

**REAL ESTATE COMMISSION**  
PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES  
STATE OF HAWAII  
1010 RICHARDS STREET  
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**FINAL  
HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)  
PUBLIC REPORT  
ON**

**KIAHUNA (PHASE IV-A)**  
Poipu, Island and County of Kauai

REGISTRATION NO. 1116

**IMPORTANT — Read This Report Before Buying**

**This Report Is Not an Approval or Disapproval of This Condominium Project**

It reflects information obtained by the Real Estate Commission in its investigation of the project. This report, based on a principle of disclosure, is issued by the Commission for the purpose of preventing fraud, misrepresentation or deceit.

The developer shall not enter into a binding contract or agreement for the sale of any unit in a Condominium Project until

- (1) A copy of this Report has been given to the prospective purchaser,
- (2) The latter has been given an opportunity to read same, and,
- (3) His receipt taken therefor.

Issued: October 16, 1979  
Expires: November 16, 1980

SPECIAL ATTENTION

A comprehensive reading of this report by the prospective purchaser is urged in order that personal requirements and expectations to be derived from the property can be ascertained. The attention of the prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION FILED APRIL 3, 1979, AND ADDITIONAL INFORMATION SUBSEQUENTLY SUBMITTED AS OF OCTOBER 9, 1979. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514A, HAWAII REVISED STATUTES.

1. Since the issuance of the Commission's Preliminary Public Report of June 14, 1979, on KIAHUNA (PHASE IV-A), the Developer reports that changes have been made in the plans or set-up of the Project. The changes are determined to be a material revision to the information disclosed earlier.

2. The Developer of the Project has filed all documents and materials deemed necessary by the Commission for the registration of this proposed condominium project and the issuance of this Final Public Report.

3. The Developer advises that the Declaration of Horizontal Property Regime dated September 10, 1979, with By-Laws of the Association of Apartment Owners annexed thereto have been filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii October 5, 1979, as Document No. 969690. The approved floor plans have also been filed in said Office of the Assistant Registrar and designated Condominium Map No. 393.

4. No advertising or promotional matter has been filed pursuant to the rules and regulations promulgated by the Commission.

5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of the Horizontal Property Act, Chapter 514A of the Hawaii Revised Statutes, as amended, and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.

6. This Final Public Report is made a part of the registration on KIAHUNA (PHASE IV-A) condominium project. The Developer has the responsibility of placing a true copy of the Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers together with a copy of the Preliminary Public Report (yellow paper stock) and the Disclosure Abstract. Securing a signed Receipt for these Reports from each purchaser is also the responsibility of the Developer.

7. This Final Public Report automatically expires thirteen (13) months after the date of issuance, October 16, 1979, unless a Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the period of this report.

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The information disclosed under the Preliminary Public Report of June 14, 1979, in the topical headings hereinafter set forth has been amended. Information disclosed under the remaining topical headings of the Preliminary Public Report has not been disturbed.

LOCATION: The Developer advises that its Petition to grant the subdivision of Lot 223 as shown on Map 51, Land Court Application No. 956 into Lots 223-A and 223-B has been granted by the Land Court of the State of Hawaii.

DESCRIPTION: The Declaration of Horizontal Property Regime and plans submitted by the Developer indicate a leasehold condominium project consisting of twenty-one (21) condominium apartment units, which spaces, together

with appurtenant lanais, if any, are referred to therein as "Beachhouses", and are contained in four (4) buildings without basements, of wood frame construction with redwood and cedar exteriors and cedar shingle roofs; there is one (1) three-story building, being Building No. 1 and three (3) one-story buildings, being the "Restaurant" Building, "Sales Office" Building and "Management Office" Building. Said Buildings and Beachhouses are designated on said Condominium Map and described as follows:

(a) The buildings of the Project are constructed according to four (4) different models, designated Model A-1, the Restaurant, the Sales Office and the Management Office. Building No. 1 is constructed according to the layout designated on said plans as Model A-1.

(b) Beachhouses 301, 302, 303, 304, 305 and 306 are located on the first floor of Building 1; Beachhouses 307, 308, 309, 310, 311 and 312 are located on the second floor of Building 1; and Beachhouses 313, 314, 315, 316, 317 and 318 are located on the third floor of Building 1; Beachhouse A is located on the first floor of the Restaurant Building; Beachhouse B is located on the first floor of the Sales Office Building; and Beachhouse C is located on the first floor of the Management Office Building.

