

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

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

SECOND SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on
AINA KU'AI KAI
40 Kai One Place
Kailua, Oahu, Hawaii

REGISTRATION NO. 267

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

It was prepared as a supplement to an earlier Report dated _____ issued by the Real Estate Commission on the above 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: December 14, 1970
Expires: January 14, 1971

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:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED MARCH 19, 1969, AND INFORMATION SUBSEQUENTLY FILED AS LATE AS DECEMBER 4, 1970. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL AND REPORTING CHANGES IN THE PLAN, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES LAW, CHAPTER 514, HAWAII REVISED STATUTES, AS AMENDED.

1. Since the issuance of the Commission's Final Public Report of August 22, 1969, and Supplementary Public Report of March 9, 1970 on AINA KU'AI KAI Condominium Project, Registration No. 267, the Developer reports that changes have been made in the plan as presented in the March 19, 1969 Notice of Intention to sell. The changes subsequently made are determined to be a material revision to the information disclosed earlier. This Supplementary Public Report (pink paper, stock) amends all former Public Reports becoming a part of the AINA KU'AI KAI registration. The Developer is responsible for placing a true copy of this Supplementary Public Report in the hands of all purchasers and prospective purchasers, along with a copy of the Final Public Report and Supplementary Public Report dated March 9, 1970. The buyer shall sign the required receipt certifying that he has had an opportunity to read all reports.

2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for registration of the project and the updating of information disclosed therein.
3. The purchaser and prospective purchaser is advised to acquaint himself with the provisions of Chapter 514, Hawaii Revised Statutes, as amended, and the Condominium Rules and Regulations promulgated thereunder which relate to Horizontal Property Regimes.

The information in the topical headings NAME OF PROJECT, LOCATION, TAX KEY, ZONING, DEVELOPER and ATTORNEY REPRESENTING DEVELOPER of the Final Public Report dated August 22, 1969 and the Supplementary Public Report dated March 9, 1970, has not been disturbed.

DESCRIPTION: According to the plan, six (6) separate residences, numbered #1, #2, #4, #5, #6 and #7, have been constructed and are designated on the floor plans as "House Plan No. 2," "House Plan No. 3" and "House Plan No. 4." Each dwelling contains the number of rooms and approximate floor area according to its respective floor plan, as follows:

- (a) HOUSE PLAN NO. 2: Two (2) dwellings, being units #2 and #4, contain twelve (12) rooms each, including five (5) bedrooms, three (3) bathrooms, an attached enclosed garage and an arcade. The total floor area of each of these dwellings is 2,825 square feet, including the garage area of 440 square feet and the arcade area of 145 square feet.
- (b) HOUSE PLAN NO. 3: Three (3) dwellings, being units #5, #6 and #7, are two-story structures and contain thirteen and one-half (13-1/2) rooms each, including five (5) bedrooms, three and one-half (3-1/2) bathrooms and an attached enclosed garage-storage area. The total floor area of each of these dwellings is 2,880 square feet, including the garage-storage area of 460 square feet.
- (c) HOUSE PLAN NO. 4: One (1) dwelling, being unit #1, contains nine (9) rooms, including four (4) bedrooms, two (2) bathrooms and a detached double carport. The total floor area is approximately 3,272 square feet, including the carport of approximately 480 square feet.

Each dwelling has immediate access to the adjacent grounds and driveway of the project, all as more particularly shown on said Condominium Map No. 78.

The reservation, contained in the Fourth Amendment to the Declaration, wherein the Owner-Developer reserved the right to later designate a limited common element for a dwelling site and construct thereon an additional dwelling unit, has been deleted by the Fifth Amendment to the Declaration of Horizontal Property Regime dated November 23, 1970 and filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 520004.

There is no change in the information contained in the topical heading COMMON ELEMENTS contained in the Final Public Report, except that the Fifth Amendment to Declaration mentioned above deletes certain parcels of land from the common elements, being more particularly described as follows:

"An undivided one-eighth (1/8th) interest in and to LOT 25-E, area 894.0 square feet, as shown on Map 30, and LOT 26-E, area 896.0 square feet, as shown on Map 31, and an undivided two-sixteenths (2/16ths) interest in and to LOT 25-F, area 6,458.0 square feet, as shown on Map 30, and LOT 26-F, area 6,458.0 square feet, as shown on Map 31, of Land Court Application No. 323.

"Being a portion of the land described in Transfer Certificate of Title No. 127,254 issued to R. S. ELLSWORTH, INC."

LIMITED COMMON ELEMENTS: Certain parts of the common elements, called "limited common elements," are designated and set aside for the exclusive use of certain dwellings, and such dwellings shall have appurtenant thereto an exclusive easement

for the use of such limited common elements. The limited common elements so set aside and reserved include, but are not limited to all items set forth in said Condominium Map No. 78 as limited common elements and are as follows:

(a) The site of each dwelling, consisting of the land beneath such dwelling, together with the driveway leading thereto and the area of land adjacent to each dwelling (except Dwelling #5) enclosed by a fence as shown on said Condominium Map No. 78, shall be appurtenant to and for the exclusive use of such dwelling.

(b) The swimming pool shall be appurtenant to and for the exclusive use of Dwelling #1.

The information contained in the topical heading INTEREST TO BE CONVEYED TO PURCHASER, as contained in the Supplementary Public Report dated March 9, 1970, has not been disturbed, except that the Owner-Developer's option to add an additional unit and reduce the percentage interest has been deleted.

