

IMPORTANT - - Read This Developer Prepared Report Before Buying

This Report Is Not a Commission Approval or Disapproval of This Condominium Project

CONDOMINIUM PUBLIC REPORT

Prepared &

Issued by: Developer: BEN DYRE FAMILY LIMITED PARTNERSHIP, a Hawaii limited partnership
325 N. End Avenue, Apt. 17D, New York, New York 10282

Project Name I*) MOA CONDOMINIUM

Address: Lot 7, Namahana Farms Subdivision, Kalihiwai, Hanalei, Kauai, Hawaii

Registration No. 4662

Effective date: October 10, 2018

Expiration date: November 10, 2019

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 _____

SECOND

SUPPLEMENTARY:
(pink) This report updates information contained in the:

Preliminary Public Report dated: _____

Final Public Report dated: July 12, 2001

Supplementary Public Report dated: September 23, 2002

And Supersedes all prior public reports

Must be read together with the Final Public Report and Supplementary Report

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-30 286/986/189/1190/892/0197/1098/0800/0203/0104/0107/0816/0317

Disclosure Abstract: Separate Disclosure Abstract on this condominium project:

- Required and attached to this report 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.

Changes made are as follows:

1. The current general partner of the Ben Dyre Family Limited Partnership is Mei Dao, LLC, a Hawaii limited liability company.
2. The description of Unit 3 has been amended to reflect that a residential dwelling, guest house and accessory buildings have been constructed on the Unit 3 limited common element area.
3. The Condominium Map has been amended to show the residential dwelling, guest house and accessory buildings on Unit 3.
4. A First Amendment to Declaration of Condominium Property Regime of Moa Condominium has been recorded in the Bureau of Conveyances as Document No. A-68071142, to amend the description of Unit 3, together with the following:
 - (i) Engineer's Certification signed by Wayne T. Wada.
 - (ii) Amended Condominium Map for Moa Condominium.
 - (iii) Architect's Certification signed by Anthony De Jesusl for Unit 3.
 - (iv) Floor and elevation plans for the residential dwelling and guest house on Unit 3.
5. This Supplementary Report applies to Unit 3 only.
6. HRS 514B – New Condominium Law

A new condominium law for the State of Hawaii took effect as of July 1, 2006, and is codified as Hawaii Revised Statutes, Chapter 514B ("HRS 514B"). The former condominium law, found at Hawaii Revised Statutes Chapter 514A, will continue to be applicable to this Project, subject to certain sections being superseded by HRS 514B. Buyers should retain counsel to answer any questions they may have with regard to the effect HRS 514B will have on this project.

I. PERSONS CONNECTED WITH THE PROJECT

Developer: Ben Dyre Family Limited Partnership Phone: (310) 276-6435
a Hawaii limited partnership

Business Address: 325 N. End Avenue, Apt. 17D, New York, New York 10292

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):

Partner: Mei Dao, LLC, a Hawaii limited liability company

Real Estate Broker*: Coldwell Banker Bali Hai Realty, Inc. Phone: (808) 826-7244
(Business)

Business Address: P. O. Box 930
Hanalei, Kauai, Hawaii 96714

Escrow: Title Guaranty Escrow Services, Inc. Phone: (808) 533-6261
(Business)

Business Address: 235 Queen Street
Honolulu, Hawaii 96813

General Contractor*: N/A Phone: _____
Name (Business)

Business Address:

Condominium Managing Agent*: Self-managed by Association of Unit Owners Phone: _____
(Business)

Business Address: _____

Attorney for Developer: Donald H. Wilson, Esq. Phone: (808) 245-4705
(Business)

Business Address: Belles Graham Proudfoot Wilson & Chun, LLP
4334 Rice Street, Suite 202
Lihue, Hawaii 96766-1388

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

**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. 2001-086464
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 Moa Condominium dated August 16, 2018, recorded as Document No. A-68071142.

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. 3276
- 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]:

First Amendment to Declaration of Condominium Property Regime of Moa Condominium dated August 16, 2018, recorded as Document No. A-68071142.

