

**REAL ESTATE COMMISSION**  
PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

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

**PRELIMINARY**  
**HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)**  
**PUBLIC REPORT**

on  
EWA BEACH TOWNHOUSE  
Kilaha Street  
Ewa Beach, Oahu, Hawaii

REGISTRATION NO. 414

**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 but may only take reservations therefore after

- (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 15, 1971  
Expires: December 15, 1972

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:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED OCTOBER 1, 1971, AND INFORMATION SUBSEQUENTLY FILED AS OF NOVEMBER 12, 1971. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514, HAWAII REVISED STATUTES.

1. The EWA BEACH TOWNHOUSE is a proposed fee simple condominium project consisting of twenty (20) dwelling units arranged throughout four 2-story residential apartment buildings. There are thirty (30) parking stalls including 10 guest parking spaces. Each unit shall be entitled to one parking.
2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of a condominium project and issuance of this Preliminary Public Report.
3. The Developer has arranged for insurance by the Federal Housing Administration pursuant to Section 234, Title II of the National Housing Act, as amended, of individual mortgages by qualified purchasers of apartments in the project. As a condition to its providing such insurance, the Federal Housing Administration requires that the Association of Apartment Owners enter into with that agency

and record a Regulatory Agreement whereby the Association may be regulated and restricted by that agency. The Regulatory Agreement is proposed to be executed and recorded with the Declaration. Purchasers of units in the project should, therefore, familiarize themselves with the provisions of the Regulatory Agreement.

4. The basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owners and a copy of the approved Floor Plans) have not been filed in the office of the recording officer.
5. No advertising or promotional matter has been submitted pursuant to rules and regulations promulgated by the Commission.
6. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 467, Hawaii Revised Statutes, and the Condominium Rules and Regulations which relate to Horizontal Property Regime.
7. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance, November 15, 1971, unless a Supplementary Public Report issues or the Commission, upon review of registration, issues an order extending the effective period of this report.

NAME OF PROJECT: EWA BEACH TOWNHOUSE

LOCATION: The site containing approximately 1.2 acres in fee simple to be committed to the regime is situated on the 91-600 block of Kilaha Street, Ewa Beach, Oahu, Hawaii.

TAX KEY: 9-1-01-21

ZONING: Apartment A-3

DEVELOPER: K&M and Associates, 3624 Waialae Avenue, Honolulu, Hawaii. Telephone 732-3071. A general partnership registered with the Department of Regulatory Agencies, State of Hawaii, on June 15, 1971. The partners are:

Hiroshi Kato	33 South King Street, Room 412, Honolulu, Hawaii
Theodore S. Matsuo	3624 Waialae Avenue, Honolulu, Hawaii

ATTORNEY REPRESENTING DEVELOPER: Hiroshi Kato, Room 412, 33 South King Street, Honolulu, Hawaii. Telephone 533-6145.

DESCRIPTION: The specimen Enabling Declaration Establishing a Plan for Condominium Ownership reflects that the project is to consist of twenty (20) separately designated and legally described freehold estates, arranged throughout four (4) buildings. Each building is two stories without basement. All buildings are constructed of reinforced concrete and concrete blocks except that the second story shall be constructed principally of wood. The foundations and lower floor slabs are of reinforced concrete.

All 20 individual "family units" are to be sold. The family units, together with partially enclosed areas are designated on the survey and are located in the buildings as follows:

Apartments numbered:	91-640 - A, B, C, D, and E
	91-642 - A, B, C, D, and E
	91-644 - A, B, C, D, and E
	91-646 - A, B, C, D, and E

The apartments are constructed in accordance with the floor plans as submitted and are described as follows: They are 2-story townhouse style apartments

consisting of 3 bedrooms, 1 bathroom, entry, living-dining room, and kitchen with an interior stairway connecting the upstairs and downstairs. Each apartment contains an approximate floor area of 555 square feet upstairs and 510 square feet downstairs and a partially enclosed rear lanai patio with laundry space and garden area containing 150 square feet. The gross area, including the said lanai is approximately 1,215 square feet.

Each apartment has immediate access to the grounds, walkways and driveways of the project connecting the buildings to the street entrances and parking areas of the project.

COMMON ELEMENTS: The specimen Declaration reflects that a freehold estate consisting of the remaining portion of the real property is described and referred to herein as the "common areas and facilities" which definition includes the multifamily structure and the property upon which it is located, and specifically includes, but is not limited to, the land, all foundations, columns, beams, supports, unfinished perimeter and load bearing walls, roofs, slabs and walkways around and between said buildings, yards, grounds, landscaping, and other recreational facilities, all roads, guest parking areas and driveways, refuse facilities, ducts, electrical equipment, wiring, pipes and other central and appurtenant transmission facilities and installations over, under and across the project for services such as power, light, water, gas, sewer, air conditioning, telephone and radio and television signal and distribution and sewage treatment plant.

LIMITED COMMON ELEMENTS: The specimen Declaration states that a portion of the common areas and facilities is set aside and allocated for the restricted use of the respective "apartment spaces," and is as designated and as shown on the condominium map to be filed in the office of the recording officer, and said areas shall be known as "restricted common areas and facilities."

