

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
MAKAHA SURFSIDE
85-175 Farrington Highway
Waianae, Hawaii

REGISTRATION NO. 442

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: December 18, 1972
Expires: January 18, 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:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED APRIL 4, 1972 AND INFORMATION SUBSEQUENTLY FILED AS OF NOVEMBER 30, 1972. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514, HAWAII REVISED STATUTES.

1. Since the issuance of the Commission's Preliminary Public Report of July 14, 1972, and the Supplementary Public Report of September 29, 1972 on this proposed Horizontal Property Regime project, the Developer has advised that changes have been incorporated into the development by information subsequently filed as of November 30, 1972.

The information disclosed in the Commission's Preliminary Public Report and Supplementary Public Report have been incorporated in this Final Public Report, and the information contained in this Final Public Report supersedes the earlier reports.

2. MAKAHA SURFSIDE is a proposed fee simple condominium project consisting of a parking building and three apartment buildings, with a total of 454 apartments including a manager's apartment, which may be reduced by virtue of the one-bedroom apartments being combined to create a two-bedroom apartment, and 588 parking stalls.
3. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the issuance of this Final Public Report.
4. The Commission has determined that the basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Owners, and copy of approved Floor Plans) have been filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii.

The Declaration of Horizontal Property Regimes, dated November 28, 1972, with the By-Laws attached thereto, has been filed in the Office of the Assistant Registrar as Document No. 608328. The recording officer has designated Condominium Map No. 150 to the project on November 29, 1972.
5. Advertising and promotional materials have been submitted pursuant to the rules and regulations promulgated by the Commission.
6. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514, Hawaii Revised Statutes, Condominium Rules and Regulations which relate to the Horizontal Property Regime.

NAME OF PROJECT: MAKAHA SURFSIDE

LOCATION: The 242,012 square feet committed to the regime as a fee simple apartment condominium project, is situated at 85-175 Farrington Highway, Makaha, Oahu, Hawaii, in the City and County of Honolulu, State of Hawaii.

TAX KEY: First Division 8-5-17-8 through 16 inclusive and 19.

ZONING: A-1 Apartment Zoning

DEVELOPER: Makaha Surfside Development Company, a Hawaii limited partnership, 1776 Kapiolani Boulevard, Honolulu, Hawaii. The General Partner of the limited partnership is Project Coordinator's Office, Inc. The officers of the corporation are as follows:

- R. K. Ho, President, 730 Makaleka Avenue, Honolulu, Hawaii
- K. Nobuta, Vice President-Secretary, 2563 Date Street, Honolulu, Hawaii
- D. A. Donegan, Vice President, 677 Akoakoa Street, Kailua, Hawaii
- D. Z. Schlemmer, Assistant Vice President, 47-516 Hio Place, Kahaluu, Hawaii
- D. S. Clack, Assistant Vice President, 45-351 Akimala Place, Kaneohe, Hawaii
- P. L. Florian, Treasurer, 1774 Kapiolani Boulevard, Honolulu, Hawaii

The names of the limited partners are on file with the Real Estate Commission.

ATTORNEY REPRESENTING DEVELOPER: Hiroshi Sakai, Suite 602, 810 Richards Street, Honolulu, Hawaii, Telephone: 531-4171.

DESCRIPTION: The Declaration reflects that the project is to consist of the land located at 85-175 Farrington Highway, Makaha, Oahu, Hawaii, and the improvements to be constructed thereon designed by A. Daniel Klein and Associates, Inc. The project when completed in total will consist of three (3) concrete and hollow tile apartment buildings, designated Buildings "A", "B" and "C", and a concrete and hollow tile parking building, and two (2) recreational areas. Each building shall have four (4) floors. Building A may have up to a total of 166 units. Building B

may have up to a total of 103 units and Building C may have up to a total of 185 units including a manager's unit. The total number of units are subject to reduction if and when a purchaser elects to combine two one-bedroom apartments into a two-bedroom apartment. The parking areas shall have a total of fifty-one (51) parking spaces and the parking building shall have four (4) floors with a total of 537 parking spaces.

DESCRIPTION OF GROUNDS: The grounds will have street level (on grade) parking on the mauka side of Building A and street level (on grade) parking on the mauka side of a portion of Building C. On the makai side of Building A there is one recreation area and a garden court. (The garden court is reserved for the exclusive use of apartments A101, A102, A103, and A104.) On the makai side between Buildings B and C there is a recreation area. There is one laundry building on the mauka side of Building A adjacent to the parking building and another laundry building on the mauka side of Building C. The grounds will have walkway areas connecting the various buildings with the parking areas, recreation areas and the parking building.

DESCRIPTION OF BUILDING A: The ground floor will contain 40 apartments with two trash rooms, one electric room, walkways and two passageways, stairways leading up to the second floor. The second through fourth floors each may contain 42 apartments, two trash chute rooms, walkways and stairways connecting each floor. There will be two elevators in this building which will reach the third floor only and if the City and County of Honolulu approves a variance then to the fourth floor which the Grantor does not guarantee.

DESCRIPTION OF BUILDING B: The ground floor will contain 25 apartments, one electric room, one passageway and walkway and stairways leading up to the second floor. The second through fourth floors each will contain 26 apartments with walkways and stairways connecting each floor. There will be one elevator in this building which will reach the third floor only and if the City and County of Honolulu approves a variance then to the fourth floor which the Grantor does not guarantee.