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. 2001-086465
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]:

Fee Owner Name: Holly Melinda Dyre and Jason Marc Stein

Business Address: 325 N. End Avenue, Apt. 17D
New York, New York 10282

Lessor Name: N/A

Business Address:

C. Buildings and Other Improvements:

- 1. New Building(s)
 Conversion of Existing Building(s)
 Both New Building(s) and Conversion

2. Number of Buildings: 3 buildings on Unit 3 Floors Per Building: 3 stories on residence on Unit 3

Exhibit "A" contains further explanations.

3. Principal Construction Material:

Concrete Hollow Tile Wood

Other _____

4. Permitted Uses by Zoning:

	<u>No. of Apts.</u>	<u>Use Permitted by Zoning</u>	
<input checked="" type="checkbox"/> Residential	<u>1</u>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Commercial	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Mix Res/Comm	_____	<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 checked="" type="checkbox"/> Agricultural	<u>*</u>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Recreational	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Other: _____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Is/Are this/ these use(s) specifically permitted by the project's Declaration or Bylaws?

Yes No

*NOTE: The subject property is within the State Land Use Agricultural District and is zoned Agricultural by the County of Kauai. "Farm Dwellings" and other structures appropriate to the agricultural usage are permitted, subject to certain guidelines. See the disclosures on Page 20 of the Final Public Report.

5. Special Use Restrictions:

The Declaration and Bylaws may contain restrictions on the use and occupancy of the apartments. Restrictions for this condominium project include but are not limited to:

- Pets: Bylaws, Article 13.1
- Number of Occupants: _____
- Other: See Summary of Declaration of Restrictive Covenants and Conditions attached hereto as Exhibit "J".
- There are no special use restrictions.

6. Interior (fill in appropriate numbers):

Elevators: 0 Stairways: 0 Trash Chutes: 0

<u>Apt. Type</u>	<u>Quantity</u>	<u>BR/Bath</u>	<u>Net Living Area (sf)*</u>	<u>Net Other Area (sf)</u>	<u>Identify</u>
<u>Unit 3</u>	<u>1</u>	<u>4/3-1/2</u>	<u>3,773 sq. ft.</u>	<u>1,935 sq. ft.</u>	<u>Garage, Shop Storage, Study</u>
<u>Unit 3</u>	<u>1</u>	<u>1/1</u>	<u>500 sq. ft.</u>	<u> </u>	<u>Guest house</u>
<u>Unit 3</u>	<u>1</u>	<u>0/0</u>	<u>N/A</u>	<u>539 sq. ft.</u>	<u>Accessory Bldg</u>

Total number of Apartments: 1 (this report covers only Unit 3)

***Net Living Area is the floor area of the apartment measured from the interior surface of the apartment perimeter walls.**

Other documents and maps may give floor area figures which differ from those above because a different method of determining the floor area may have been used.

Boundaries of Each Apartment:

See Exhibit "A".

Permitted Alterations to Apartments:

See Exhibit "B".

Apartments Designated for Owner-Occupants Only:

Fifty percent (50%) of **residential** apartments must be so designated; developer has a right to substitute similar apartments for those apartments already designated. Developer must provide this information either in a published announcement or advertisement as required by section 514A-102, HRS; or include the information here in this public report and in the announcement (see attachment 11a). Developer has not elected to provide the information in a published announcement or advertisement.

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 twenty-five (25%) 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 twenty-five percent (25%) interest to each of the four (4) 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 on 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 August 22, 2018 and issued by Title Guaranty Escrow Services, Inc.

G. **Status of Construction and Date of Completion or Estimated Date of Completion:**

The residential dwelling on Unit 3 was completed in 2013.

H. **Project Phases:**

The developer has has not reserved the right to add to, merge, or phase this condominium.

Summary of Developer's plans or right to perform for future development (such as additions, mergers or phasing):

N/A

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

Website to access unofficial copy of laws: www.hawaii.gov/dcca/hrs

Website to access rules: www.hawaii.gov/dcca/har

This Public Report is a part of Registration No. 4662 filed with the Real Estate Commission on June 22, 2001.

