

REAL ESTATE COMMISSION
PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES
STATE OF HAWAII
1010 RICHARDS STREET
P. O. BOX 3469
HONOLULU, HAWAII 96801

SUPPLEMENTARY
HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)
PUBLIC REPORT

THE VILLA ON EATON SQUARE
400 and 444 Hobron Lane
Honolulu, Hawaii

REGISTRATION NO. 394

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

It was prepared as a supplement to an earlier Report dated September 24, 1971 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: November 2, 1973
Expires: December 2, 1974

SPECIAL ATTENTION

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

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED JULY 8, 1971. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL AND SUBMITTING INFORMATION AND DATA ON MATERIAL CHANGES IN THE PROJECT, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT SET FORTH IN CHAPTER 514, HAWAII REVISED STATUTES.

1. Since the issuance of the Commission's Final Public Report dated September 24, 1971, as extended to January 24, 1974, the Developer reports that changes have been made in the information which was presented in the Final Public Report.

This Supplementary Public Report is made a part of the registration of The Villa on Eaton Square condominium project, and the Developer is held responsible for placing a true copy of this Supplementary Public Report (pink paper stock) in the hands of all purchasers who had received the Preliminary and Final Public Reports and all purchasers subsequent to the date of issuance of said Preliminary and Final Public Reports. It is also the responsibility of the Developer to obtain the required receipt signifying that the purchaser has had an opportunity to read this report.

2. The basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owners, and a copy of the approved Floor Plans) have been filed in the office of the recording officer.

The Declaration of Horizontal Property Regime, together with the By-Laws of Association of Apartment Owners attached thereto, was filed in the Office of the Assistant Registrar, Land Court, State of Hawaii, as Document No. 549326 and Condominium Map No. 117 has been designated.

The First Amendment of the Declaration of Horizontal Property Regime was filed as Document No. 655530.

3. Advertising or promotional matter has been submitted pursuant to the rules and regulations promulgated by the Real Estate Commission.
4. This Supplementary Public Report automatically expires thirteen (13) months after date of issuance, November 2, 1973, unless another Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the effective period of this report.
5. Purchasers are advised to acquaint themselves with the provisions of Chapter 514, Hawaii Revised Statutes, and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.

Only the following information has been altered, and only to the extent indicated below. Otherwise, the information given in the Preliminary and Final Public Reports still applies.

DESCRIPTION:

I. ADDITIONAL RESIDENTIAL UNIT NO. 3707

The Developer advises that the Declaration of Horizontal Property Regime and the condominium map have been amended to delete the loft space on the 37th floor of the main building of the project, and substitute in place of said loft space a new condominium unit, numbered 3707. A .4005 common interest in the common elements of

the project has been allocated to said new unit, and the common interest appurtenant to all other residential units in the project have been altered proportionately to the following:

<u>Apartment Number</u>	<u>Common Interest</u>
3707	.4005
601 through 3701 inclusive	.2030
603 through 3703 inclusive	.1850
605 through 3705 inclusive	.1850
607 through 3607 inclusive	.1850
609 through 3609 inclusive	.1850
611 through 3611 inclusive	.1850
615 through 3615 inclusive	.1885
602 through 3702 inclusive	.1725
604 through 3704 inclusive	.1255
606 through 3706 inclusive	.1255
608	.1492
708 through 3608 inclusive	.1581
710 through 3610 inclusive	.1581
612 through 3612 inclusive	.1581
614 through 3614 inclusive	.1611

In said amendment, the Developer has reserved the right, in favor of the owner of said new unit, to further amend the Declaration of Horizontal Property Regime and the condominium map to subdivide said new unit into two or more individual condominium units, and to allocate the common interest appurtenant to said Apartment 3707 among the subdivided units in proportion to their relative net floor areas. The common interest appurtenant to the remaining residential units would not be affected by this further subdivision.

Additional changes include: (a) addition of new trash disposal facilities for the units on the 37th floor; (b) addition of the right of the owner of Apartment 3707 to make internal alterations; (c) addition of emergency access easement and maintenance easement through corridor located within Apartment 3707.

II. CHANGES RE OPTIONAL FUTURE COMMERCIAL AREA

The Developer has amended the Declaration and condominium map to extend the area reserved for future development of commercial units downward to include those ground level areas originally designated as loading zone and service driveway. Previously this area included the air space between the second and sixth floors. The developer must still provide access to the parking garage from Ala Wai Boulevard regardless of any future development. This access may be relocated and is subject to reasonable regulations as to use so as to be harmonious with any commercial development in that area.

