

FOR DEVELOPER'S USE (chronological system)

COMPLETED AFFIDAVIT SUBMITTED DATE: _____
TIME: _____
EARNEST MONEY DEPOSIT SUBMITTED DATE: _____
(if required by developer) TIME: _____

NOTICE TO ALL PERSONS SIGNING THE AFFIDAVIT: This Affidavit is being provided to you pursuant to Part V, Subpart B of the Condominium Property Act (Chapter 514B of the Hawaii Revised Statutes). Part V, Subpart B is referred to as the "**Owner-Occupant Law**" in this Affidavit, and various Sections of Part V, Subpart B are referenced in this Affidavit. This Affidavit is a legal document that contains promises which are binding on you. If these promises are broken you could be subject to various penalties that are described in the Owner-Occupant Law and in this Affidavit. Therefore, it is strongly recommended that you seek the advice of an attorney or the Developer's representatives if you do not understand anything contained in the Affidavit, or have questions about anything contained in this Affidavit, or do not understand the references to the Owner-Occupant Law or other provisions of the Condominium Property Act which are contained in this Affidavit.

**AFFIDAVIT OF INTENT TO PURCHASE AND RESIDE IN AN
OWNER-OCCUPANT DESIGNATED RESIDENTIAL CONDOMINIUM UNIT**

We, the undersigned "owner-occupants," on this _____ day of _____, _____, do hereby declare that it is our intention to purchase and reside in a condominium residential unit designated for an "owner-occupant" in the 'A'ali'i condominium project ("**Project**") proposed by AALII, LLC ("**Developer**").

We understand, affirm, represent and agree by signing this Affidavit that:

1. It is our intent to reserve and purchase an owner-occupant designated residential unit ("**designated unit**") pursuant to section 514B-96 of the Owner-Occupant Law, and upon closing escrow, to reside in the designated unit as our principal residence for 365 consecutive days.
2. The term "**owner-occupant**" as used herein is defined in Section 514B-95 of the Owner-Occupant Law as:

"... any individual in whose name sole or joint legal title is held in a residential unit that, simultaneous to such ownership, serves as the individual's principal residence, as defined by the state department of taxation, for a period of not less than three hundred and sixty-five consecutive days; provided that the individual retains complete possessory control of the premises of the residential unit during this period. An individual shall not be deemed to have complete possessory control of the premises if the individual rents, leases or assigns the premises for any period of time to any other person in whose name legal title is not held; except that an individual shall be deemed to have complete possessory control even when the individual conveys or transfers the unit into a trust for estate planning purposes

and continues in the use of the premises as the individual's principal residence during this period (Emphasis added).

3. We understand that if two or more prospective owner-occupants intend to reside jointly in the same designated unit, only one owner-occupant's name shall be placed on the reservation list for either the chronological system or the lottery system, as determined by the Developer.
4. At closing of escrow, we shall file a claim for and secure an owner-occupant property tax exemption with the appropriate county office for the designated unit.
5. We have personally executed this Affidavit and we are all of the prospective owner-occupants for the designated unit. This Affidavit shall not be executed by an attorney-in-fact.
6. We shall not sell or offer to sell, lease or offer to lease, rent or offer to rent, assign or offer to assign, convey or otherwise transfer any interest in the designated unit until at least 365 consecutive days have elapsed since the recordation of the instrument conveying title to the designated unit to us. Furthermore, we understand that we have the burden of proving our compliance with law.
7. We understand that no developer, employee or agent of a developer or real estate licensee shall violate or aid any person in violating the Owner-Occupant Law.
8. We shall notify the Real Estate Commission immediately upon any decision to cease being an owner-occupant.
9. The Real Estate Commission may require verification of our owner-occupant status and we understand that if we fail to submit such verification because of the sale, lease, assignment or transfer of the unit, we may be subject to a fine in an amount equal to the profit made from the sale, lease, assignment or transfer of the designated unit.
10. Any false statement in this Affidavit or violation of the Owner-Occupant Law shall subject us to a misdemeanor charge with a fine not to exceed \$2,000, or by imprisonment of up to a year or both. We further understand that if we violate or fail to comply with the Owner-Occupant Law, we shall be subject to a civil penalty of up to \$10,000 or fifty per cent (50%) of the net proceeds received or to be received from the sale, lease, rental, assignment or other transfer of the designated unit, whichever is greater.

When required by context, each pronoun reference shall include all numbers (singular or plural) and each gender shall include all genders.

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU

SS:

On this _____ day of _____, 20_____, before me appeared _____, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.

Print Name: _____
Notary Public, in and for said State

My commission expires: _____

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: **AFFIDAVIT OF INTENT TO PURCHASE AND RESIDE IN AN OWNER-OCCUPANT DESIGNATED RESIDENTIAL CONDOMINIUM UNIT**

Document Date: _____ or Undated at time of notarization.

No. of Pages: _____ Jurisdiction: _____ Circuit
(in which notarial act is performed)

Signature of Notary

Date of Notarization and
Certification Statement

Printed Name of Notary

(Official Stamp or Seal)

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU

SS:

On this _____ day of _____, 20_____, before me appeared _____, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.

Print Name: _____
Notary Public, in and for said State

My commission expires: _____

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: AFFIDAVIT OF INTENT TO PURCHASE AND RESIDE IN AN OWNER-OCCUPANT DESIGNATED RESIDENTIAL CONDOMINIUM UNIT

Document Date: _____ or Undated at time of notarization.

No. of Pages: _____ Jurisdiction: _____ Circuit
(in which notarial act is performed)

Signature of Notary

Date of Notarization and
Certification Statement

Printed Name of Notary

(Official Stamp or Seal)

STATE OF HAWAII
CITY AND COUNTY OF HONOLULU

SS:

On this _____ day of _____, 20_____, before me appeared _____, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.

Print Name: _____
Notary Public, in and for said State

My commission expires: _____

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: AFFIDAVIT OF INTENT
TO PURCHASE AND RESIDE IN AN OWNER-OCCUPANT
DESIGNATED RESIDENTIAL CONDOMINIUM UNIT

Document Date: _____ or Undated at time of notarization.

No. of Pages: _____ Jurisdiction: _____ Circuit
(in which notarial act is performed)

Signature of Notary

Date of Notarization and
Certification Statement

Printed Name of Notary

(Official Stamp or Seal)