Reproduction of Report. When reproduced, this report must be on:

YELLOW paper stock

WHITE paper stock

PINK paper stock

C. **Additional Information Not Covered Above:**

1. Purchasers should be aware that Chapter 205, Hawaii Revised Statutes ("H.R.S."), does not authorize residential dwellings as a permissible use in an agricultural use district, unless the dwelling is related to an agricultural activity or is a "farm dwelling".

The term "farm dwelling" is defined in H.R.S. Chapter 205-4.5(a)(4) as a "single family dwelling located on and used in connection with a farm, including clusters of single-family farm dwelling permitted within agricultural parks developed by the State or where agricultural activity provides income to the family occupying the dwelling."

The penalty for violation of H.R.S. Section 205-4.5, is a fine of not more than \$5,000. If any person who is cited for a violation of the law fails to remove the violation within six months of such citation and the violation continues, such person is subject to a citation for a new and separate violation. There shall be a fine of not more than \$5,000 for any additional violation.

In order for any purchaser to obtain a building permit to construct a single family residential unit (farm dwelling), the County of Kauai will require the purchaser to sign a Farm Dwelling Agreement in the form attached hereto as Exhibit "I".

In addition, Section K.2. of the Declaration imposes a duty of each unit owner to bear an equal burden proportionate to the unit owner's respective appurtenant interest in the common area for the cost of maintaining agricultural activities on the Project that are satisfactory to the Planning Department of the County of Kauai and that will allow the issuance of a Farm Dwelling Agreement and corresponding building permit to all of the units with the Project. See Section K.2. of Exhibit "B", Alteration of Project.

2. The use of hazardous material is restricted except as provided under Article H of the Declaration and all hazardous materials laws.
3. The project, and all uses and improvements on the apartments in the project, are subject to each of the following:
 - (i) Declaration of Restrictive Covenants, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2000-123411, a summary of which is attached hereto as Exhibit "J," which imposes certain agricultural use restrictions, easements, and water service disclosures on the subject property;
 - (ii) Namahana Farms Subdivision Declaration of Covenants, Conditions and Restrictions, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2000-123412, a summary of which is attached hereto as Exhibit "K," which, among other things, imposes certain use restrictions, establishes a Namahana Farms Community Association, provides for Subdivision maintenance and assessment procedures, establishes a Design Review Committee, and reserves certain rights to the Developer of the Namahana Farms Subdivision; and
 - (iii) Design Standards and Construction Rules For Namahana Farms Subdivision, a summary of which is attached hereto as Exhibit "L," which establishes detailed standards and rules for the construction of improvements in the Namahana Farms Subdivision.
4. Each of the four (4) units has its own water meter.

5. The Property is subject to the terms and conditions of that certain Waiver of Construction Drawings dated September 1, 2006, recorded as Document No. 2006-193968 and executed by the owners of all Units in the Project in favor of the County of Kauai Department of Water which addresses the approval of a County water meter for the use of Unit 2 of the Project, a waiver by the Department of Water of construction drawings of the water meter connection prior to such approval, and the indemnification of the Department of Water by the owners for claims related to the water meter connections.

6. Unit 3 is subject to the terms and conditions of that certain Roadway Maintenance Agreement dated January 10, 2016, recorded as Document No. A-58620366, under which the owner of Unit 3 agrees to be responsible for maintenance, repair, upkeep and preservation of the private roadway lot which serves as access to Unit 3 and to Lot 16 of the Namahana Farms Subdivision.

- 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.

BEN DYRE FAMILY LIMITED PARTNERSHIP, a Hawaii limited partnership

 Printed Name of Developer

By 
 Duly Authorized Signatory*

September 27, 2018
 Date

By its General partner, MEI DAO, LLC, a Hawaii limited liability company,
 by Holly Dyre, Its Member

 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 "A"

DESCRIPTION OF BUILDINGS

The project consists of three (3) agricultural shade sheds and one (1) residential dwelling (hereinafter referred to as "units").

Units 1, 2 and 4 are agricultural shade sheds made of fabric shade cloth on metal fence stakes, without a basement or foundation and each contains a total area of 20 square feet, as shown on the Condominium Map.

