

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII
1010 HICHAMUS STREET
P. O. BOX 3469
HONOLULU, HAWAII 96801

FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on
TROPICANA VILLAGE-AIEA, PHASES 2 & 3
Kaonohi Ridge
Honolulu, Hawaii

REGISTRATION NO. 315

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: March 16, 1970
Expires: April 16, 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:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED DECEMBER 17, 1969 AND SUBSEQUENTLY FILED AS LATE AS FEBRUARY 24, 1970. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES LAW, HAWAII REVISED STATUTES, CHAPTER 514.

1. The Developer has complied with Section 514-15, Hawaii Revised Statutes, and has fulfilled the requirements for the issuance of a Final Public Report prior to completion of construction.
2. TROPICANA VILLAGE-AIEA, PHASES 2 & 3 is a proposed leasehold town house condominium project consisting of one hundred twelve (112) dwelling units arranged throughout thirty-two (32) detached buildings of one or two floors each. Each apartment has the exclusive use of two parking stalls except Apartments 54-1, 54-2, 54-3 and 54-4, each of which has the use of only one parking stall. The developer has pointed out that some of the parking stalls are narrower than the standard parking stall, and in particular, the two parking stalls in the Type L Buildings have a combined width of 15 feet 2 inches.

3. Advertising and promotional matter has not been submitted.
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 Horizontal Property Regime.
5. This Final Public Report is made a part of the registration on the TROPICANA VILLAGE-AIEA, PHASES 2 & 3 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 of 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 starting at Book 6790 at page 69 of the Bureau of Conveyances. The Floor Plans have been filed in the Bureau of Conveyances as Condominium Map No. 155.
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: TROPICANA VILLAGE-AIEA, PHASES 2 & 3

LOCATION: The 349, 454 square feet of land committed to the project is situated at the intersection of Kaonohi Street and the proposed Interstate Highway, Kaonohi Ridge, Honolulu, Hawaii, being Lot 1 as shown on File Plan 1131, and Lot 1 as shown on File Plan 1132.

TAX KEY: First Division - 9-8-40-3, 9-8-40-4, 9-8-11-3, 9-8-40-2.

ZONING: Apartment District B.

DEVELOPER: AMFAC-TROUSDALE-WARFORD, a joint venture consisting of AMFAC, Inc., Lear Siegler, Inc./Trousdale Division, and Warford Bros., Inc.

ATTORNEY REPRESENTING DEVELOPER: Jenks, Kidwell, Goodsill & Anderson (Attention: Walter E. Bliss, Esq.), 16th Floor, Castle & Cooke Building, Financial Plaza of the Pacific, Honolulu, Hawaii, Telephone No. 531-5066.

DESCRIPTION: The project contains one hundred twelve (112) apartments situated in thirty-two (32) buildings, constructed principally of reinforced concrete slabs, concrete hollow-tile, stucco facings and wood-frame walls and shake roofs and designated as Buildings 23 to 44, inclusive, and 47 to 56, inclusive, which apartments are designated on Condominium Map No. 155, herein sometimes called "plans", and described as follows:

- (a) (i) In addition to apartment numbers, building number and building type, all apartments are further identified by said plans and herein called either "typical" or "alternate". All apartments with basements are so identified and called "typical", and all apartments without basements are so identified and called "alternate". Any apartment (either typical or alternate) further identified by said plans and herein called "reverse" is an apartment with the usual layout of rooms reversed.
- (ii) Ten (10) two-bedroom apartments, each utilizing plans identified as Floor Plan Unit Type K containing six (6) rooms and gross floor area of approximately 1,008 square feet, are located in three (3) two-story buildings, with two (2) apartments in the 2-apartment Building Type Y

building and four apartments in each of two (2) apartment Building Type Z buildings, and numbered as follows:

<u>Apartment No.</u>	<u>Building No.</u>	<u>Building Type</u>
43-1, 43-2, 43-3 and 43-4	43	Z
54-1, 54-2, 54-3 and 54-4	54	Z
55-1 and 55-2	55	Y

All of the apartments are alternate types.

