

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. 2
Honolulu, Hawaii

REGISTRATION NO. 285

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: July 25, 1969
Expires: August 25, 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 MAY 23, 1969 AND ADDITIONAL INFORMATION SUBSEQUENTLY SUBMITTED BY THE DEVELOPER AS OF JULY 23, 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. 2, is a proposed fee simple condominium containing town houses and patio houses (each being herein sometimes called an apartment) and consists of fifty-eight (58) apartments arranged throughout twelve (12) 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.

3. Advertising and promotional material has been submitted to the Commission.
4. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514, Hawaii Revised Statutes, and the Condominium Rules and Regulations which relate to a Horizontal Property Regime.
5. This Final Public Report is made a part of the registration on Mililani Garden Homes, Unit No. 2 condominium project. The Developer is responsible for placing this Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers. Securing a signed copy of the Receipt for the Final Horizontal Property Regime Public Report from each purchaser and prospective purchaser is also the responsibility of the Developer.
6. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of the condominium project and the issuance of this Final Public Report.
7. The Developer reports that the basic documents (Declaration of Horizontal Property Regime, with By-Laws of the Association of Apartment Owners attached, and a copy of the approved Floor Plans) have been filed in the office of the recording officer. Said Declaration and By-Laws are recorded as Land Court Document No. 474352 and noted on Transfer Certificate of Title No. 126,081.
8. This Final Public Report expires thirteen (13) months from the date of issuance, unless a supplementary report is published or the Commission, upon review of the registration, issues an order extending the effective period of this report.

NAME OF PROJECT: MILILANI GARDEN HOMES, UNIT NO. 2

LOCATION: In Mililani Town off Kamehameha Highway between Pearl City and Wahiawa, Oahu, Hawaii.

TAX KEY: 9-5-01 portion 39

ZONING: A-1 Apartment District

DEVELOPER: MILILANI TOWN, INC., 401 Kamakee Street, Honolulu, Hawaii.

Directors

W. G. Haight
Stanley Baird
Stanley Rosch
H. B. Clark, Jr.
R. A. Minckler
H. F. Mosher
J. K. Palk
C. J. Pietsch, Jr.
Duane Newton

Alternates

George DeBacker
R. Y. Tsuyemura
David Zundel
Robert S. Gordon

Officers

Warren Haight, President
George DeBacker, Vice President
and General Manager
George Yim, Vice President-Secretary
R. E. Mott-Smith, Controller
R. A. Minckler, Treasurer
J. K. Palk, Assistant Secretary

ATTORNEY REPRESENTING DEVELOPER: JENKS, KIDWELL, GOODSILL & ANDERSON (Attention: Walter E. Bliss), 16th Floor, Castle & Cooke Building, Financial Plaza of the Pacific, Honolulu, Hawaii. Phone 531-5066.

DESCRIPTION: There will be 12 buildings, each building containing two or more apartments. Each building shall be constructed primarily of concrete, hollow tile and wood. The buildings are appropriately spaced throughout the 298,013.0 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 in Sq. Ft.</u>	<u>Apartment Space Area in Sq. Ft.</u>	<u>Number of Rooms</u>
140	2625	1634	11
141	2625	1523	10
142	3538	1227	8
143	3538	1319	8
144	2625	1528	10
145	2625	1634	11
146	2625	1528	10
147	3538	1319	8
148	3538	1227	8
149	3538	1319	8
150	3538	1227	8
151	3538	1319	8
152	3538	1227	8
153	3538	1319	8
154	3538	1319	8
155	3538	1227	8
156	3538	1319	8
157	3538	1227	8
158	3538	1319	8
159	3538	1227	8
160	3758	1319	8
161	4529	1319	8
162	3538	1227	8
163	3538	1319	8
164	2625	1634	11
165	2625	1634	11
166	3538	1319	8
167	3538	1319	8
168	3538	1227	8
169	3538	1319	8
170	2625	1528	10
171	2625	1528	10
172	3538	1319	8
173	3538	1319	8
174	3538	1227	8
175	3538	1319	8
176	2712	1528	10
177	2691	1528	10
178	2758	1528	10
179	2677	1528	10
180	2625	1634	11
181	2625	1634	11
182	2625	1528	10
183	2625	1528	10
184	2625	1528	10
185	2625	1634	11
186	2625	1634	11
187	2722	1528	10
188	2684	1528	10

(Cont'd.)