Unit 3 is a three-story residential dwelling and contains four bedrooms, three and one-half bathrooms, a living room, dining room, kitchen, playroom, two-car garage/shop, pool mechanical room, storage space, office, laundry room, outdoor shower, pool terrace, and pool/spa. It has a net enclosed living area of 3,773 square feet, net exterior covered space of 818 square feet, and net enclosed non-living area of 1,117. Unit 3 also contains (a) a guest house containing enclosed living area of 500 square feet and a mud shed accessory structure containing 167 square feet, (b) accessory buildings consisting of a mud sink (gear wash-off, drip dry and trash container) containing 124 square feet and an ofuro gazebo with pune'e, shower and soak tub containing 249 square feet, and (c) pool and spa containing 973 square feet.

The approximate net floor areas of each unit as set forth above is measured from the interior surface of the unit perimeter walls and includes all of the walls and partitions within its perimeter walls.

EXHIBIT "E"

ENCUMBRANCES AGAINST TITLE

1. Any taxes that may be due and owing and tax liens that may exist, refer to Director of Finance, Kauai County.

-Note:- Attention is invited to the fact that the premises covered herein may be subject to possible rollback or retroactive property taxes.
2. Mineral and water rights of any nature.
3. GRANT to the DEPARTMENT OF WATER, COUNTY OF KAUAI dated May 8, 1995, recorded as Document No. 95-158709, granting an easement on, over and under those certain parcels of land located at Kalihiwai, County of Kauai, State of Hawaii, being more particularly described as follows:

EASEMENT A-1
For Access and Utility Purposes

LAND SITUATED AT KALIHAIWAI, HANALEI, KAUAI, HAWAII

Being a Portion of Lot A

Being, Also, a Portion of Land Patent 8173, Land Commission
Award 8559-B, Apana 39 to William C. Lunalilo

Beginning at the southwest corner of this parcel of land and at the northwest corner of Easement A-2, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KILAUEA" being 19,763.97 feet south and 15,216.41 feet west, thence by azimuths measured clockwise from true South:

Along the remainder of Lot A (the remainder of L.P. 8173, L.C. Aw. 8559-B, Ap. 39 to W.C. Lunalilo) on a curve to the right with a radius of 66.00 feet, the chord azimuth and distance being:

1. 213° 26' 18" 61.64 feet;
2. 241° 16' 26" 19.25 feet along the remainder of Lot A (the remainder of L.P. 8173, L.C. Aw. 8559-B, Ap. 39 to W.C. Lunalilo);
3. 228° 23' 13" 37.47 feet;
4. 215° 30' 463.85 feet along the remainder of Lot A (the remainder of L.P. 8173, L.C. Aw. 8559-B, Ap. 39 to W.C. Lunalilo);

Thence along the remainder of Lot A (the remainder of L.P. 8173, L.C. Aw. 8559-B, Ap. 39 to W.C. Lunalilo) on a curve to the left with a radius of 414.00 feet, the chord azimuth and distance being:

5. 201° 45' 196.80 feet;

6. 188° 00' 165.30 feet along the remainder of Lot A (the remainder of L.P. 8173, L.C. Aw. 8559-B, Ap. 39 to W. C. Lunalilo);

Thence along the remainder of Lot A (the remainder of L.P. 8173, L.C. Aw. 8559-B, Ap. 39 to W. C. Lunalilo) on a curve to the left with a radius of 40.00 feet, the chord azimuth and distance being:

7. 278° 00' 32.00 feet;

8. 8° 00' 165.30 feet along the remainder of Lot A (the remainder of L.P. 8173, L.C. Aw. 8559-B, Ap. 39 to W. C. Lunalilo);

Thence along the remainder of Lot A (the remainder of L.P. 8173, L.C. Aw. 8559-B, Ap. 39 to W. C. Lunalilo) on a curve to the right with a radius of 446.00 feet, the chord azimuth and distance being:

9. 21° 45' 212.02 feet;

10. 35° 30' 463.85 feet along the remainder of Lot A (the remainder of L.P. 8173, L.C. Aw. 8559-B, Ap. 39 to W. C. Lunalilo);

