

**CONDOMINIUM PUBLIC REPORT**

Prepared & Issued by: Developer: D.R. Horton-Schuler Homes, LLC, a Delaware limited liability company dba D.R. Horton-Schuler Division  
 Address: 828 Fort Street Mall, 4<sup>th</sup> Floor, Honolulu, Hawaii 96813  
 Project Name (\*): Kai Nani at Makakilo  
 Address: Makakilo Drive, Kapolei  
 Registration No. 5492

Effective date: October 4, 2005  
 Expiration date: September 3, 2006

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, 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:** (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 \_\_\_\_\_
- SUPPLEMENTARY:** (pink) This report updates information contained in the: \_\_\_\_\_
  - Preliminary Public Report dated: \_\_\_\_\_
  - Final Public Report dated: August 3, 2005
  - Supplementary Public Report dated: \_\_\_\_\_

And

  - Supersedes all prior public reports.
  - Must be read together with Final Public Report dated August 3, 2005
  - 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.*

**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. Section II.B of the report titled "Creation of the Condominium; Condominium Documents) (page 6 of the report) and Exhibit "A" Encumbrances Against Title were updated to note the recording of the Amendment to Condominium Map for Kai Nani at Makakilo (Condominium Map No. 1669) dated September 13, 2005, recorded in the Land Court of the State of Hawaii as Document No. 3330948.

2. Section III.C.7 of the report titled "Parking Stalls" (page 12 of the report) was revised to note that uncovered parking stalls, including the tandem stall located in an apartment's driveway fronting the garage, may be constructed as either standard or compact in size.

**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. \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_  
 Filed - Land Court: Document No. 3178546

The Declaration referred to above has been amended by the following instruments [state name of document, date and recording/filing information]:

1. Amended and Restated Declaration of Condominium Property Regime of Kai Nani at Makakilo Condominium Map No. 1669, filed as Document No. 3190773; 2. Amendment to Declaration of Condominium Property Regime of Kai Nani at Makakilo (Condominium Map No. 1669) dated February 14, 2005, recorded as Document No. 3241024; and 3. Amendment to Declaration of Condominium Property Regime of Kai Nani at Makakilo (Condominium Map No. 1669) dated June 17, 2005, recorded as Document No. 3287850.

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. \_\_\_\_\_  
 Filed - Land Court Condo Map No. 1669

The Condominium Map has been amended by the following instruments [state name of document, date and recording/filing information]:

1. Amendment to Condominium Map for Kai Nani at Makakilo (Condominium Map No. 1669) dated January 12, 2005, recorded as Document No. 3220308; 2. Amendment to Declaration of Condominium Property Regime of Kai Nani at Makakilo (Condominium Map No. 1669) dated February 14, 2005, recorded as Document No. 3241023; 3. Amendment to Condominium Map for Kai Nani at Makakilo (Condominium Map No. 1669) dated June 17, 2005, recorded as Document No. 3287848; and 4. Amendment to Condominium Map for Kai Nani at Makakilo (Condominium Map No. 1669) dated September 13, 2005, recorded in the Land Court of the State of Hawaii as Document No. 3330948.

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. \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_  
 Filed - Land Court: Document No. 3178547

The Bylaws referred to above have been amended by the following instruments [state name of document, date and recording/filing information]:

Amendment to Bylaws of the Association of Home Owners of Kai Nani at Makakilo dated June 17, 2005, recorded as Document No. 3287849.

7. Parking Stalls:

Total Parking Stalls: 211

	<u>Regular</u> <u>Covered</u>	<u>Open</u>	<u>Compact</u> <u>Covered</u>	<u>Open</u>	<u>Tandem</u> <u>Covered</u>	<u>Open</u>	<u>TOTAL</u>
Assigned (total)* (for each unit)	<u>48***</u>			<u>2**</u>	<u>72**/***</u>	<u>72**/***</u>	<u>192</u>
Guest				<u>17***</u>			<u>17</u>
Unassigned							
Extra for Purchase							
Other: Accessible		<u>1</u>					<u>1</u>
Other: Loading		<u>1</u>					<u>1</u>
Total Covered & Open	<u>50</u>		<u>17</u>		<u>144</u>		<u>211</u>

Each apartment will have the exclusive use of at least 2 parking stall(s). Buyers are encouraged to find out which stall(s) will be available for their use.

\*Each apartment has at least a one car garage and a second driveway parking tandem to assigned garage parking. The second parking stall may be covered or uncovered.

\*\*2 tandem open stalls are compact stalls and are noted in both columns.

\*\*\*All parking stalls will be either compact or standard in size, as constructed.

[ ] Commercial parking garage permitted in condominium project.

[X] Exhibit B-3 contains additional information on parking stalls for this condominium project.

8. Recreational and Other Common Facilities:

[X] There are no recreational or common facilities.

