department of Planning and Permitting issued newly re-assigned addresses replacing the current addresses of the Existing and Spatial Units, as follows:

Developers Public Report's		Dept. Planning & Permitting		No Changes for Sites, TMK, & CPR			
Unit No	Current Address	Unit No	New Address	Site No	Sq. Ft.	TMK No.	CPR No.
1	474-A Kuliouou Rd	1	474-C Kuliouou Rd	1	5,291	(1) 3-8-010:009	0001
2	474-B Kuliouou Rd	2	474-A Kuliouou Rd	2	5,205	(1) 3-8-010:009	0002
3	474 Kuliouou Rd	3	461-A Kahinu St	3	6,332	(1) 3-8-010:009	0003
4	474-C Kuliouou Rd	4	461 Kahinu St	4	5,698	(1) 3-8-010:009	0004
A	474-D Kuliouou Rd	5	466-A Kahinu St	5	6,517	(1) 3-8-010:009	0005
B	474-E Kuliouou Rd	6	466 Kahinu St	6	5,475	(1) 3-8-010:009	0006
C	474-F Kuliouou Rd	7	To Be Assigned	7	22,510	(1) 3-8-010:009	0007
D	474-G Kuliouou Rd	8	To Be Assigned	8	5,842	(1) 3-8-010:009	0008

**Unit 1:** current address of 474-A Kuliouou Rd., is assigned to the new address of 474-C Kuliouou Rd. Unit 1 has direct access to Kuliouou Road, a public roadway.

**Unit 2:** current address of 474-B Kuliouou Rd., is assigned to the new address of 474-A Kuliouou Rd. Unit 2 has direct access to Kuliouou Road, a public roadway.

**Unit 3:** current address of 474 Kuliouou Rd, is assigned to the new address of 461-A Kahinu St. Unit 3 has access over Driveway A to Kahinu Street, a public roadway.

**Unit 4:** current address of 474-C Kuliouou Rd., is assigned to the new address of 461 Kahinu St. Unit 4 has access over Driveway A to Kahinu Street, a public roadway.

**Spatial Unit 5:** current address of 474-D Kuliouou Rd., has been unofficially assigned by DPP as new address of Spatial Unit 5, 466-A Kahinu Street. DPP will not issue an official House Number Certificate until a residential structure is constructed in accordance with all applicable county zoning laws, ordinance and permitting requirement. The unit has access to Kahinu Street, a public roadway, over Driveway A.

*(Continue to Next Page)*

**EXHIBIT "A"**

1.1 **The Underlying Land** (continued from page 3)

**Spatial Unit 6:** current address of 474-E Kuliouou Rd., has been unofficially assigned by DPP as new address of Spatial Unit 6, 466 Kahinu Street. DPP will not issue an official House Number Certificate until a residential structure is constructed in accordance with all applicable county zoning laws, ordinance and permitting requirement. The unit has access to Kahinu Street, a public roadway, over Driveway A.

**Spatial Unit C (Unit 7):**

Current address is 474-F Kuliouou Road – To-date, DPP will not assign a new address, nor an official House Number Certificate, until a residential structure is constructed in accordance with all applicable county zoning laws, ordinance and permitting requirement. This unit has access to Lani Street, a public roadway, over Driveway B.

**Spatial Unit D (Unit 8):**

Current address is 474-G Kuliouou Road – To-date, DPP will not assign a new address, nor an official House Number Certificate, until a residential structure is constructed in accordance with all applicable county zoning laws, ordinance and permitting requirement. This unit has access to Lani Street, a public roadway, over Driveway B.

**END OF EXHIBIT “A”**

**EXHIBIT "G"**

**1.10 Limited Common Elements (continued from page 5)**

Limited Common Elements: A limited common element is a portion of the common elements that is reserved for the exclusive use of one or more but fewer than all units in the project.

Described as follows:

Limited Common Elements.