In addition, the Declaration has been amended to change the commercial lobby to a limited common element appurtenant to only the commercial units in the project (instead of to all residential and commercial units in the main building). Also, provision has been

made to permit decorative features, such as flagpoles and landscaping, to extend above the sixth floor level. Other changes, described below, do not have any direct material effect on the residential units or their limited common elements.

Finally, the deadline for the implementation of the future development has been extended from December 31, 1980 to the date of expiration of the Master Lease.

III. SALES OF OFFICE UNITS

The Preliminary Public Report on this project issued August 11, 1971 stated that the Developer did not plan to sell any of the commercial units. However, it has now been determined that the commercial units on floors 2 through 5 of the main building will be sold.

Certain changes in the Declaration and condominium map have been made in connection with the sales of these units, including the following:

- a. The future development area has been changed to a limited common element appurtenant only to those commercial units on the ground floor of the main building (instead of all commercial units).
- b. Provision has been made for custom utility installations in the commercial units, including the addition of a pipe chase and provision for easements for running utility connections for each unit in the hollow space above the false ceiling of the unit immediately below.

ENCUMBRANCES AGAINST TITLE: The Developer has filed with the Commission Transfer Certificate of Title No. 140,525, certifying that the land is subject to the following encumbrances:

1. Lease of Right of Way in favor of Hawaiian Electric Company, Inc., easement for utility over Lot 20 for 75 years, dated July 24, 1969, filed as Document No. 479922 and by Assignment dated July 24, 1969 to Hawaiian Trust Company, Ltd., as security and filed as Document No. 479923.
2. The covenants and conditons affecting Lot 20 in the Declaration dated February 6, 1970, filed as Document No. 494612.
3. Lease in favor of Magoon Development Corporation, dated January 7, 1970 and filed as Document No. 497699.
Amendment of Lease dated June 10, 1971, and filed as Document No. 541226.
4. Development Rights Agreement dated October 20, 1971 and filed as Document No. 544389.
Consent by Magoon Estate, Ltd., of the above Development rights dated June 29, 1971 and filed as Document No. 544390.

5. Declaration of Horizontal Property Regime with By-Laws attached dated August 17, 1971 and filed as Document No. 549326. The Office of Assistant Registrar has designated Condominium Map No. 117 to the project.
6. Lease in favor of Hawaiian Electric Company, Inc., easement for utility over Lot 20 for 75 years, dated August 31, 1971, filed as Document No. 557882 and by Assignment dated August 31, 1971 to Hawaiian Trust Company, Ltd., as security and filed as Document No. 557885.

Consent by Magoon Development Corporation, dated August 31, 1971 and filed as Document No. 557883.

7. Consolidation dated November 9, 1971, into Lot 22 on Map 22 filed as Land Court Order No. 34163.
8. Assignment and Assumption of Liabilities dated February 29, 1972 and filed as Document No. 574000.

Consent of above by both Magoon Estate, Ltd. and Magoon Development Corporation, both dated February 29, 1972 and filed as Document Nos. 574001 and 574002.

9. Amendment of Lease dated March 30, 1972 and filed as Document No. 577017.
10. Mortgage dated March 30, 1972, in favor of Amfac Financial Corporation and filed as Document No. 577018.
11. Agreement dated March 30, 1972 and filed as Document No. 577018A.
12. Lease in favor of Hawaiian Electric Company, Inc., easement for utility for 75 years, dated June 2, 1972, filed as Document No. 584184 and by Assignment dated June 2, 1972, to Hawaiian Trust Company, Ltd., as security and filed as Document No. 584186.

Consent by Magoon Development Corporation, dated June 2, 1972 and filed as Document No. 584185.

All other information in the Preliminary and Final Public Reports for this project remains the same.

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 July 8, 1971.

This SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 394 filed with the Commission on July 8, 1971.

The report when reproduced shall be a true copy of the Commission's Public Report. The paper stock must be pink in color.



(for) DOUGLAS R. SODEVANI, Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII

DISTRIBUTION:

Department of Taxation
Bureau of Conveyances
Planning Department, City and County of Honolulu
Federal Housing Administration
Escrow Agent

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November 2, 1973