<u>Apartment Space No.</u>	<u>Homesite Area in Sq. Ft.</u>	<u>Apartment Space Area in Sq. Ft.</u>	<u>Number of Rooms</u>
189	2625	1528	10
190	2625	1634	11
191	2625	1634	11
192	2625	1528	10
193	2684	1528	10
194	2625	1528	10
195	2625	1528	10
196	2625	1634	11
197	2625	1528	10

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; and (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 293,013.0 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 1/58th 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 a private dwelling for the owner, his family, tenants and social guests and such other purposes as are permitted by 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 474351.

OWNERSHIP OF TITLE: The Notice of Intention states that the ownership of title is vested in Mililani Town, Inc. The title report dated May 26, 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 May 26, 1969 prepared by Title Guaranty of Hawaii, Incorporated reveals the following encumbrances against the land: (1) Reservation in favor of Castle & Cooke, Inc., of nonexclusive, appurtenant rights and easements reasonably convenient for access, drainage, water and utilities over, across, along, upon and under Lot 2780, as set forth in Deed dated October 2, 1967 and filed as Document No. 427939; (2) A Mortgage made by Mililani Town, Inc., to Aetna Life Insurance Company dated October 2, 1967 and filed as Document No. 427991; (3) A Mortgage made by Mililani Town, Inc., to Castle & Cooke, Inc., dated October 2, 1967 and filed as Document No. 427993; (4) Designation of Easements 537, 557, 562, 574 and 575, as shown on maps 264 and 280, as set forth by Land Court Order No. 28669, filed June 25, 1968; (5) Easement 607 is subject to right of way in favor of Lot 2431; subject to termination on conveyance to the City and County of Honolulu or State of Hawaii, as set forth by Land Court Order No. 28665, filed June 25, 1968; (6) Easement 607 is subject to right of way in favor of Lot 2130-B-2-A; subject to termination on conveyance to State of Hawaii or City and County of Honolulu, as set forth by Land Court Order No. 28669 filed June 25, 1968; (7) Designation of Easements 578, 579, 580, 584 and 587 and Redesignation of Easement 557 for Pedestrian Walkway and Communication Purposes as shown on maps 271 and 280, as set forth by Land Court Order No. 29029, filed September 25, 1968; (8) A Right of Way over Easement 607 in favor of Lots 2130-B-1 and 2137, as granted by Deed dated September 25, 1968 and filed as Document No. 458752, subject to termination on conveyance of said easement to the City and County of Honolulu or the State of Hawaii; (9) A grant of easement in favor of the City and County of Honolulu for drainage over Easements 537, 562, 574 and 575, dated September 3, 1968 and filed as Document No. 467030; (10) A Grant of easement in favor of the City and County of Honolulu for sewer over Easements 537, 574 and 575, dated September 3, 1968 and filed as Document No. 467031; (11) A Notice of Mechanics' and Materialmen's Lien, M.L. No. 2113, in favor of Harold H. Morimoto, doing business as Aloha Welding Co., amount of claim for labor and materials furnished \$2,452.20 on Lot 2780, dated January 21, 1969 and filed as Document No. 464596; and (12) Designation of Easement 607, 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 27, 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.

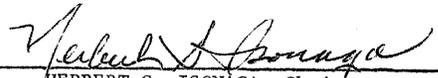
STATUS OF PROJECT: In the Notice of Intention, the developer advised the Commission that it estimated construction would start in August of 1969 and it estimated that the project would be completed in December of 1969.

CONSTRUCTION OF BUILDINGS: The developer stated in the Notice of Intention that the buildings would be constructed by the developer, Mililani 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 submitted May 23, 1969 and additional information subsequently filed as of July 23, 1969.

This Final Horizontal Property Regime (Condominium) Public Report is made a part of Registration No. 285 filed with the Commission May 23, 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 white.


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

REB:va

Distribution:

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

July 25, 1969
Registration No. 285