

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

1010 RICHARDS STREET
P. O. BOX 3469
HONOLULU, HAWAII 96801

FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on
MILILANI GARDEN HOMES, UNIT NO. 1
Waipio, District of Ewa
City and County of Honolulu
Hawaii

REGISTRATION NO. 239

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.

Issued: May 9, 1969
Expires: June 9, 1970

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 NOVEMBER 25, 1968 AND INFORMATION SUBSEQUENTLY FILED AS LATE AS MAY 9, 1969. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT SET FORTH IN CHAPTER 514, HAWAII REVISED STATUTES.

1. The Developer has complied with Sec. 514-15, Hawaii Revised Statutes, and has fulfilled the requirements for the issuance of a Final Public Report prior to completion of construction.
2. Mililani Garden Homes, Unit No. 1, is a proposed fee simple condominium containing town houses and patio houses (each being herein sometimes called an apartment) and consists of thirty-nine (39) apartments arranged throughout seven (7) detached buildings. The town houses are each two stories in height and the patio houses are each one story in height. Each apartment has the exclusive right to use two parking stalls and there are seventeen (17) unassigned parking stalls for guests.

square feet of land and one should look at the Condominium Map for the location of the various apartments and buildings. Each apartment is situated within an area designated as a homesite area which is set aside for the exclusive use of such apartment. Each homesite area opens onto a roadway or walkway which is a common area and which leads to a public roadway as shown on the Condominium Map.

The apartment numbers, the approximate size of the homesite within which each apartment is situated, the approximate area of each apartment and the number of rooms contained in each apartment are as follows:

<u>APARTMENT SPACE NO.</u>	<u>HOMESITE AREA</u>	<u>APARTMENT SPACE AREA</u>	<u>NUMBER OF ROOMS</u>
101	2625 Sq. Ft.	1634 Sq. Ft.	11
102	2625 Sq. Ft.	1528 Sq. Ft.	10
103	3538 Sq. Ft.	1227 Sq. Ft.	8
104	3538 Sq. Ft.	1319 Sq. Ft.	8
105	2625 Sq. Ft.	1528 Sq. Ft.	10
106	2625 Sq. Ft.	1634 Sq. Ft.	11
107	2625 Sq. Ft.	1634 Sq. Ft.	11
108	2625 Sq. Ft.	1528 Sq. Ft.	10
109	2793 Sq. Ft.	1528 Sq. Ft.	10
110	2625 Sq. Ft.	1528 Sq. Ft.	10
111	2625 Sq. Ft.	1528 Sq. Ft.	10
112	2751 Sq. Ft.	1528 Sq. Ft.	10
113	2625 Sq. Ft.	1528 Sq. Ft.	10
114	2625 Sq. Ft.	1634 Sq. Ft.	11
115	2625 Sq. Ft.	1634 Sq. Ft.	11
116	3569 Sq. Ft.	1528 Sq. Ft.	10
117	3080 Sq. Ft.	1528 Sq. Ft.	10
118	2625 Sq. Ft.	1528 Sq. Ft.	10
119	2625 Sq. Ft.	1528 Sq. Ft.	10
120	2625 Sq. Ft.	1528 Sq. Ft.	10
121	2844 Sq. Ft.	1634 Sq. Ft.	11
122	2625 Sq. Ft.	1528 Sq. Ft.	10
123	2625 Sq. Ft.	1528 Sq. Ft.	10
124	2625 Sq. Ft.	1634 Sq. Ft.	11
125	2751 Sq. Ft.	1528 Sq. Ft.	10
126	2625 Sq. Ft.	1528 Sq. Ft.	10
127	2625 Sq. Ft.	1528 Sq. Ft.	10
128	2625 Sq. Ft.	1528 Sq. Ft.	10
129	2625 Sq. Ft.	1634 Sq. Ft.	11
130	2625 Sq. Ft.	1634 Sq. Ft.	11
131	2845 Sq. Ft.	1528 Sq. Ft.	10
132	3538 Sq. Ft.	1319 Sq. Ft.	8
133	3538 Sq. Ft.	1227 Sq. Ft.	8
134	3538 Sq. Ft.	1227 Sq. Ft.	8
135	3538 Sq. Ft.	1319 Sq. Ft.	8
136	3538 Sq. Ft.	1319 Sq. Ft.	8
137	3538 Sq. Ft.	1227 Sq. Ft.	8
138	3538 Sq. Ft.	1319 Sq. Ft.	8
139	3538 Sq. Ft.	1319 Sq. Ft.	8

