

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII
424 SO. BERETANIA STREET
P. O. BOX 3469
HONOLULU, HAWAII 96801

**FINAL
HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)
PUBLIC REPORT**

on
KAMEHAMEHA GARDENS
1218 Farr Lane
Honolulu, Hawaii

REGISTRATION NO. 170

IMPORTANT — Read This Report Before Buying

This Report Is Not an Approval or Disapproval of This Condominium Project

It reflects information obtained by the Real Estate Commission in its investigation of the project. This report, based on a principle of disclosure, is issued by the Commission for the purpose of preventing fraud, misrepresentation or deceit.

The developer shall not enter into a binding contract or agreement for the sale of any unit in a Condominium Project until

- (1) A copy of this Report has been given to the prospective purchaser,
- (2) The latter has been given an opportunity to read same, and,
- (3) His receipt taken therefor.

July 19, 1967

SPECIAL ATTENTION

A comprehensive reading of the report is urged in order that personal requirements and expectations to be derived from the property can be ascertained. The attention of the purchaser and prospective purchaser is particularly directed to the following:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED JUNE 2, 1967.

1. KAMEHAMEHA GARDENS is a proposed fee simple single family dwelling cluster condominium project consisting of eight (8) separate houses. The plans show eight (8) two-car garages or a total of sixteen (16) stalls available.
2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of the proposed condominium project and the issuance of this Final Public Report.
3. The Commission has determined that the basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Unit Owners, and copy of the approved floor plans) have been filed in the office of the recording officer.

The Declaration of Horizontal Property Regime, with By-Laws of the Association of Unit Owners attached, was filed as

common elements, the land described and committed to the regime, and all elements mentioned in the Horizontal Property Act which are actually constructed in the project, and specifically includes, but is not limited to the land in fee simple, except the portions thereof that are set aside as limited common elements; and all utility mains serving the project.

LIMITED COMMON ELEMENTS: Certain parts of the common elements, designated as limited common elements are set aside and reserved for the exclusive use of certain units, and such units will have appurtenant thereto an exclusive easement for the use of such limited common elements. The limited common elements set aside and reserved are as follows: the land under each dwelling unit and the land abutting the exterior walls of each dwelling unit to a distance of 10 feet therefrom or to the lot boundary, whichever is less, is designated a limited common element and reserved for the exclusive use of said dwelling unit and its occupants.

INTEREST TO BE CONVEYED PURCHASER: Each dwelling unit will have appurtenant thereto an undivided 12.5 percent interest in the common elements. Said interest is defined and referred to in the Declaration as the common interest. The common interest, the proportionate shares in the common expenses of the project and the proportionate representation for voting purposes will be in said percentage for each dwelling unit.

PURPOSES OF BUILDINGS AND RESTRICTIONS AS TO USE: The Declaration states that the units will be occupied and used only as private dwellings by the respective owners thereof, their tenants, families, domestic servants and social guests, and for no other purposes, unless consent of the Board of Directors is secured. The owners of the units will have the absolute right to lease the same subject to the limitations, restrictions, covenants and conditions of the Declaration and the By-Laws of the Association of Unit Owners.

OWNERSHIP TO TITLE: The Notice of Intention states that ownership to title is vested in Chilton Tai Chung Au, subject to Agreement of Sale in favor of James Fusao Sekiya and Marjorie Kikue Sekiya. The Lien Letter prepared May 10, 1967 by Title Guaranty of Hawaii, Incorporated, a Hawaii corporation, certifies that Chilton Tai Chung Au has title to the land committed to the regime.

ENCUMBRANCES AGAINST TITLE: The title search report identifies the following as of the date May 10, 1967 when the Lien Letter was prepared: Easement as to Lot 2 only, to the City and County of Honolulu, together with rights of ingress and egress for the purpose of making repairs or alterations in the sewer line along said easement. Restriction of access rights affecting Lot 1-A, as shown on Map 2, as set forth by Land Court Order No. 18378 filed September 21, 1960. Abutter's rights of access appurtenant to Lot 1-A in favor of the State of Hawaii, as set forth by Land Court Order No. 18378, filed September 21, 1960. Mortgage made by Chilton Tai Chung Au, unmarried, to William Horace Farr, husband of Helen Connor Farr; James Truman Farr, husband of Esther Valente Farr; Meredith George Farr, Administrator of the Estate of Millie Elizabeth Farr, also known as Millie E. Farr, Deceased; Eva Matilda Tilford, widow, and Hawaiian Trust Company, Limited, a Hawaii corporation, Trustee under that certain trust agreement dated August 17, 1959 made by George Meredith Farr and Wilhelmina Farr, husband and wife, for the sum of \$78,848.00, dated November 10, 1965 filed as Document No. 375083. Agreement of Sale made by and between Chilton Tai Chung Au, unmarried, as Seller, and James Fusao Sekiya and Marjorie Kikue Sekiya, husband and wife, as Buyers, dated November 13, 1965, filed as Document No. 375120; agree to sell the land for the sum of \$136,000. Subject to the terms and

conditions contained in the Agreement of Sale. Taxes: Real Property Taxes for Year 1967 are due; rate pending. (Taxes for Year 1966, amounting to the sum of \$729.78 have been fully paid). The terms and provisions of the Declaration of Horizontal Property Regime, with By-Laws of the Association of Unit Owners attached, filed as Document No. 418214 with the Assistant Registrar of the Land Court on June 9, 1967, are also identified for purposes of this Final Public Report as encumbrances.

PURCHASE MONEY HANDLING: An Escrow Agreement dated June 2, 1967 has been executed and a copy filed with the Commission. The Escrow Agent is identified as Crown Escrow, Inc., a Hawaii corporation. Upon examination, the specimen Contract of Sale and executed Escrow Agreement are found to be in consonance with the Commission's Declaratory Ruling No. 1, dated December 14, 1965.

It is incumbent upon the purchaser and prospective purchaser that he reads the Contract of Sale and the executed Escrow Agreement. The Escrow Agreement establishes how the proceeds from the sale of dwelling units and all sums received from any source are placed in trust, as well as the retention and disbursement of said trust funds.

MANAGEMENT AND OPERATIONS: The By-Laws of the Association of Unit Owners vest the Board of Directors with the authority to acquire the services of a person or firm to manage the project. The Board may, if it chooses, designate one of its membership, or any owner or occupant as Manager. No property manager has been identified in the notice to sell.

STATUS OF PROJECT: In the June 2, 1967 registration, the Developer advises that construction on the project should commence on or about July 1, 1967. A building contract was executed May 11, 1967 identifying Island Wide, Incorporated, a Hawaii corporation, as the contractor. Completion of the project for occupancy by the purchasers is to be one hundred and sixty (160) working days from the time construction has commenced.

The purchaser or prospective purchaser should be cognizant of the fact that this published report represents information disclosed by the Developer in the required Notice of Intention submitted June 2, 1967.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 170 filed with the Commission on June 2, 1967.

The report, when reproduced, shall be a true copy of the Commission's public report. The paper stock used in making facsimiles must be white in color.


YUKIO KASHIWA, Vice Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII

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Distribution:

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