(iii) Thirty (30) two-bedroom apartments, each utilizing plans identified as Floor Plan Unit Type L containing six (6) rooms and gross floor area of approximately 955 square feet, are located in ten (10) two-story buildings, with four (4) apartments located in each of the five (5) 4-apartment Building Type R buildings and one (1) apartment at each end in each of the five (5) 4-apartment Building Type O buildings, and numbered as follows:

<u>Apartment No.</u>	<u>Building No.</u>	<u>Building Type</u>
23-1 and 23-4	23	O
25-1 and 25-4	25	O
28-1 and 28-4	28	O
31-1, 31-2, 31-3 and 31-4	31	R
34-1, 34-2, 34-3 and 34-4	34	R
35-1, 35-2, 35-3 and 35-4	35	R
42-1, 42-2, 42-3 and 42-4	42	R
48-1 and 48-4	48	O
52-1, 52-2, 52-3 and 52-4	52	R
53-1 and 53-4	53	O

Apartments 28-1, 31-1, 31-3, 35-1, 35-3, 42-1, and 42-3 are alternate-reverse types. Apartments 25-1, 34-1, 34-3, 48-1, 52-1, 52-3 and 53-1 are typical types. Apartments 23-4, 25-4, 34-2, 34-4, 48-4, 52-2, 52-4 and 53-4 are typical reverse types. Apartments 23-1, 28-4, 31-2, 31-4, 35-2, 35-4, 42-2 and 42-4 are alternate types.

(iv) Seventy-two (72) three-bedroom apartments, each utilizing plans identified as Floor Plan Unit Type M containing nine (9) rooms and a gross area of approximately 1,361 square feet, are located in twenty-four (24) two-story buildings, with four (4) apartments in each of the twelve (12) 4-apartment Building Type U buildings; two apartments in each of the seven (7) 2-apartment Building Type Q buildings, and two (2) apartments comprising the center units in each of the five (5) 4-apartment Building Type O buildings, and numbered as follows:

<u>Apartment No.</u>	<u>Building No.</u>	<u>Building Type</u>
23-2 and 23-3	23	O
24-1 and 24-2	24	Q
25-2 and 25-3	25	O
26-1, 26-2, 26-3 and 26-4	26	U
27-1 and 27-2	27	Q
28-2 and 28-3	28	O
29-1, 29-2, 29-3 and 29-4	29	U
30-1, 30-2, 30-3 and 30-4	30	U
32-1, 32-2, 32-3 and 32-4	32	U
33-1, 33-2, 33-3 and 33-4	33	U
36-1 and 36-2	36	Q
37-1, 37-2, 37-3 and 37-4	37	U
38-1, 38-2, 38-3 and 38-4	38	U
39-1 and 39-2	39	Q
40-1 and 40-2	40	Q
41-1, 41-2, 41-3 and 41-4	41	U
44-1 and 44-2	44	Q
47-1, 47-2, 47-3 and 47-4	47	U
48-2 and 48-3	48	O
49-1, 49-2, 49-3 and 49-4	49	U

<u>Apartment No.</u>	<u>Building No.</u>	<u>Building Type</u>
50-1 and 50-2	50	Q
51-1, 51-2, 51-3 and 51-4	51	U
53-2 and 53-3	53	O
56-1, 56-2, 56-3 and 56-4	56	U

Apartments 23-2, 24-2, 26-3, 26-4, 28-3, 29-3, 29-4, 33-3, 33-4, 36-2, 37-3, 37-4, 39-2, 40-2, 41-1 and 41-2 are alternate types. Apartments 24-1, 26-1, 26-2, 28-2, 29-1, 29-2, 33-1, 33-2, 36-1, 37-1, 37-2, 39-1, 40-1, 41-3 and 41-4 are alternate-reverse types. Apartments 23-3, 25-2, 27-1, 30-1, 30-2, 32-1, 32-2, 38-1, 38-2, 44-1, 47-1, 47-2, 48-2, 49-1, 49-2, 50-1, 51-1, 51-2, 53-2, 56-1 and 56-2 are typical types. Apartments 25-3, 27-2, 30-3, 30-4, 32-3, 32-4, 38-3, 38-4, 44-2, 47-3, 47-4, 48-3, 49-3, 49-4, 50-2, 51-3, 51-4, 53-3, 56-3 and 56-4 are typical-reverse types.

(b) Each apartment has immediate access to the entry or entries appurtenant to such apartment and walkways connecting to the street entrances and parking areas of the project.

(c) The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or interior load-bearing walls, the floors and ceilings surrounding each apartment or any pipes, wires, conduits or other utility or service lines running through such apartment which are utilized for or serve more than one apartment, the same being deemed common elements as hereinafter provided. Each apartment shall be deemed to include all the walls and partitions which are not load-bearing within its perimeter walls, the inner decorated or finished surfaces of all walls, floors and ceilings, and all fixtures originally installed therein, including built-in range-oven, water heater, garbage disposer, range hood and dishwasher (Floor Plan Unit Type K only to include, in addition to above, washer-dryer.)

COMMON ELEMENTS: One freehold estate is designated in all remaining portions and appurtenances of the project, herein called the "common elements", including specifically but not limited to:

(a) Said land in fee simple.

(b) All foundations, floor slabs, columns, girders, beams, supports, unfinished perimeter and load-bearing walls, chases, entries and roofs of said buildings.