The apartment spaces, each being an apartment within the meaning of that term as used in the Horizontal Property Act, consist of (i) all of the areas or spaces enclosed by walls and roofs within the apartment space boundaries as delineated by perimeter boundaries upon said Condominium Map, and (ii) the lanais (on the ground level) and the balconies (on the second floor level) as shown on said Condominium Map, the lanais being the areas covered by the cement slabs and the balconies being the areas covered by the wooden floors, but shall not include the following:

- a. The foundation, exterior walls (including doors and windows), roofs, floors and loadbearing walls, beams and columns of all buildings and all perimeter or party walls separating two apartment spaces.
- b. All pipes, wires, conduits and other utility or service lines which are utilized for or serve another or more than one apartment space.

Each apartment space shall be deemed to include all interior non-loadbearing walls and all inner decorated or finished surfaces of all floors and of all perimeter or party walls and finished surfaces of interior loadbearing walls and all fixtures originally installed in the apartment space, including electric range and oven, dishwasher, garbage disposal and water heater.

COMMON ELEMENTS: The common elements include the entire 201,313 square feet of land, together with all improvements and fixtures thereon, but excluding therefrom the apartments as described above. The seventeen parking spaces situated adjacent to three traffic islands as shown on the Condominium Map are a part of the common elements and are not limited common elements set aside for the use of any particular apartments.

LIMITED COMMON ELEMENTS: All common elements situated within a homesite, except as hereinafter set forth, are limited common elements restricted to the apartment situated within said homesite. Excluded as a limited common element restricted to the use of the apartment within said homesite are perimeter walls and fences and all pipes, wires, conduits and other utility or service lines which are utilized for or serve another or more than one apartment. Two parking stalls are included within each homesite.

INTEREST TO BE CONVEYED TO PURCHASER: Each apartment shall have appurtenant thereto an undivided 1/39th interest in all common elements of the project and in all common profits and expenses of the project and for all other purposes, including voting.

PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE: The buildings and apartments and common elements shall be used only for purposes permitted by and shall not be used in any manner contrary to the provisions of the Declaration of Covenants, Conditions and Restrictions (known as the Mililani Town Covenants) filed in the Office of the Assistant Registrar of the Land Court of Hawaii as Land Court Document No. 441561, as amended by Land Court Documents Nos. 445150 and No. 472622. The Mililani Town Covenants permit the premises to be used for residential purposes. The Developer, by contract, has the right to use four unsold apartments and certain of the nearby common areas for sales and display purposes for an indefinite time.

OWNERSHIP OF TITLE: The Notice of Intention states that the ownership of title is vested in Mililani Town, Inc. The title report dated April 17, 1969 prepared by Title Guaranty of Hawaii, Incorporated, confirms the fact that Mililani Town, Inc. owns title to the land involved.

ENCUMBRANCES AGAINST TITLE: The title report dated April 17, 1969 prepared by Title Guaranty of Hawaii, Incorporated, reveals the following encumbrances against the land:

1. Reservation in favor of Castle & Cook, Inc. of nonexclusive appurtenant rights and easements for access, drainage, water and utilities over and across Lot 2778, as set forth in deed filed as Land Court Document No. 427989.
2. Mortgage to Aetna Life Insurance Company.
3. Mortgage to Castle & Cooke, Inc.
4. Designation of Easements 462 and 463, as shown on Maps 248 and 280, as set forth by Land Court Order No. 28364, filed April 29, 1968.
5. Designation of Easements 531 and 532, as shown on Maps 263 and 280, as set forth by Land Court Order No. 28668, filed June 25, 1968.
6. Designation of Easements 581 and 583, as shown on Maps 271 and 280, as set forth by Land Court Order No. 29029, filed September 25, 1968.
7. A Grant of Easement in favor of the City and County of Honolulu for drainage over Easement 463, dated July 25, 1968 and filed as Document No. 455732.

