

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

CONDOMINIUM PROJECT NAME:	KAPOLEI KAI (PHASE II) (Report covers Units 5a and 5b)
PROJECT ADDRESS:	2176 Lauwiliwili Street Kapolei, Hawaii 96707
REGISTRATION NUMBER:	7275
EFFECTIVE DATE OF REPORT:	<b>April 3, 2013</b>
THIS AMENDMENT:	<input checked="" type="checkbox"/> Must be read together with <input checked="" type="checkbox"/> Developer's Public Report dated _____ <input type="checkbox"/> Amended Report dated <u>November 5, 2012</u>  <input type="checkbox"/> Supersedes all prior amendments: Includes all prior amendment(s) and <u>must</u> be read together with <input type="checkbox"/> Developer's Public Report dated _____ <input type="checkbox"/> Amended Report dated _____
DEVELOPER(S):	Kapolei Kai, LLC, a Hawaii 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.

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*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.*

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 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):

A. Changes made as follows:

1. Pursuant to the rights of Developer under the Declaration, an amendment to the Declaration of Condominium Property Regime and Condominium Map was recorded on February 11, 2013, in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. T-8442297, to reflect the reallocation of parking stalls and a loading stall.

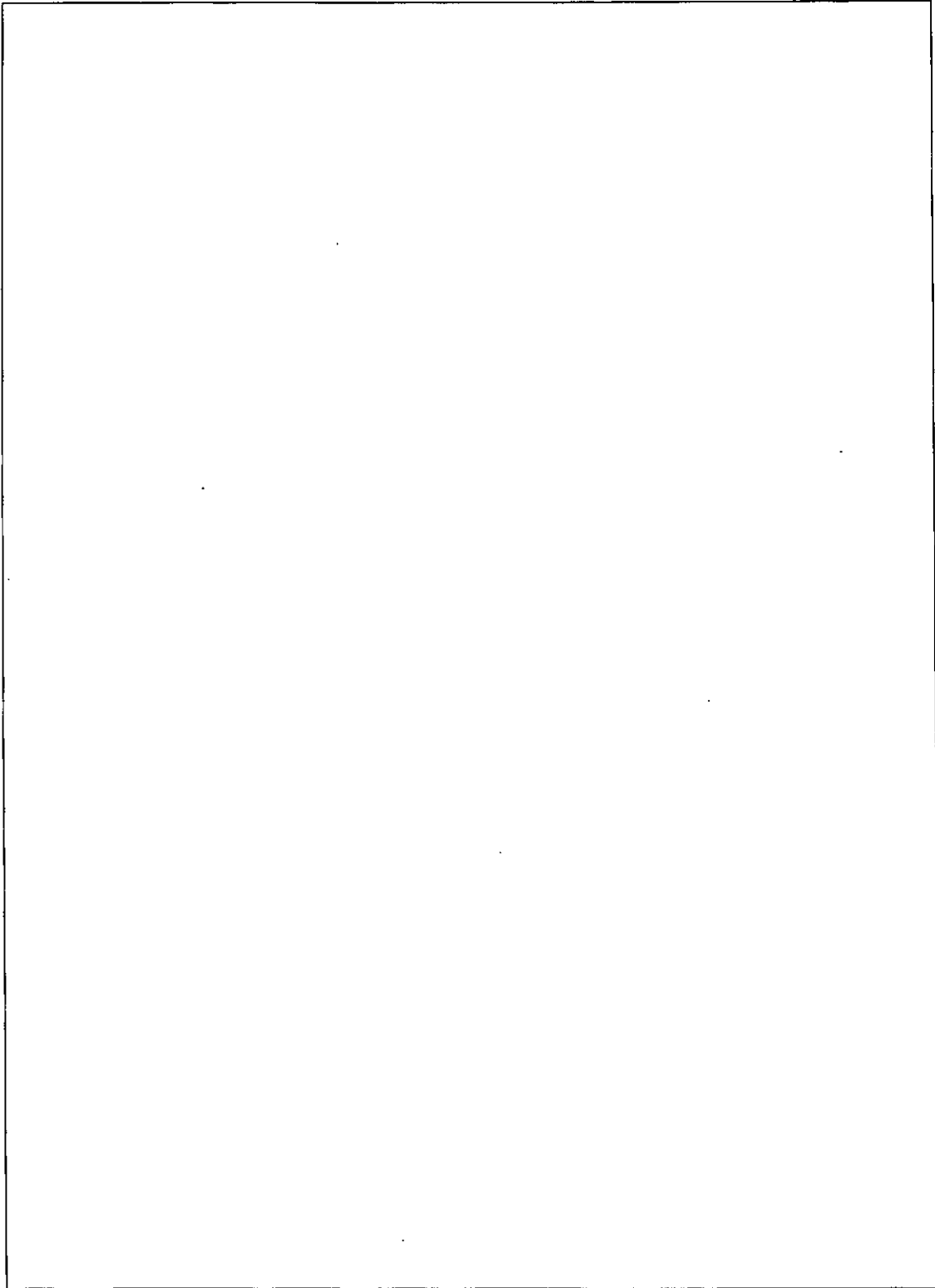
B. This resulted in changes to the following pages and Exhibits of the Public Report:

1. Page 10 (by adding a new page 10a), and Exhibits "A" and "E", have been revised to reflect the recording of the above referenced amendment and the reallocation of parking stalls and loading stall.

