

CONDOMINIUM PUBLIC REPORT

Prepared &

Issued by: Developer CLAIRMONT, LLC

Address 1188 Bishop Street, Suite 1209, Honolulu, Hawaii 96813

Project Name(*): THE CLAIRMONT

Address 909 Kahuna Lane, Honolulu, Hawaii 96826

Registration No. 5454 (conversion)

Effective date: October 6, 2004

Expiration date: November 6, 2005

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 governmental agency. Neither the Commission nor any other government agency has judged or approved the merits or value, if 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:** 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.
(yellow)

☐ **FINAL:** The developer has legally created a condominium and has filed complete information with the Commission.
(white)
☐ No prior reports have been issued.
☐ This report supersedes all prior public reports.
☐ This report must be read together with _____

☒ **SUPPLEMENTARY:** This report updates information contained in the:
(pink)
☐ Preliminary Public Report dated: _____
☒ Final Public Report dated: August 27, 2004
☐ Supplementary Public Report dated: _____

And

☐ Supersedes all prior public reports
☒ Must be read together with Final Public Report dated August 27, 2004
☐ This report reactivates the _____
public report(s) which expire on _____

(*) Exactly as named in the Declaration

Disclosure Abstract: Separate Disclosure Abstract on this condominium project:

- ☐ Required and attached to this report ☒ Not Required - disclosure covered in this report.
(or in the Final Public 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 Declaration of Condominium Property Regime was amended by a First Amendment of Declaration of Condominium Property Regime recorded in the Bureau of Conveyances, State of Hawaii, as Document No. 2004-203018. The substantive change made to the original Declaration was to change the parking stall assignments. Only 13 units have an assigned stall. Units 104-106, 204 and 206 do not have an assigned stall. SEE EXHIBIT "A" ATTACHED HERETO WHICH HAS CURRENT PARKING STALL ASSIGNMENTS FOR THE UNITS.

2. This Supplementary Public Report does not constitute approval of the Project by the Real Estate Commission or any other governmental agency, nor does it ensure that all applicable City and County codes and ordinances have been complied with.

3. Only pages 1, 2, 6, 19, 21 (signature page) and Exhibits "A", "B", and "C" are a part of this Supplementary Public Report.

THE PROSPECTIVE PURCHASER IS CAUTIONED TO CAREFULLY REVIEW THE CONDOMINIUM AND OTHER DOCUMENTS REFERENCED IN THIS PUBLIC REPORT FOR FURTHER INFORMATION WITH REGARD TO THE FOREGOING.

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. 2004-161712
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 of Declaration dated October 1, 2004, recorded as Document No. 2004-203018.

- 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. 3816
☐ 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 manners which affect how the condominium project will be governed.

The Bylaws for this condominium re:

☐ Proposed
☒ Recorded - Bureau of Conveyances: Document No. 2004-161713
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]:

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 Report issued by the developer which have been given an effective date by the Hawaii Real Estate Commission.
 - B) Declaration of Condominium Property Regime
 - C) Bylaws of the Association of Apartment Owners
 - D) House Rules, if any.
 - E) Condominium Map
 - 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 law: www.hawaii.gov/dcca/hrs

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

This Public Report is part of Registration No. 5454 filed with the Real Estate Commission on August 23, 2004

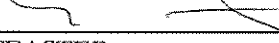
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☐ yellow paper stock ☐ white paper stock ☒ pink paper stock

- 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.

CLAIRMONT, LLC
Printed Name of Developer

WAREHOUSE RENTALS, INC.
a Hawaii corporation
Its Manager

By: 
YOSHIE FEASTER

10/1/04
Date

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; 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.

Common Interest/Parking Stall Assignments

APARTMENT	TYPE	PERCENTAGE INTEREST	PARKING
101	AL	5.5584	13*
102	AL	5.5584	10
103	AL	5.5584	6
104	A	5.5584	
105	A	5.5584	
106	B	5.5072	
201	A	5.5584	1
202	A	5.5584	3
203	A	5.5584	2
204	A	5.5584	
205	A	5.5584	4
206	A	5.5584	
301	A	5.5584	9
302	A	5.5584	8
303	A	5.5584	7
304	A	5.5584	11
305	A	5.5584	5
306	A	5.5584	12*

*These are tandem stalls

NOTICE: If the variance is approved, the units that have an assigned stall will continue to have an assigned stall. The units that do not have an assigned stall will either then have a stall available to them on a monthly rental basis or be assigned to them. The Developer makes no statement as to whether or not the variance can be obtained and whether or not additional stalls will be assigned. All cost and expenses associated with the variance including the re-stripping of the parking lot and addition of any required landscaping shall be borne by the Developer. See Parking Reservation in Exhibit B and page 2 of the Final Public Report for further information.

EXHIBIT "B"

NOTE: All references to "Declarant" herein means the "Developer".