8. Easement 606 is subject to a right of way in favor of Lots 2196 to 2232, inclusive, and Lot 2281, subject to termination on conveyance to City and County of Honolulu or State of Hawaii as set forth by Land Court Order No. 28364, filed April 29, 1968.
9. A Grant of easement in favor of Hawaiian Electric Company, Inc. and Hawaiian Telephone Company, within Easement 606, said easement to cease upon conveyance of Easement 606 as public roadway, dated June 13, 1968, filed as Document No. 447038; subject, however, to the following assignments affecting said Grant, to wit:
 - (a) Document No. 447039 - Assignment to Hawaiian Trust Company, Limited, Trustee, dated June 17, 1968, as security to Trust Mortgage Document No. 45945, as amended; being the interest of Hawaiian Electric Company, Inc. in said Grant Document No. 447038.
 - (b) Document No. 447040 - Assignment to Hawaiian Trust Company, Limited, Trustee, dated June 19, 1968, as security to Trust Mortgage Document No. 56356, as amended; being the interest of Hawaiian Telephone Company in said Grant Document No. 447038.
10. Rights of way over Easement 606 as granted by various deeds subject to termination upon conveyance of said easement to the City and County of Honolulu or State of Hawaii.
11. A Notice of Mechanics' and Materialmen's Lien, M. L. No. 2099, in favor of Harold H. Morimoto, doing business as Aloha Welding Co., amount of claim for labor and materials furnished \$2,709.49 on Easement 606, dated December 16, 1968 and filed as Document No. 461875.
12. Designation of Easement 606, as shown on Map 280, as set forth by Land Court Order No. 29820, filed April 7, 1969 to which reference is hereby made.

The developer has advised that Encumbrance No. 1 above, being the reservation of appurtenant rights and easements by Castle & Cooke, Inc., and Encumbrance No. 11, being a mechanics' lien, will be totally released on or before the conveyance of the first apartment to a buyer and that a partial release of the mortgages to Aetna and Castle & Cooke, Inc. will be given in favor of each apartment as it is conveyed to a purchaser.

The documents filed with the Notice of Intention reveal that the developer has reserved the right to grant the State of Hawaii, City and County of Honolulu or any other governmental agencies or any public utility or other corporation easements under such terms and conditions as it shall deem appropriate in any of the easement areas shown on Map 280 filed in the Office of the Registrar of the Land Court of Hawaii with Land Court Application 1000, being the easement areas referred to above, and it further states that each purchaser will be obligated upon request to join in the granting of any such easement.

PURCHASE MONEY HANDLING: A copy of the executed escrow agreement dated May 8, 1969, identifies Bishop Trust Company, Limited, a Hawaii corporation, as the escrow agent. On examination, the specimen, Deposit Receipt and Contract of Sale and executed escrow agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes, and particularly Section 514-14.

It is incumbent upon the purchaser and prospective purchaser that he reads with care the sales agreement and the executed escrow agreement. The latter document, the escrow agreement, establishes how the proceeds from the sale of the apartment spaces and all sums received from any source are placed in trust as well as the retention and disbursement of said trust fund.

MANAGEMENT AND OPERATION: Declarant discloses that the administration of the project shall be vested in the Association of Apartment Owners. The proposed By-Laws empower the Board of Directors to employ a managing agent to manage and control the project, subject to control by the Board. Mililani Town, Inc. is identified as the initial managing agent.

STATUS OF PROJECT: In the Notice of Intention, the developer advised the Commission that it estimated construction would start in July of 1969 and it estimated that the project would be completed in November of 1969.

CONSTRUCTION OF BUILDINGS: The developer stated in the Notice of Intention that the buildings would be constructed by the developer, Liliilani Town, Inc. It anticipates that it will sell all or substantially all apartments to purchasers and such apartments will be conveyed to such purchasers on or before commencement of construction. The developer will post a lien and performance bond with each purchaser and his mortgagee.

The purchaser or prospective purchaser should be cognizant of the fact that this public report represents information disclosed by the developer in the required Notice of Intention Notice of Intention submitted November 25, 1968, and additional information subsequently filed as of May 9, 1969.

This Final Horizontal Property Regime (Condominium) Public Report is made a part of Registration No. 239 filed with the Commission November 25, 1968.

The Report, when reproduced, shall be a true copy of the Commission's Public Report. The paper stock used in making facsimilies must be white.


HERBERT S. ISONAGA, ~~Vice~~ Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII

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Distribution:

DEPARTMENT OF TAXATION
BUREAU OF CONVEYANCES
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FEDERAL HOUSING ADMINISTRATION
ESCROW AGENT

Registration No. 239
May 9, 1969