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Changes continued:



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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.

Kapolei Kai, LLC, a Hawaii limited liability company

Printed Name of Developer

Kenneth S. Tanizaki  
Duly Authorized Signatory\*

1-28-13

Date

Kenneth S. Tanizaki, its Manager

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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Kapolei Kai, LLC, a Hawaii limited liability company

Printed Name of Developer

  
Duly Authorized Signatory\*

1-28-13

Date

Daimon Hudson, its Manager

Printed Name & Title of Person Signing Above

Distribution:

Department of Finance, City and County of Honolulu

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### 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 or Bureau of Conveyances	Date of Document	Document Number
Land Court	8/24/2007	3656215

##### Amendments to Declaration of Condominium Property Regime

Land Court or Bureau of Conveyances	Date of Document	Document Number
Land Court	6/26/2008	3764600
Land Court	5/20/2009 (correction 6/24/2009)	3860395 (correction 3872489)
Land Court	8/17/2011	4093018
Land Court	7/3/2012	T-8319303

#### 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 or Bureau of Conveyances	Date of Document	Document Number
Land Court	8/24/2007	3656216

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

Land Court or 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	1919
Bureau of Conveyances Map Number	

Dates of Recordation of Amendments to the Condominium Map:  
6/30/2008, 5/20/2009 (corrected 6/25/2009), and 10/11/2012

3.1 Declaration of Condominium Property Regime

Land Court or Bureau of Conveyances	Date of Document	Document Number
Land Court	January 28, 2013	T-8442297



## EXHIBIT "A"

### Unit Descriptions, Net Square Footages, Percentage of Common Interest and Parking

Unit Number	Net Area (sq. ft.)	Common Interest**	Number of Parking Stalls***	Number of Loading Stalls****
1	11,150	33.4%	26; being Parking Stall Nos.: 1-7, 30-42, and 87-92	1; being Loading Stall No. 1
2	3,720	11.1%	5; being Parking Stall Nos. 8-10, 85, and 86	0
3	3,720	11.1%	4; being Parking Stall Nos. 11-13, and 83	1; being Loading Stall No. 2
4	3,720	11.1%	6; being Parking Stall Nos. 14-16, and 80-82	0
5a	1,750	2.75%	5; being Parking Stall Nos. 17, 29, 70, 77, and 78	0
5b	1,970	2.75%	6; being Parking Stall Nos. 18, 19, and 26-28, and 79	0
6	1,860	5.5%	6; being Parking Stall Nos. 20-22, and 74-76	0
7	1,860	5.5%	6; being Parking Stall Nos. 23-25, and 71-73	0
8	1,875	5.6%	7; being Parking Stall Nos. 61-67	1; being Loading Stall No. 3
9	1,875	5.6%	12; being Parking Stall Nos. 43-50, and 57-60	0
10	1,850	5.5%	6; being Parking Stall Nos. 51-56	0
11*	33,750	0.1%	0	1; being Loading Stall No. 4
Total		100.0%		

\* Unit 11 is a spatial unit located on the roof of the Building consisting of an open area directly **above** the surface of the roof of the Building (but does not include the roof which is a Common Element as provided in the Declaration) and covering the entire perimeter of the roof with a height of five (5) feet. The dimensions of Unit 11 are more particularly shown on the Condominium Map.

\*\* The Common Interest for Units 1 through 10 was calculated by dividing each Unit's total net area by the sum of the net areas of Units 1 through 10. Because of the unique nature of Unit 11, only a nominal percentage of common interest was assigned to Unit 11.

\*\*\* There are a total of 93 parking stalls in the Project; 89 of which are appurtenant to the Units, and 4 of which are handicap stalls and identified as Parking Stall Nos. 68, 69, 84, and 93. The 89 parking stalls appurtenant to the Units are designated as limited common elements, and the 4 handicap parking stalls are designated as common elements. The parking stalls for the Project are open, standard size stalls, and the location of the various stalls are shown on the Condominium Map.

\*\*\*\* The four (4) loading stalls are limited common elements appurtenant to Units 1, 3, 8, and 11. The location of the loading stalls are shown on the Condominium Map.