(c) The beachhouses are constructed according to four (4) different floor plans. A description of each said floor plan, designating the layout, number of rooms and approximate floor area is as follows:

(i) Beachhouse 301 through 318, inclusive, each contains one (1) bedroom, a bathroom, a living area, dining area, kitchen, an entry lanai and a lanai, with a total area of approximately 880 square feet, including the lanais.

(ii) Beachhouse A contains eleven (11) rooms, with a total floor area of approximately 8,050 square feet.

(iii) Beachhouse B contains one (1) room, which may be divided into one or more rooms, with a total floor area of approximately 1,800 square feet.

(iv) Beachhouse C contains one (1) room which may be divided into one or more rooms, with a total floor area of approximately 1,976 square feet.

NOTE: The Developer advises that pursuant to the provisions of Paragraph O of the Declaration the Developer has reserved the right to construct and make certain additions to Beachhouses A and B so as to enlarge the total interior floor area of said Beachhouses up to but not in excess of 12,000 square feet and 4,000 square feet, respectively; said additions may include the construction of a second floor for said beachhouses.

(d) Each of the beachhouses has immediate access to the grounds of the Project and/or to a corridor which leads to stairways leading to the grounds of the Project and the walkways connecting the building in which it is located to the street entrance and parking areas of the Project.

(e) The respective beachhouses shall not be deemed to include the undecorated or unfinished surfaces of the perimeter or party walls or interior load-bearing walls, the floors and ceilings surrounding each beachhouse or any pipes, wires, conduits or other utility or service lines running through such beachhouses which are utilized for or serve more than one beachhouse, the same being deemed common elements as hereinafter provided. Each beachhouse shall be deemed to include all the walls and partitions which are not load-bearing within its perimeter or party walls, the inner decorated or finished surfaces of all walls, floors and ceilings, doors and door frames, windows and window frames, the exterior air space bounded by the interior of the lanai railing, and all fixtures originally installed therein, including a built-in range and oven, refrigerator, dishwasher, garbage disposal, sink and water heater.

LIMITED COMMON ELEMENTS: The Declaration states that certain parts of the common elements, therein called the "limited common elements" are designated and set aside for the exclusive use of certain beachhouses, and such beachhouses shall have appurtenant thereto easements for the use of such limited common elements as follows:

(a) The following designated common elements are reserved for the exclusive use of and are appurtenant to Beachhouses A, B and C:

(i) The seventy-one (71) parking stalls designated on the parking plan of said Condominium Map as parking stall Nos. 1-34; 89-111; and 141-154, respectively, shall be appurtenant to and for the exclusive use of Beachhouses A, B and C.

All costs and expenses for the maintenance, repair, replacement, addition and improvement of the above designated limited common elements shall be borne by the owner or owners of Beachhouses A, B and C as follows:

Beachhouse A	60%
Beachhouse B	20%
Beachhouse C	20%

INTEREST TO BE CONVEYED TO PURCHASERS: As a result of the addition of Beachhouse C, the Declaration states that each beachhouse shall have appurtenant thereto an undivided 1/21st fractional interest (a 4.7619+ percentage interest), and the same proportionate share in all common

profits and expenses of the Project and for all other purposes, including voting.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The Declaration provides that:

1. Use. Except for Beachhouses A, B and C, the beachhouses shall be occupied and used by the respective owners thereof, their families, guests and tenants only for residential purposes including resort hotel use and for no other purpose, without the prior written approval of the Board of Directors. Beachhouses A, B and C may be occupied and used for any purposes whatsoever which may be permitted by the statutes, ordinances, rules or regulations of the State of Hawaii or County of Kauai, now or hereafter applicable thereto.

2. Time-Sharing Prohibited. The beachhouses in the Project or any interest therein shall not be sold, transferred, conveyed, leased, occupied, rented or used for or in connection with any time-sharing purpose or under any time-sharing plan, arrangement or program, including without limitation any so-called "vacation license", "travel club membership" or "time-interval ownership" arrangement. The term "time-sharing" as used herein shall be deemed to include, but is not limited to, any plan, program or arrangement under which the right to use, occupy, own or possess a beachhouse or beachhouses in the Project rotates among various persons on a periodically recurring basis according to a fixed or floating interval or period of time, whether by way of deed, lease, association or club membership, license, rental or use agreement, co-tenancy agreement, partnership or otherwise.