The restricted common areas and facilities allocated for the restricted uses of "family units" are as follows: Parking spaces as designated on said condominium map by number corresponding to the number of apartments to which they are pertinent shall be appurtenant to and for the exclusive use of such apartment.

Note: For the purpose of the Declaration the ownership of each "apartment space" shall include the respective undivided interest in the common areas and facilities as specified under the topical heading Interest to be Conveyed Purchaser, immediately below, and each "apartment space" together with the undivided interest is defined and referred to in the specimen Enabling Declaration as a "family unit."

INTEREST TO BE CONVEYED PURCHASER: The undivided interest in the "common areas and facilities" established by the Declaration conveys with each respective apartment space an undivided 1/20th interest in the project. The above undivided interest established and to be conveyed with the respective "apartment spaces" as above, cannot be changed, and the Developer/Owner covenants and agrees that the undivided interest in the "common areas and facilities" and the fee titles to the respective "apartment spaces" conveyed, shall not be separated or separately conveyed, and each said undivided interest shall be deemed to be conveyed or encumbered with its respective "apartment space" even though the description in the instrument of conveyance or encumbrance may refer only to the fee title to the "apartment space."

The proportionate shares of the separate owners of the respective "family units" in the profits and common expenses in the "common areas and facilities" as well as their proportionate representation for voting purposes in the Association of Apartment Owners is 1/20th undivided interest.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The specimen Declaration states that the "apartment spaces" shall be occupied and used by the respective owners only as a private dwelling for the owner, his family, tenants and social guests and for no other purposes.

OWNERSHIP TO TITLE: The Notice of Intention reflects that ownership to title to land is vested in K&M and Associates, a registered general partnership, consisting of Hiroshi Kato (husband of Janet Hiroko Kato) and Theodore S. Matsuo (husband of Dorothy Itsue Matsuo), General Partners. The Lien Letter prepared November 10, 1971 by the Abstractor, Title Guaranty of Hawaii, a Hawaii corporation, verifies that the above-mentioned vestee has title.

ENCUMBRANCES AGAINST TITLE: The title search report identifies the following:

Lot 1417, area 1.2029 acres, as shown on Map 180, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 242 (amended) of the Dowsett Company, Limited. Being all of the land described in Transfer Certificate of Title No. 143,346 issued to the title holders, General Partners of K&M and Associates.

The title search report certifies that records reveal no liens or encumbrances against said title, save and except the following:

1. Designation of Easement 52, as shown on Maps 179 and 180, as set forth by Land Court Order No. 28904, filed August 22, 1968.
2. That certain mortgage in favor of American Security Bank dated September 3, 1971, filed as Land Court Document No. 551482.
3. The covenants set forth in Deed dated September 3, 1971 filed as Document No. 551481.
4. Real Property Taxes for Fiscal Year 1971-1972.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated September 28, 1971 identifies Title Guaranty Escrow Services, Inc., a Hawaii corporation, as the Escrow Agent. On examination the specimen Subscription and Purchase Agreement and executed Escrow Agreement are found to be in compliance with Chapter 467, Hawaii Revised Statutes, and particularly Sec. 467-36, through 467-39.

Among other provisions the Escrow Agreement states that a Purchaser shall be entitled to a refund of his funds, and Escrow shall pay said funds to said Purchaser, without interest, if Purchaser shall in writing request refund of his funds and any one of the following shall have occurred:

- (a) Escrow receives a written request from Seller to return to Purchaser the funds of such Purchaser then held by Escrow; or
- (b) If a Purchaser's funds were obtained prior to the issuance of a final public report and if there is any change in the condominium building plans, subsequent to the execution of Purchaser's Sales Contract, requiring the approval of a county officer having jurisdiction over the issuance of permits for construction of buildings, unless a Purchaser has given written approval or acceptance of the specific change; or
- (c) If a purchaser's funds were obtained prior to the issuance of a final public report and the request is prior to the time the final report is issued; or
- (d) If the final public report differs in any material respect from the preliminary public report, unless the Purchaser has given written approval or acceptance; or
- (e) If the final public report is not issued within one year from the date of issuance of the preliminary public report.

It is incumbent upon the purchaser and prospective purchaser that he reads with care the Subscription and Purchase Agreement and the executed Escrow Agreement. The Escrow Agreement establishes how the proceeds from the dwelling units and all sums received from any source are placed in trust, as well as the retention and disbursement of said trust funds.

ADMINISTRATION, MANAGEMENT AND OPERATIONS: The Developer has filed with the Commission a proposed management agreement which identifies Aaron M. Chaney, Inc. as managing agent.

STATUS OF PROJECT: The construction contract will be executed upon approval of the project by the Federal Housing Administration. Construction should commence within thirty days from the execution of said construction contract.

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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 October 1, 1971 and information subsequently filed as of November 12, 1971.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 414 filed with the Commission on October 1, 1971.

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

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

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Distribution:

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

November 15, 1971  
Registration No. 414