END OF EXHIBIT "A"

**EXHIBIT "E"**

**List of Encumbrances Against Title**

1. Real property taxes due and payable. For more information contact the Real Property Assessment Office, City and County of Honolulu.
2. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
3. A 25-foot setback line, as shown on Map 645, as set forth by Land Court Order No. 112041, filed June 4, 1993.
4. Designation of Easements "3770" and "3774", as shown on Map 645, as set forth by Land Court Order No. 112041, filed June 4, 1993.
5. Designation of Easement "5113", as shown on Map 736, as set forth by Land Court Order No. 118817, filed November 28, 1994.
6. Designation of Easement "10073" for water meter purposes, in favor of the Board of Water Supply, as set forth by Land Court Order No. 178425, filed April 3, 2009.
7. Covenants, conditions and restrictions (deleting therefrom any restrictions indicating any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin) as set forth in that certain Kapolei Business Park Declaration of Conditions, Covenants and Restrictions dated May 28, 1993, recorded in said Office of the Assistant Registrar of the Land Court as Document No. 2030298, as amended and supplemented.
8. Grant in favor of Hawaiian Electric Company, Inc., recorded January 18, 2000 in said Office of the Assistant Registrar of the Land Court as Document No. 2601807; granting a perpetual right and easement for utility purposes and incidental purposes.
9. Grant in favor of Hawaiian Electric Company, Inc. and GTE Hawaiian Telephone Company Incorporated, now known as Hawaiian Telcom, Inc., recorded April 27, 2000 in said Office of the Assistant Registrar of the Land Court as Document No. 2621916; granting a perpetual right and easement for utility and incidental purposes.
10. Covenants, conditions and restrictions (deleting therefrom any restrictions indicating any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin) as set forth in that certain Trustees Limited Warranty Deed with Use Restrictions, Covenants and Reservation of Rights (Kapolei Business Park) dated January 2, 2002, recorded in said Office of the Assistant Registrar of the Land Court as Document No. 2766591.
11. Grant in favor of the Trustees under the Will and of the Estate of James Campbell, deceased, recorded June 3, 2004 in said Office of the Assistant Registrar of the Land Court as Document No. 3118510; granting a perpetual right and easement for drainage and incidental purposes.
12. Grant in favor of the Trustees under the Will and of the Estate of James Campbell, deceased, recorded June 3, 2004 in said Office of the Assistant Registrar of the Land Court as Document No. 3118511; granting a perpetual right and easement for drainage and incidental purposes.
13. Covenants, conditions and restrictions (deleting therefrom any restrictions indicating any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin) as set forth in that certain Kapolei Business Park Limited Warranty Deed with Use Restrictions, Covenants and Reservation of Rights dated June 3, 2004, recorded in said Office of the Assistant Registrar of the Land Court as Document No. 3118515.

14. Covenants, conditions and restrictions (deleting therefrom any restrictions indicating any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin) as set forth in that certain Kapolei Business Park Limited Warranty Deed with Use Restrictions, Covenants and Reservation of Rights dated November 23, 2004, recorded in said Office of the Assistant Registrar of the Land Court as Document No. 3199054.

15. Covenants, conditions and restrictions (deleting therefrom any restrictions indicating any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin) as set forth in that certain Warranty Deed dated April 10, 2007, recorded in said Office of the Assistant Registrar of the Land Court as Document No. 3586884.

16. Condominium Map No. 1919 filed in said Office of the Assistant Registrar of the Land Court.

17. Covenants, conditions and restrictions (deleting therefrom any restrictions indicating any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin) as set forth in that certain Declaration of Condominium Property Regime dated August 24, 2007, recorded in said Office of the Assistant Registrar of the Land Court as Document No. 3656215.

Said above Declaration was amended by that certain instrument dated June 26, 2008, recorded in said Office of the Assistant Registrar of the Land Court as Document No. 3764600. Said above Declaration was further amended by that certain instrument dated May 20, 2009, recorded in said Office of the Assistant Registrar of the Land Court as Document No. 3860395, as corrected by that certain instrument dated June 24, 2009, recorded in said Office of the Assistant Registrar of the Land Court as Document No. 3872489, and further amended by that certain instrument dated August 17, 2011, recorded in said Office of the Assistant Registrar of the Land Court as Document No. 4093018, that certain instrument dated July 3, 2012, recorded in said Office of the Assistant Registrar of the Land Court as Document No. T-8319303, and that certain instrument dated January 28, 2013, recorded in said Office of the Assistant Registrar of the Land Court as Document No. T-8442297.

18. Covenants, conditions and restrictions (deleting therefrom any restrictions indicating any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin) as set forth in that certain By-Laws of the Association of Unit Owners dated August 24, 2007, recorded in said Office of the Assistant Registrar of the Land Court as Document No. 3656216.

19. Encroachment Agreement dated December 20, 2008, recorded in said Office of the Assistant Registrar of the Land Court as Document No. 3817560.

20. Easement(s) for water meter purposes and rights incidental thereto, as set forth in a document dated February 16, 2010 in favor of the City and County of Honolulu and the Board of Water Supply, and recorded in said Office of the Assistant Registrar of the Land Court as Document No. 3945837.

21. Mortgage dated August 7, 2010 in favor of First Hawaiian Bank, a Hawaii corporation, recorded in said Office of the Assistant Registrar of the Land Court as Document No. 3962649.

22. Assignment of rent in favor of First Hawaiian Bank, a Hawaii corporation, recorded May 12, 2010 in the Bureau of Conveyances of the State of Hawaii as Document No. 2010-065006.

23. Financing Statement in favor of First Hawaiian Bank, a Hawaii corporation, recorded May 12, 2010 in said Bureau of Conveyances as Document No. 2010-065007.

**END OF EXHIBIT "E"**