The information contained in the topical headings PURPOSE OF DWELLINGS AND RESTRICTIONS AS TO USE and OWNERSHIP TO TITLE of the Final Public Report has not been disturbed.

ENCUMBRANCES AGAINST TITLE: The Fifth Amendment to Declaration, as mentioned above, deleted certain parcels of land from the common elements and consequently, as disclosed by Security Title Corporation Lien Letter Report dated November 25, 1970, the encumbrances against the title have been changed to being limited to the following:

1. As to Lot 24-B Only:

(a) An easement for a common driveway, together with a right-of-way for all purposes and with or without vehicles, over and across said Lot 24-B, in favor of Lots 23-A, 23-B, 23-C and 23-D, as granted by instrument dated June 21, 1957, filed as Document No. 205047.

(b) A perpetual easement for any and all purposes over and across Lot 24-B, in favor of Lot 271, as set forth in that certain Deed dated November 13, 1963, filed as Document No. 319609.

(c) Judgment and Final Order of Condemnation, Civil No. 12751, in favor of the City and County of Honolulu dated December 20, 1963, filed as Document No. 323181, regarding easement for sanitary sewer purposes over and across Lot 24-B.

(d) Grant dated March 29, 1966, filed as Document No. 387421, in favor of Hawaiian Electric Company, Inc. and Hawaiian Telephone Company, granting easement for utilities over Lot 24-B.

(The Developer advises that said Grant dated March 29, 1966 is subject to the following assignments:

(1) Document No. 387423 -- Assignment to Hawaiian Trust Company, Ltd., Trustee, dated March 30, 1966, as security to Trust Mortgage Document No. 45945, as amended, being the interest of Hawaiian Electric Company, Inc. in said Grant Document No. 387421.

(2) Document No. 387424 -- Assignment to Hawaiian Trust Company, Ltd., Trustee, dated April 11, 1966, as security to Trust Mortgage Document No. 56356, as amended, being the interest of Hawaiian Telephone Company in said Grant Document No. 387421.

2. As to Lot 308 Only:

(a) The effect of the decision by the Supreme Court of the State of Hawaii in the case of Application of Ashford (1968) 50H. 314, 440 P. 2d. 76.

(b) Designation of Easement X over and across Lot 308, as shown on Maps 142, 160 and 165, as set forth by Land Court Order No. 23109, filed August 20, 1964.

3. As to Both Lots:

(a) A right-of-way for all purposes and with or without vehicles over and across Lot 24-B, in favor of Lot 272, and a right-of-way as a foot path to and from the sea over and across Easement X over Lot 308, in favor of Lot 272, as set forth in that certain Deed dated September 15, 1964, filed as Document No. 342037.

(b) Mortgage dated February 20, 1969, filed as Document No. 467011, made by R. S. Ellsworth, Inc., as Mortgagor, to Bank of Hawaii, as Mortgagee.

(c) Condominium Map No. 78 showing lay-out, location, etc., as set forth by Land Court Order No. 30055, filed May 15, 1969, as amended by Land Court Orders Nos. 30125, 30279 and 31355, filed May 28, 1969, July 9, 1969 and February 26, 1970, respectively, and as further amended by Land Court Order No. 31355.

(d) The covenants, agreements, obligations, conditions and other provisions as set forth in that certain Declaration of Horizontal Property Regime dated May 13, 1969, filed as Document No. 473325, and the By-Laws attached thereto. By instruments dated May 23, 1969, July 8, 1969, November 13, 1969, February 25, 1970 and November 23, 1970, filed as Documents Nos. 474420, 477886, 488728, 495619, and 520004, respectively, the foregoing Declaration was amended.

(e) Undated Financing Statement recorded on March 17, 1970, in Book 6928, Page 436, from R. S. Ellsworth, Inc. to Bank of Hawaii.

(f) Second Real Estate Mortgage and Financing Statement dated March 11, 1970, filed as Document No. 496907, made by R. S. Ellsworth, Inc., as Mortgagor, to Bank of Hawaii, as Mortgagee.

(g) Grant dated November 12, 1970, filed as Document No. 519769, in favor of the City and County of Honolulu, granting a perpetual right and easement to construct, install, maintain, etc. an underground water pipeline or pipelines, together with such meters, fire hydrants and other equipment, over, under, across and through Lots 308 and 24-B. Consent thereto filed as Document No. 519769-A.

(h) Taxes for the Fiscal Year 1970-1971 in an amount not yet determined constitute a lien upon the parcels of land.

(The Owner-Developer states that upon grant or Agreement of Sale to the purchaser, the above mentioned mortgages will be released with respect to the unit conveyed)

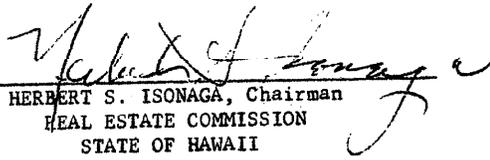
There is no change in the information contained in the Final Public Report to the topical headings PURCHASE MONEY HANDLING and MANAGEMENT AND OPERATIONS.

STATUS OF THE PROJECT: The declarant states that construction has been completed.

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 March 19, 1969 and information subsequently filed as late as December 4, 1970.

This SECOND SUPPLEMENTAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT
is made a part of REGISTRATION NO. 267 filed with the Commission on March 19, 1969.

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


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

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Distribution:

DEPARTMENT OF TAXATION
BUREAU OF CONVEYANCES
PLANNING DEPARTMENT, CITY AND COUNTY OF HONOLULU
FEDERAL HOUSING ADMINISTRATION
ESCROW AGENT

Registration No. 267
December 14, 1970