(c) All yards, grounds, landscaping, the swimming pool and other recreational facilities, all refuse facilities, mail boxes and patio slabs.

(d) All parking areas and spaces, driveways and walkways.

(e) All ducts, electrical equipment, wiring, pipes and other central and appurtenant transmission facilities and installations over, under and across the project which serve more than one apartment for services such as power, light, water, gas, sewer and telephone.

(f) Any and all other apparatus and installations of common use and all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

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

(a) Not less than two automobile parking spaces shall be appurtenant to each apartment, except apartment numbers 54-1 to 54-4, inclusive, which will have one parking space only for each apartment, upon the original conveyance thereof and shall be for the exclusive use of such apartment. Those parking spaces designated on said Condominium File Plan by numbers shall be appurtenant to each alternate type apartment of the same number, and each typical apartment shall have appurtenant parking spaces within

the basement beneath their respective apartments.

(b) The entry or entries of each apartment, refuse container and the patio slab shall be appurtenant to and for the exclusive use of such apartment.

(c) All other common elements of the project which are rationally related to less than all of said apartments or buildings shall be limited to the use of such apartments or buildings.

COMMON INTEREST: Each apartment shall have appurtenant thereto an undivided 1/112 fractional interest (0.89+ percentage interest) in all common elements of the project (herein called the "common interest") and the same proportionate share in all common profits and expenses of the project and for all other purposes including voting.

EASEMENTS: In addition to any easements herein designated in the limited common elements, the apartments and common elements shall have and be subject to the following easements:

1. Each apartment shall have appurtenant thereto nonexclusive easements in the common elements designed for such purposes for ingress to, egress from, utility services for and support of such apartment; in the other common elements for use according to their respective purposes, subject always to the exclusive or limited use of the limited common elements as herein provided; and in all other apartments of the building for support.

2. If any part of the common elements encroaches upon any apartment or limited common element, a valid easement for such encroachment and the maintenance thereof, so long as it continues, shall and does exist. In the event any buildings of the project shall be partially or totally destroyed and then rebuilt, minor encroachments of any parts of the common elements due to such construction shall be permitted, and valid easements for such encroachments and the maintenance thereof shall exist.

PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE: The apartments shall 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 purpose. The apartments shall not be rented for transient or hotel purposes, which are defined as (a) rental for any period less than 30 days, or (b) any rental in which the occupants of the apartment are provided customary hotel services such as room service for food and beverage, maid service, laundry and linen or bellboy service. Except for such transient or hotel purposes the owners of the respective apartments shall have the absolute right to lease such apartments subject to all provisions of the Declaration.

OWNERSHIP TO TITLE: The Notice of Intention states the ownership to title is vested in the Trustees Under the Will and of the Estate of Bernice Pauahi Bishop, deceased. The title evidence report prepared December 3, 1969 by Security Title Corporation, a Hawaii corporation, verifies that the vestee is as designated above.

ENCUMBRANCES AGAINST TITLE:

1. Lease No. 16,910 from the Trustees of the Estate of Bernice Pauahi Bishop, as Lessors, to Central Oahu Land Corporation, a Hawaii Corporation, and Trousdale Construction Company, a California Corporation, which corporations are associated in a joint venture known as Central-Trousdale, as Lessees, dated November 7, 1967 and recorded in the Bureau of Conveyances of Hawaii in Liber 6790 at page 111. Term: 27 years from June 1, 1969.

2. Real property taxes for the first and second half of fiscal year 1969-1970. Title report shows these have not been paid but that the posting by the Tax Office has not been completed. Upon completion, it may be revealed that the taxes have been paid for the first half.

(Tax Keys: 9-8-40-3 - Area Assessed: 64,718 square feet
(as to Lot 1 of File Plan 1131)

9-8-40-4 - Area Assessed: 138,073 square feet
(as to Lot 1 of File Plan 1131)

9-8-11-3 - (portion)
(as to Lot 1 of File Plan 1131)

9-8-40-2 - Area Assessed: 104,422 square feet
(as to Lot 1 of File Plan 1132)

3. Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent No. 1963.

4. Designation of the following easements:

a. Easements 1 and 2 for Electrical and Telephone purposes as delineated on File Plan 1131.

b. Easements 1 and 2 for Electrical and Telephone purposes as delineated on File Plan 1132.

5. Agreement dated December 27, 1967, recorded in Liber 5916 at page 1. Central Oahu Land Corporation, et al. - re nonexclusive easements over "Francis Ii Brown Golf Course".

6. Grant dated September 11, 1968, recorded on September 24, 1968, in said Bureau of Conveyances in Book 6232 at page 62, in favor of Hawaiian Electric Company, Inc., a Hawaii corporation, granting a perpetual right and easement to build, etc., underground lines and vaults, etc. for the transmission and distribution of electricity, etc. across, through and under Easement 46 within Lot 86 of File Plan 1060 (Lot 86 of File Plan 1060 is now portion of Lot 1 of File Plan 1131). (Also affects other property.)