(a) Unit's Yard Space or Sites: Each unit will have, appurtenant to it, as a limited common element, a certain yard space, referred to as Site, upon which said unit is located, for said unit's exclusive use, subject, however, to any easement of record, or otherwise disclosed. The sites are assigned and identified as follows:

<b>Existing Unit No.</b>	<b>Location (Street Address)</b>	<b>Site</b>	<b>Sq. Ft.</b>
1	474-A Kuliouou Road	1	5,291
2	474-B Kuliouou Road	2	5,205
3	461-A Kahinu Street	3	6,332
4	461 Kahinu Street	4	5,698
Existing Units Total Sq. Ft.			22,526
<b>Spatial Unit No.</b>	<b>Location (Street Address)</b>	<b>Site</b>	<b>Sq. Ft.</b>
5	466-A Kahinu Street	5	6,517
6	466 Kahinu Street	6	5,475
C	474-F Kuliouou Rd (new address TBD)	7	22,510
D	474-G Kuliouou Rd (new address TBD)	8	5,842
Spatial Units Total Sq. Ft.			40,344
Driveway A (Private)	Limited Common Element for Units 3 & 4, and Spatial Units 5 & 6	<u>SITES</u> <u>AFFECTED:</u> 3, 4, 5, & 6	1,467
Driveway B (Private)	Limited Common Element for Spatial Units 7 & 8	7 & 8	1,594
Rockfall Fence	Limited Common Element for Spatial Units 5, 6, 7 & 8	5, 6, 7 & 8	3,256
<b>Total Square Footage</b>			<b>69,187</b>

**EXHIBIT "G"**

**1.10 Limited Common Elements (continued from page 5)**

Limited Common Elements: A limited common element is a portion of the common elements that is reserved for the exclusive use of one or more but fewer than all units in the project.

Described as follows: (continued)

**Driveway A:** Contains 1,467 sq. ft. and is a limited common element for Existing Units 3 and 4 and for Spatial Units 5 and 6 (see above), and serves as access, to and from, Kahinu Street, a public roadway, and utility purposes for said Units; subject, however, to a server easement in favor of the City and County of Honolulu.

**Driveway B:** Contains 1,594 sq. ft. and is a limited common element and serves as access, to and from, Lani Street, a public roadway, for Spatial Units 7 and 8, and for utility purpose in favor of said Units (see above).

**Rockfall Fence Area:** A limited common element, containing 3,256 sq. ft., for Spatial Units 5, 6, 7 and 8.

**END OF EXHIBIT "G"**

### 3. CREATION OF THE CONDOMINIUM AND CONDOMINIUM DOCUMENTS

A condominium is created by recording in the Bureau of Conveyances (Regular System) or filing in the Office of the Assistant Registrar of the Land Court, or both, a Declaration of Condominium Property Regime, a Condominium Map and the Bylaws of the Association of Unit Owners. The Condominium Property Act (Chapter 514B, HRS), the Declaration, Bylaws and House Rules control the rights and obligations of the unit owners with respect to the project and the common elements, to each other, and to their respective units.

#### 3.1 Declaration of Condominium Property Regime

The Declaration of Condominium Property Regime contains a description of the land, buildings, units, common interests, common elements, limited common elements, and other information relating to the condominium project.

Land Court of Bureau of Conveyances	Date of Document	Document Number
LAND COURT SYSTEM	November 25, 2013	T-8750254

#### Amendments to Declaration of Condominium Property Regime

Land Court of Bureau of Conveyances	Date of Document	Document Number
1 <sup>ST</sup> Amendment of Declaration	October 23, 2014	T – 9065215
2 <sup>ND</sup> Amendment of Declaration	June 23, 2015	T – 9313401

#### 3.2 Bylaws of the Association of Unit Owners

The Bylaws of the Association of Unit Owners govern the operation of the condominium project. They provide for the manner in which the Board of Directors of the Association of Unit 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 that affect how the condominium project will be governed.

Land Court of Bureau of Conveyances	Date of Document	Document Number
LAND COURT SYSTEM	November 25, 2013	T-8750255

#### Amendments to Bylaws of the Association of Unit Owners

Land Court of Bureau of Conveyances	Date of Document	Document Number

#### 3.3 Condominium Map

The Condominium Map contains a site plan and floor plans, elevations and layout of the condominium project. It also shows the floor plan, unit number and dimensions of each unit.

Land Court Map Number	2228
Bureau of Conveyances Map Number	
Dates of Recordation of Amendments to the Condominium Map:	
Amended Sheet No 1 Site Plan – October 27, 2014	
Amended Sheet No 1 Site Plan – July 02, 2015	