Common Elements

a. The land described in the Declaration of Condominium Property Regime in fee simple (which is subject to the road widening reserve or right-of-way in favor of the City and County of Honolulu, State of Hawaii (the "City")).

b. The foundations, floor slabs, columns, girders, beams, supports, unfinished perimeter and loadbearing walls of each apartment, roof, stairs, stairways, rails, storage rooms, laundry room and facilities trash room, walkways around and within the building.

c. Except as may otherwise be specifically provided for herein, all yards, landscaping, planters, driveways, any open parking stalls which are not appurtenant or assigned to an apartment, and the trash enclosure and like facilities.

d. All pipes, wires, conduits or other utility or service lines running through one apartment which are utilized for or serve more than one apartment, all fire safety and sprinkler systems (including the portion which extends into each apartment) and any other central and appurtenant installations for utility services used or necessary to the existence, maintenance and safety of the Project.

e. Any and all other structures, apparatus and installations of common use, and all other parts of the Project necessary or convenient to the existence, maintenance and safety of the Project, or normally in common use.

Limited Common Elements

a. Privacy Yards. The privacy yards immediately adjacent to each type AL apartment in the Project shall be appurtenant to and for the exclusive use and enjoyment of the adjacent apartment as shown on the Condominium Map. The privacy yard is that portion which is bordered by the existing wood fence.

b. Mailboxes. The mailbox assigned to an apartment shall be limited to the use of such apartment. Each apartment shall at all times have at least one mailbox appurtenant to it.

for this Project. All cost and expenses of obtaining additional parking stalls for the Project which are initiated by the Declarant shall be borne solely by the Declarant. The variance from DPP may include the addition of parking within the ROW which means that such additional parking could be eliminated in the event the City and County of Honolulu exercises its right to widen Kahuna Lane. The agreement with Hono Hale may provide that Hono Hale be given an easement, license, or other right of ingress and egress to and from Kahuna Lane to its property. The agreement could also include subjecting the Project to a joint development agreement and/or a conditional use permit with Hono Hale. The area that Hono Hale owns is further described in Sheet 2A of the Condominium Map . The parking stalls which belong to Hono Hale are designated by an "HH" on Sheet 2A which may change from time to time. Any additional stalls obtained for the Project shall be made available to the residents of the Project on a monthly rental basis, assigned to an apartment as an appurtenant limited common element and/or provide for guest parking. The right to determine the monthly rental and/or assignment of the additional stalls (if not previously assigned by the Declarant) shall be exercised by the Board of Directors of the Association who may delegate such function to the managing agent of the Project; provided that apartments that do not have an assigned parking stall shall be given priority in the assignment and rental of any additional parking stalls.

EXHIBIT "C"

Encumbrances Against Title

1. For real property taxes due and owing, your attention is directed to the Director of Finance, City and County of Honolulu.

2. Title to all minerals and metallic mines reserved to the State of Hawaii.

3. License in favor of the City and County of Honolulu, dated July 31, 1941, recorded in the Bureau of Conveyances, State of Hawaii, in Book 1666, Page 97, granting an easement to install, maintain, operate, repair and remove an underground sewer pipe line or pipe lines, under and across the following described "easement area":

Parcel 61 - Bingham Tract Sewerage System, portion of Lot 1, Kapaakea Subdivision, being portion of Royal Patents 4475 and 7789, Land Commission Award 7713, Apana 39 to V. Kamamalu; situate at Kapaakea, Honolulu, Oahu, Hawaii, and particularly described as follows:

Beginning at the northeast corner of this parcel of land, the northeast corner of Lot 1, Kapaakea Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Moiliili" being 10.52 feet north and 1049.45 feet west, and running by azimuths measured clockwise from true South:

- | | | | |
|----|----------|-------|--|
| 1. | 323° 33' | 65.00 | feet along Pahau Lots, Land Commission Award 1275:1 to Mookini no Pahau; |
| 2. | 53° 33' | 10.00 | feet; |
| 3. | 143° 33' | 64.37 | feet; |
| 4. | 229° 58' | 10.02 | feet along Kahuna Lane to the point of beginning, containing an area of 647 square feet, more or less. |

4. Possible road widening along Kahuna Lane, as contained in instrument dated March 9, 1988, recorded in the Bureau of Conveyances, State of Hawaii, in Book 21756, Page 240.

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

6. Mortgage dated June 15, 2004, in favor of City Bank, a Hawaii corporation, recorded in said Bureau, as Document No. 2004-133229.

7. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the Assignment of Lessor's Interest in Leases and Rents dated June 15, 2004, in favor of City Bank, recorded in said Bureau, as Document No. 2004-133230.

8. Financing Statement in favor of City Bank, recorded in said Bureau, as Document No. 2004-133231.

9. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the Declaration of Condominium Project Regime for "The Clairmont" condominium project dated July 14, 2004, recorded in said Bureau, as Document No. 2004-161712 and any amendments thereto.

The Declaration was amended by a First Amendment of Declaration of Condominium Property Regime dated October 1, 2004, recorded in said Bureau, as Document No. 2004-203018.

10. Condominium Map No. 3816 filed in the Bureau of Conveyances, State of Hawaii, as the same may be amended.

11. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the By-laws of the Association of Apartment Owners dated July 14, 2004, recorded in said Bureau, as Document No. 2004-161713.

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

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

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