"RESERVING, HOWEVER, to the Grantors and their tenants full use of the land within the said right of way easement except for the areas actually occupied by the vaults, conduits, and other appliances and equipment of the Grantee, such reserved right to be used in such manner as not to interfere with said lines and appurtenances", as reserved in said Grant made by Trustees under the Will and of the Estate of Bernice P. Bishop, deceased, as Grantors, and said Hawaiian Electric Company, Inc., as Grantee.

7. By mesne assignments the Development Rights to the land are presently vested in AMFAC, Inc., Trousdale Construction Company and Warford Bros., Inc., associated as a joint venture under the name of AMFAC-TROUSDALE-WARFORD. Said Development Rights were mortgaged to First National Bank of Hawaii, now known as First Hawaiian Bank, by instrument dated July 23, 1968 and recorded in Liber 6397 at page 113. An additional charge mortgage to First Hawaiian Bank filed in Liber 6725 at page 17, dated September 10, 1969.

8. Condominium File Plan No. 155, filed in the Bureau of Conveyances, State of Hawaii, on December 2, 1969.

9. The restrictions, covenants and conditions set forth in the Declaration of Horizontal Property Regime, Tropicana Village Aiea, Phases 2 and 3, dated November 26, 1969, recorded December 2, 1969, in the Bureau of Conveyances, State of Hawaii, in Book 6790 Page 69, and the By-Laws attached thereto.

PURCHASE MONEY HANDLING. A copy of the Executed Escrow Agreement, made December 8, 1969, identifies First Hawaiian Bank, a Hawaii banking corporation, as the Escrow Agent. On examination the specimen Sales Agreement and executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes, and particularly Section 514-15.

The Developer has submitted a notarized statement of the total estimated cost of completing the project. By letter dated June 13, 1969, Developer has a written commitment from the First Hawaiian Bank for a construction loan, which

amount is sufficient to cover the total estimated cost of completing the project.

No construction contract has been submitted inasmuch as Developer will act as the general contractor. Developer has acquired a Contract Bond dated February 13, 1970 from General Insurance Company of America, a Washington corporation, as Surety, in an amount exceeding Developer's estimated cost of construction of buildings. Developer estimates that construction of buildings will be completed in February 1971.

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, Escrow Agreement establishes how the proceeds from the sale of apartments and all sums received from any source are placed in trust, as well as the retention and disbursement of said trust funds.

Among other provisions, the specimen Sales Contract states: "In the event leases on less than eighty percent (80%) of the apartments in the project are sold prior to June 30, 1970, Seller may at its option cancel this contract, in which event Seller will cause Escrow Agent to refund to Buyer all moneys paid, without interest, and thereupon Seller shall be relieved and released of all further liabilities hereunder." It further states: "If said apartment is not completed and ready for occupancy on or before July 1, 1971, the obligations of both Buyer and Seller hereunder shall terminate and all sums paid by Buyer hereunder shall be refunded without interest."

APARTMENT LEASES: The Developer has advised that it will sell to prospective purchasers leases on the apartments which have a term of approximately fifty-five (55) years from the date the apartments are ready for occupancy. Each lease will be executed by the Trustees under the Will and of the Estate of Bernice Pauahi Bishop, deceased, and Central Oahu Land Corporation and Trousdale Construction Company, doing business as Central-Trousdale, a joint venture. At the time these leases are issued, the apartments covered by the leases will be released from the mortgage from Amfac-Trousdale-Warford to First Hawaiian Bank.

MANAGEMENT AND OPERATIONS: The Declarant discloses that the administration of the project shall be vested in the Association of Apartment Owners. The proposed By-Laws of the Association place the responsibility of employing a responsible Hawaii corporation as Managing Agent to manage and control the project, subject at all times to direction by the Board. A proposed agreement has been submitted as part of the registration and First Hawaiian Bank is identified as the Managing Agent.

STATUS OF PROJECT: In the Notice of Intention, the Developer advised the Commission that in September 1969 construction of the buildings commenced. It is estimated that the buildings will be completed in February 1971. The Developer, AMFAC-TROUSDALE-WARFORD, is constructing the buildings.

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 December 17, 1969, and additional information subsequently filed as late as February 24, 1970.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 315 filed with the Commission December 17, 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.

REB:bym

Distribution:
DEPARTMENT OF TAXATION
BUREAU OF CONVEYANCES
PLANNING DEPARTMENT, CITY & COUNTY OF HONOLULU
FEDERAL HOUSING ADMINISTRATION
ESCROW AGENT


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

Registration No. 315
March 16, 1970

