



**RESORT PROPERTIES OF THE PACIFIC**

SUITE C-208, PRINCEVILLE CENTER, PRINCEVILLE, HI 96722

FAX 1.808.748.0800 TOLL FREE: 1.808.826.4280

**RESORT PROPERTIES OF THE PACIFIC  
Standard Disclosure Addendum**

RESORT PROPERTIES OF THE PACIFIC, a licensed real estate broker in the State of Hawaii, as the agent of a Seller or a Buyer, hereby notifies each of the following:

**Inspections and Warranties:** The inspection of a subject property encompasses a wide range of professional fields of expertise. Buyer and Seller understand that RESORT PROPERTIES OF THE PACIFIC’S Agents are not qualified to give opinions on these matters and acknowledge that RESORT PROPERTIES OF THE PACIFIC strongly recommends that Buyers and Sellers seek professional inspection advice.

**Aircraft Noise and Fly-Over:** Buyer and Seller are advised that some areas in Hawaii are subject to fly-over by various aircraft, including, among others, commercial, military, tour and Drug Enforcement Agency aircraft. Although, the seller is advised to disclose information, the Buyer is advised to additionally contact the appropriate Federal, State or County government agencies.

**Building Permit Requirements:** Buyer and Seller are aware that many residential properties do not have all building permits required by County ordinances and /or may not have been built according to the plans or Building Permits issued. During the inspection period (Paragraph C-51) of the Purchase Contract, Buyer or Buyer’s contractor, architect or other expert(s) of Buyer’s choosing are advised to review, among other things, whether structural modification, additions, and/or other items have been modified per the issued permits and/or whether the building permits were signed by the appropriate county officials. Buyer and Seller understand RESORT PROPERTIES OF THE PACIFIC’S Agents or Brokers are not qualified to give opinions on these matters including but not limited to analysis of the permit contents.

**Insurance:** The availability, limits, and cost of hazard, hurricane and/or liability insurance may be affected if, among other factors, the property is situated near the ocean or in a designated flood area. If the home is of single wall construction or if it is an older home that has not been significantly upgraded, an insurance professional should be consulted to determine the cost and availability of insurance on the property. A Buyer’s lender may require that all of the aforementioned types of insurance be purchased prior to funding a loan.

**State Taxes:** Owners of rental property are subject to payment of state tax on rental income received. Owners are required to obtain proper tax identification numbers and file appropriate forms.

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**Limitations of Land Use:** Restrictions limit the use of real property in the State of Hawaii including State, Federal, and County laws; regulations such as the County Zone Ordinance; and private restrictions such as those in deed, condominium declaration, or subdivision declaration. Buyers and Sellers should contact appropriate authorities before assuming permitted use.

**Projected Income Estimates:** RESORT PROPERTIES OF THE PACIFIC or its Agents make no representation or guarantee about the actual income or profit that may be realized by a property. Furthermore, it is not possible for RESORT PROPERTIES OF THE PACIFIC or its agents to predict the future conditions which may affect income or profit including, but not limited to, supply and demand factors, and rental revenue or market conditions.

**Real Property Only:** RESORT PROPERTIES OF THE PACIFIC is not authorized to handle the conveyance of a security (as defined by US Securities and Exchange Commission or other governmental agency.) Additionally, RESORT PROPERTIES OF THE PACIFIC and its agents accept no liability for the sale of furnishing or other items incidental to the sale of real property. Buyers and Sellers are to seek the counsel of attorneys in these matters.

**Real Property Tax:** Method of assessing real property in Hawaii is complex and is subject to change. Tax rates and assessments differ according to zoning and use of property, exemptions pertaining to specific homeowners, dedication, and other criteria. The Seller's current tax rate does not necessarily remain the same for the Buyer. Information obtained from listings and website may not reflect recent county assessments and changes in tax rates.

Additionally, there is a mechanism known as "roll-back" that may make a Buyer liable for additional taxes if the use/dedication/zoning are changed after purchase. The Buyer is advised to contact professionals as well as the Kauai Real Property Tax Office for information. If the property is to be a Buyer's primary residence, the Buyer is advised to file a homeowner's exemption in a timely manner. Information is available online at [www.kauaipropertytax.com](http://www.kauaipropertytax.com)

**Purchasing Sight Unseen:** When a Buyer has made the choice to purchase a property without seeing it in person, the Buyer should be given adequate time to perform inspections and to review documents. After the inspection period and release of inspection contingency, the Seller will not be required to make repairs arising from the Buyer's absence. Buyer will agree to release and hold harmless the Seller, RESORT PROPERTIES OF THE PACIFIC and its Agent and all cooperating Agents, Brokers and Assigns from any claims whatsoever arising from or connected with subject property. Buyer further shall acknowledge that they have been strongly advised to seek the services of professional property inspectors.

**Vacation Rentals:** Buyers and Sellers should be aware that the operation of vacation rental homes and condominiums in areas designated as Visitor Destination Areas (VDA's) and in areas outside of Visitor Destination Areas (VDA's) are subject County Ordinance Consult zoning maps and vacation rental registration records prior to making representations or assumptions on use. Registration records are available online at [www.kauai.gov](http://www.kauai.gov) Additionally, owners of vacation rentals should be aware that an on-island representative is required for management purposes.

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**Mold and Mildew:** Mold, mildew, fungus and bacterial growths (hereafter “growths”) thrive in tropical environments such as Hawaii. While visible areas of a building can be cleaned of these growths, there is no guarantee that any or all of these growths can be eliminated and or that these growths can be readily detected in hidden, enclosed, or inaccessible areas. Consequently, if the Buyer or other occupant of the subject property has a respiratory, skin or other health condition that can be affected by these growths, they should seek expert counsel before completing a purchase. Neither Seller nor RESORT PROPERTIES OF THE PACIFIC and its Agent have the requisite knowledge or expertise to provide information on the presence, the conditions conducive for growth, or the effects upon the health, welfare or continued enjoyment of the property. Buyer and Seller agree to hold harmless RESORT PROPERTIES OF THE PACIFIC and its Agent for the knowledge or acts of any experts hired for analysis and inspection. Buyer is solely responsible for the selection and hiring of these experts.

**Wastewater Disposal:** Buyer and Seller are aware that certain properties and certain modifications to property may cause the State Department of Health to require cesspool owners to find an alternate wastewater disposal system such as connection to a public sewer or installation of a septic system. Buyers and Sellers are advised to seek expert opinions.

**Fractional (Seasonal Ownership) Sales:** The Buyer of a fractional share of property should seek the counsel of a Hawaii-based attorney and other experts to review fractional ownership documents. Buyer is solely responsible for the selection and hiring of an attorney and other experts. Buyer and Seller agree to hold harmless RESORT PROPERTIES OF THE PACIFIC and its Agent for the knowledge or acts of any experts hired for review.

**Short Sales:** Buyer and Seller acknowledge that the RESORT PROPERTIES OF THE PACIFIC has the right to approve commission negotiations with the lender or lien holder.

RESORT PROPERTIES OF THE PACIFIC hereby advises both Buyer and Seller to seek the advise of an attorney, advisor, accountant, appraiser, architect, pest control expert, home inspector, insurance advisor, contractor, land surveyor, civil engineer, structural engineer, soils engineer, land use professional zoning expert, environmental expert, designer, estate planner, title insurer or other professionals and other experts should they have questions.

I/We hereby acknowledge that I/we have read and understood this addendum

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Seller/Buyer Date

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Seller/Buyer Date

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BUYER INITIALS DATE SELLER INITIALS DATE

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