Thence along the remainder of Lot A (the remainder of L.P. 8173, L.C. Aw. 8559-B, Ap. 39 to W. C. Lunalilo) on a curve to the right with a radius of 116.00 feet, the chord azimuth and distance being:

11. 48° 23' 13" 51.74 feet;

12. 61° 16' 26" 19.25 feet along the remainder of Lot A (the remainder of L.P. 8173, L.C. Aw. 8559-B, Ap. 39 to W. C. Lunalilo);

Thence along the remainder of Lot A (the remainder of L.P. 8173, L.C. Aw. 8559-B, Ap. 39 to W. C. Lunalilo) on a curve to the left with a radius of 34.00 feet, the chord azimuth and distance being:

13. 40° 12' 31" 24.44 feet;

14. 82° 01' 08" 33.89 feet along the remainder of Lot A (the remainder of L.P. 8173, L.C. Aw. 8559-B, Ap. 39 to W. C. Lunalilo) (Easement A-2) to the point of beginning and containing an area of 0.692 of an acre.

4. The terms and provisions contained in the WAIVER AND RELEASE AGREEMENT dated April 25, 2000, recorded as Document No. 2000-059472, by and between B. A. Dyre, husband of Shao Ling Dyre, and the County of Kauai.
5. The terms and provisions contained in the DECLARATION OF RESTRICTIVE COVENANTS dated April 19, 2000, recorded as Document No. 2000-123411.

The foregoing includes, but is not limited to, matters relating to "Domestic water service will not be available to the additional service laterals beyond the 16 single service laterals servicing each of the original 16 lots until adequate water facilities are available. Installation of the additional service laterals does not imply water meter service approval."

6. The terms and provisions contained in the NAMAHA FIELDS SUBDIVISION DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS dated April 19, 2000, recorded as Document No. 2000-123412.
7. SETBACK for building setback lines and drainageway as shown on File Plan No. 2274.
8. DESIGNATION OF EASEMENT "A-1" for access and utility purposes as shown on File Plan No. 2274, in favor of Lots 6, 16, 17, and 18 as set forth in Declaration of Restrictive Covenants dated April 19, 2000, recorded in said Bureau as Document No. 2000-123411.
9. DESIGNATION OF EASEMENT "E-8" for electrical purposes, as shown on File Plan No. 2274.
10. DESIGNATION OF EASEMENT "E-9" for electrical purposes, as shown on File Plan No. 2274.
11. DESIGNATION OF EASEMENT "W-1" for irrigation purposes, as shown on File Plan No. 2274.
12. DESIGNATION OF EASEMENT "W-2" for irrigation purposes, as shown on File Plan No. 2274.
13. The terms and provisions contained in the following:

DECLARATION OF CONDOMINIUM PROPERTY REGIME OF MOA CONDOMINIUM dated May 24, 2001, and recorded in said Bureau as Document No. 2001-086464.

Condominium Map No. 3276, and any amendments thereto.

As amended in instrument dated August 16, 2018, recorded as Document No. A-68071142.

14. The terms and provisions contained in the BY-LAWS OF THE ASSOCIATION OF UNIT OWNERS OF MOA CONDOMINIUM dated May 24, 2001, recorded in said Bureau as Document No. 2001-086465.
15. WAIVER OF CONSTRUCTION DRAWINGS dated September 1, 2006, recorded as Document No. 2006-193968, by HOLLY DYRE, General Partnership of Ben Dyre Partnership, with the DEPARTMENT OF WATER, COUNTY OF KAUAI, regarding building permit.
16. GRANT to KAUAI ISLAND UTILITY CO-OP now known as KAUAI ISLAND UTILITY COOPERATIVE and HAWAIIAN TELCOM, INC., dated January 26, 2012, recorded as Document No. A-44570929, granting a right and easement for utility purposes as shown on map attached thereto.
17. The terms and provisions contained in the ROAD MAINTENANCE AGREEMENT dated January 10, 2016, recorded as Document No. A-58620366, by and between JASON MARC STEIN and HOLLY MELINDA DYRE, husband and wife, "Stein", and BEN DYRE FAMILY LIMITED PARTNERSHIP, a Hawaii limited partnership, "Ben Dyre Family LP".