ENCUMBRANCES AGAINST TITLE: An updated Preliminary Title Report dated September 20, 1979, issued by Security Title Corporation as submitted to the Commission discloses that the following are encumbrances against title to the property:

1. The terms and provisions of that certain Indenture of Lease dated May 8, 1968, by and between Hector McDonald Moir and Alexandra Knudsen Moir, as Lessors, and Plantation Garden, Inc., as Lessee, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 454562, as amended and supplemented, and as subsequently assigned to the Developer, Moana/Kauai Corporation on November 23, 1977, filed in said Land Court as Document No. 864954.

2. Said Lease is subject to the following:

(a) Lessor's Estoppel Certificate dated May 14, 1979, filed in the Office of the Assistant Registrar as Document No. 945450.

(b) Mortgage dated May 29, 1979, filed in the Office of the Assistant Registrar as Document No. 945452 in favor of BANK OF HAWAII.

3. For real property taxes that may be due and owing, check with the Tax Assessor, Fourth Division.

In addition the Developer has reported the filing of said Declaration, By-Laws and Condominium Map.

NOTE: The Developer has disclosed the existence of a certain Lease dated December 30, 1976, filed in said Office of the Assistant Registrar as Document No. 815170, made by and between MOANA CORPORATION, as Lessor, and TS/MOANA, a California General Partnership, as Lessee. The Commission has been advised that the aforementioned is a lease of the Restaurant Building, which is not being offered for sale to the public.

NOTE: The Developer also advises that pursuant to the Declaration the following have been reserved:

(a) Pursuant to Paragraph Q of the Declaration, the owners and lessees from time to time of all or any portion of the real property described in Exhibit "A-1" to the Declaration and their respective families, tenants, customers, guests, employees, servants and business invitees are granted a nonexclusive right in the nature of an easement to use the roadways and walkways of the Project for vehicular and pedestrian access; subject, however, to the right reserved to Fee Owner and Developer to relocate the same.

(b) Fee Owners and Developer have reserved the right to grant or lease to any public utility, governmental authority, State of Hawaii, County of Kauai, or agencies thereof, or other corporation, partnership, association or individual any and all easements for drainage, sewer and water pipelines, electrical and telephone lines and any utilities serving the Project together with the right to grant or lease such rights-of-way over, across and under said easements for lines and other transmission facilities and appurtenances for electricity, gas, telephone, water, sewer, drainage and other public services and utilities and the right to enter for such purposes and to repair such facilities and to trim any trees in the way of such lines.

(c) Fee Owners and the Developer have reserved the right to grant or lease a right, in the nature of an easement, to use all or any portion of the roadways, parking areas and walkways of the Project created by the Declaration of Horizontal Property Regime, for vehicular and pedestrian access or parking purposes over, across, upon, or through the common elements of the Project hereby created, such right to run in favor of any purchaser, purchasers, lessee, lessees, owner or owners and their respective families, tenants, customers,


guests, employees, servants, agents and business invitees from time to time of all or any portion of the real property more particularly described in Exhibit "A-1" attached to the Declaration; subject, however, to the right reserved to the Owners and Developer to relocate said roadways, parking areas and walkways provided that such relocation shall not materially restrict the use of said roadways and walkways nor unreasonably hinder, disturb or interfere with the enjoyment and use of the lands comprising said Project or the improvements thereon.

NOTE: The Note appearing on page 9 of the Preliminary Public Report of June 14, 1979, with respect to paragraph Q of the Declaration concerning a reciprocal use easement has been deleted.

STATUS OF PROJECT: The Developer advises that it has entered into a Construction Contract with Kenneth Shioi & Co., Ltd. for construction of the Project and that construction of the Project commenced on April 23, 1979. Said contract covers work on both KIAHUNA (PHASE IV-A) and KIAHUNA (PHASE III-B) INCREMENT II, Registration No. 1117, which are being built concurrently. The Developer estimates that construction will be completed on or about March 15, 1980.

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The purchaser and prospective purchaser should be cognizant of the fact that this published report represents information disclosed by the Developer in the required Notice of Intention submitted April 3, 1979, and information subsequently submitted as of October 9, 1979.

This is a FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT which is made a part of REGISTRATION NO. 1116 filed with the Commission April 3, 1979. This report when reproduced shall be a true copy of the Commission's Public Report. The paper stock used in making facsimiles must be white.

  
AH KAU YOUNG, CHAIRMAN  
REAL ESTATE COMMISSION  
STATE OF HAWAII

Distribution:

DEPARTMENT OF TAXATION  
BUREAU OF CONVEYANCES  
PLANNING COMMISSION, COUNTY OF KAUAI  
FEDERAL HOUSING ADMINISTRATION  
ESCROW AGENT

REGISTRATION NO. 1116

October 16, 1979