[ ] Swimming pool [ ] Storage Area [ ] Recreation Area

[ ] Laundry Area [ ] Tennis Court [X] Trash Chute/Enclosure(s)

[X] Other: Mail Boxes

9. Compliance With Building Code and Municipal Regulations; Cost to Cure Violations

[X] There are no violations. [ ] Violations will not be cured.

[ ] Violations and cost to cure are listed below: [ ] Violations will be cured by \_\_\_\_\_  
(Date)

10. Condition and Expected Useful Life of Structural Components, Mechanical, and Electrical Installations  
(For conversions of residential apartments in existence for at least five years):

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: Declaration of Covenants, Conditions and Restrictions of the Palehua Community dated January 14, 1977, recorded as Land Court Document No. 801577, as amended.

Copies of the Condominium and sales documents and amendments made by the developer are available through the developer or through the developer's agents, 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](http://www.capitol.hawaii.gov)  
Website to access unofficial copy of laws: [www.hawaii.gov/dcca/hrs](http://www.hawaii.gov/dcca/hrs)  
Website to access rules: [www.hawaii.gov/dcca/har](http://www.hawaii.gov/dcca/har)

This Public Report is a part of Registration No. 5492 filed with the Real Estate Commission on October 13, 2004.

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

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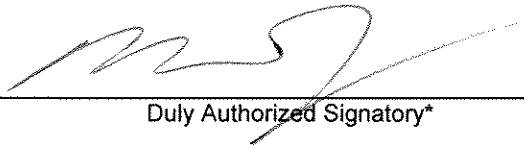
WHITE paper stock

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.

D.R. HORTON-SCHULER HOMES, LLC, a Delaware limited liability company, dba D.R. Horton-Schuler Homes Division

Printed Name of Developer

By:  9.12.05  
 Duly Authorized Signatory\* Date

Michael T. Jones, Division President  
 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; 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"**

**(Encumbrances Against Title)**

1. Terms, provisions, covenants and conditions of that certain:

UNRECORDED DEVELOPMENT RIGHTS AGREEMENT,  
dated October 26, 1960 and as disclosed by Instrument:

Dated: May 5, 1966  
Filed: Document No. 391241  
By and between: F. E. Trotter, Inc., W. H. McVay, Inc., P. R. Cassidy, Inc. and H. C. Cornuelle, Inc., all Hawaii professional corporations, the duly appointed qualified and acting Trustees under the Will and of the Estate of James Campbell, Deceased, acting in their fiduciary and not in their individual corporate capacities (the Estate), and Finance Realty Company, Limited (Realty)

as amended by:

UNRECORDED LETTER AGREEMENT  
dated September 9, 1960 and February 25, 1963, of which a Short form is filed:

Dated: May 5, 1966  
Filed: Document No. 391241

as further amended by:

UNRECORDED AMENDMENT  
dated December 22, 1976 of which a Short Form is filed:

Dated: January 12, 1977  
Filed: Document No. 801573

UNRECORDED SECOND AMENDMENT AND RESTATEMENT OF MAKAKILO  
DEVELOPMENT CONTRACT AND MAKAKILO EXCHANGE AGREEMENT  
dated December 24, 1984 of which a Short form is filed:

Dated: January 15, 1985  
Filed: Document No. 1277747

2. EASEMENT "728" (6,278 square feet) as set forth by:

Land Court Order No.: 37656, Map 233  
Filed: June 13, 1973  
Purpose: sewer

3. EASEMENT "732" (2, 170 square feet) as set forth by:

Land Court Order No.: 37656, Map 233  
Filed: June 13, 1973  
Purpose: drainage

4. EASEMENT "754" (610 square feet) as set forth by:

Land Court Order No.: 39564, Map 244  
Filed: April 1, 1974  
Purpose: drainage

5. EASEMENT "755" as set forth by:

Land Court Order No.: 39564, Map 244  
Filed: April 1, 1974  
Purpose: drainage

6. GRANT OF EASEMENT

Dated: June 10, 1974  
Filed: Document No. 689635  
Purpose: for drainage purposes through, under and across Easement 755  
In favor of: Finance Realty Company, Limited for and on behalf of The Association of Apartment Owners of Makakilo Hale I, an unincorporated association

7. GRANT OF EASEMENT

Dated: October 16, 1975  
Filed: Document No. 765401  
Purpose: for drainage purposes through, under and across Easements 732 and 754  
In favor of: The City and County of Honolulu, a municipal corporation of the State of Hawaii

8. Covenants, conditions, restrictions, reservations, agreements, obligations, easements and other provisions set forth in the:

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE PALEHUA COMMUNITY:

Dated: January 14, 1977  
Filed: Document No. 801577

AGREEMENT TO ANNEX PROPERTY TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE PALEHUA COMMUNITY:

Dated: December 8, 1992  
Filed: Document No. 1977789



DECLARATION OF ADDITIONAL PROPERTY ANNEXED TO PALEHUA COMMUNITY AN  
DECLARATION OF RESERVATIONS:

Dated: December 13, 1996  
Filed: Document No. 2358414

9. GRANT OF EASEMENT

Dated: June 1, 1977  
Filed: Document No. 841709  
Purpose: electrical  
In favor of: Hawaiian Electric Company, a Hawaii corporation

10. GRANT OF EASEMENT

Dated: June 4, 1979  
Filed: Document No. 1084524  
Purpose: for sewer purposes through, under and across Easement 728  
In favor of: The City and County of Honolulu, a municipal corporation of the  
State of Hawaii

11. Terms, provisions, covenants and conditions in the:

UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING:

Dated: July 21, 1983  
Recorded: Book 17200, Page 107  
By and Between: Finance Realty Company, Limited (Declarant) and  
The Trustees under the Will and of the Estate of James Campbell  
Deceased, acting in their fiduciary and not in their individual  
capacities

12. Covenants, conditions, restrictions, reservations, agreements, obligations, easements and  
other provisions set forth in the:

(FINANCE REALTY COMPANY, LIMITED) TRUSTEES' LIMITED WARRANTY DEED

Dated: May 26, 1988  
Filed: Document No. 1573089

13. EASEMENT 2292 as set forth by:

Land Court Order No.: 96680, Map 500  
Filed: January 26, 1990

14. GRANT OF EASEMENT

Dated: December 10, 1991  
Filed: Document No. 1873445

Purpose: for drainage purposes through, under and across Easement 755  
In favor of: Makakilo Hale I, Inc., a Hawaii corporation and The Association of Apartment Owners of Makakilo Hale I, an unincorporated association, which is the sole shareholder of Makakilo Hale I

15. Covenants, conditions, restrictions, reservations, agreements, obligations, easements and other provisions set forth in the:

TRUSTEES LIMITED WARRANTY DEED

Dated: December 8, 1992  
Filed: Document No. 1977788

16. Covenants, conditions, restrictions, reservations, agreements, obligations, easements and other provisions set forth in the:

LIMITED WARRANTY DEED

Dated: October 31, 2002  
Filed: Document No. 2749868

17. Terms, provisions, covenants and conditions in the

AGREEMENT REGARDING EASEMENTS; GRANT OF RIGHT OF ENTRY:

Dated: October 31, 2001  
Filed: Document No. 2749870  
By and Between: Finance Holdings, Ltd., a Hawaii corporation, Finance Realty, Ltd., a Hawaii corporation, Kalani Gardens Limited Partnership, a Hawaii limited partnership, Makakilo Nursery Joint Venture, a Hawaii joint venture and Schuler Homes, Inc., a Delaware corporation  
Re: granting to Schuler Homes, Inc., a temporary right of entry for survey, construction and grading purposes appurtenant to Lot 3169, over and across: Lot 14093, Map 1094, Land Court Application 1069 Lot 10, Map 12, Land Court Application 1828 and Lot 12294, Map 911, Land Court Application 1069

18. EASEMENTS 8181 (0.417 acres) as set forth by:

Land Court Order No.: 154967, Map 1196  
Filed: February 10, 2004  
Purpose: flowage

19. EASEMENTS 8182 (491 square feet) as set forth by:

Land Court Order No.: 154967, Map 1196  
Filed: February 10, 2004  
Purpose: water meter

20. GRANT OF EASEMENT, ADDITIONAL SECURITY MORTGAGE AND FINANCING STATEMENT

Dated: January 20, 2004  
Filed: Document No. 3060464  
Purpose: electrical  
In favor of: Hawaiian Electric Company, Inc. a Hawaii corporation and Verizon Hawaii Inc., a Hawaii corporation

21. Condominium Map No. 1669, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii, as amended by instruments dated January 12, 2005 filed as Document No. 3220308, dated February 28, 2005 filed as Document No. 3241023, dated June 17, 2005 filed as Document No. 3287848, and dated September 13, 2005, recorded in the Land Court of the State of Hawaii as Document No. 3330948.

22. Covenants, conditions, restrictions, reservations, agreements, obligations, easements and other provisions set forth in:

DECLARATION OF CONDOMINIUM PROPTERY REGIME OF KAI NANI AT MAKAKILO

Dated: September 14, 2004  
Filed: Document No. 3178546

AMENDMENT AND RESTATED DECLARATION OF CONDOMINIUM PROPERTY REGIME OF KAI NANI AT MAKAKILO

Dated: November 9, 2004  
Filed: Document No. 3190773

as the same may be amended by the instruments dated February 14, 2005 filed as Document No. 3241024, dated June 17, 2005 filed as Document No. 3287850.

23. BYLAWS OF THE ASSOCIATION OF HOME OWNERS OF KAI NANI AT MAKAKILO

Dated: October 4, 2004  
Filed: Document No. 3178547

as the same may be amended by instrument dated June 17, 2005 filed as Document No. 3287849.

Note: For Real Property Taxes your attention is directed to the Director of Finance, City and County of Honolulu.

END OF EXHIBIT "A"