DESCRIPTION OF BUILDING C: The ground floor will contain 44 apartments including one manager's apartment, lobby and mail area, trash and equipment room, passageway, walkways and stairways leading up to the second floor. The second through fourth floors each will contain 47 apartments, storage room, trash chute room, with walkways and stairways connecting each floor. There will be two elevators in this building which will reach the third floor only and if the City and County of Honolulu approves a variance then to the fourth floor which the Grantor does not guarantee.

DESCRIPTION OF PARKING BUILDING: The parking building for the entire project shall consist of two (2) sections. The mauka section shall consist of four levels of Parking A, C, E and G. The makai section shall consist of four levels B, D, F and H. There shall be up and down ramps interconnecting the various levels of parking. In addition, there shall be ramps or stairs to Buildings A, B and C and to grade.

DIVISION OF PROJECT: The project is hereby divided into the following separate freehold estates:

Apartments. The following are the types of apartments in this project:

- a. Vacation Apartment. A vacation apartment is approximately 361 square feet and contains a balcony, living-bedroom area, a bathroom, range and refrigerator space.
- b. One-Bedroom Apartment. A one-bedroom apartment is approximately 412 square feet and contains a balcony, living room, bathroom, a bedroom, range and refrigerator space. In addition to the above, one-bedroom Apartment Numbers A101, A103 and A301 shall contain a washer/dryer.
- c. Two-Bedroom Apartment. A two-bedroom apartment is approximately 886 square feet and contains a balcony, entry, living room, dining room, two bedrooms, two bathrooms and kitchen. A purchaser may select a two-bedroom apartment in place of two one-bedroom apartments. In that event the number assigned to that two-bedroom apartment will be the apartment numbers assigned to the two one-bedroom apartments, e.g. 101-102 and the assignment of two parking stalls.

Each unit has immediate access to the walkways which are part of the common elements.

NUMBER AND LOCATION OF UNITS: The apartments in Buildings A and B are all one-bedroom apartments and are numbered as such, subject to two one-bedroom apartments being combined into a two-bedroom apartment as described above. The apartments in Building C consists of vacation apartments numbered C-112 through C127 inclusive (no number C-113); C-130 through C-148 inclusive; for the second floor, C-211 through C-227 inclusive (no number C-213); C-230 through C-248 inclusive and repeats itself in like manner for the third and fourth floors in the numbering. All other apartments in Building C are one-bedroom apartments subject to being combined into two-bedroom apartments as described above. The two-bedroom apartments are as follows: A 101-102, A 103-104, A 301-302 and B 426-427.

BUILDING A

<u>NUMBERS</u>	<u>FLOOR</u>
A 101 through A 114 inclusive (no number A 113), A 116 through A 129 inclusive, A 131 through A 143 inclusive	Ground
A 201 through A 243 inclusive (no number A 213)	Second
A 301 through A 343 inclusive (no number A 313)	Third
A 401 through A 443 inclusive (no number A 413)	Fourth

BUILDING B

<u>NUMBERS</u>	<u>FLOOR</u>
B 101 through B 112 inclusive, B 115 through B 127 inclusive	Ground
B 201 through B 227 inclusive (no number B 213)	Second
B 301 through B 327 inclusive (no number B 313)	Third
B 401 through B 427 inclusive (no number B 413)	Fourth

BUILDING C

<u>NUMBERS</u>	<u>FLOOR</u>
C 103 (Manager's Apartment), C 104 through C 110 inclusive, C 112 through C 148 inclusive (no number C 113)	Ground
C 201 through C 248 inclusive (no number C 213)	Second
C 301 through C 348 inclusive (no number C 313)	Third
C 401 through C 448 inclusive (no number C 413)	Fourth

PARKING STALLS: There will be 588 separately designated and described parking stalls; in the parking building numbered A-1 through A-69 inclusive (no number A-13); B-1 through B-65 inclusive (no number B-13); C-1 through C-69 inclusive (no number C-13); D-1 through D-68 inclusive (no number D-13); E-1 through E-69 inclusive (no number E-13); F-1 through F-68 inclusive (no number F-13); G-1 through G-69 inclusive (no number G-13); H-1 through H-68 inclusive (no number H-13); and street level (on grade) parking stalls numbered 0-1 through 0-12 inclusive and 0-14 through 0-52 inclusive. Parking stalls 0-7 through 0-12 inclusive, 0-14 through 0-23 inclusive and 0-35 through 0-48 inclusive will cover a ground space of 7½ feet by 16 feet (120 square feet) and all other parking stalls will cover a ground or floor space of 8½ feet by 19 feet (161½ square feet) with all parking stalls including the air space up to the ceiling in the case of parking stalls within the parking building and as to street level and parking ramps "G" and "H" it extends to the height limit as permitted by the building and zoning ordinances. As to parking stalls B-48 through B-65 inclusive designated as area B-R-I and parking

stalls B-11, B-12, B-14 through B-32 inclusive designated as area B-R-II the owner and holders of said parking stalls are given the right to enclose said areas including the alteration of the floor areas in order that the same can be converted for use into rooms. The parking stalls may be separately sold, leased, rented, mortgaged, encumbered, used and occupied to the exclusion of any other parking stall owners under the Declaration. At least one parking stall shall be assigned to each apartment. Parking stalls 0-7 through 0-12 inclusive and 0-14 through 0-34 inclusive are part of the common elements which the Association shall utilize for guest parking under such terms and conditions as the Association shall deem appropriate.

LAUNDRY BUILDINGS: Each laundry building shall cover approximately 600 square feet of ground space. Each laundry building may be separately sold, leased, rented, mortgaged, encumbered, used and occupied. The owner of the laundry building shall be responsible for installation and maintenance of any appliances placed within the same. The Association, however, shall be responsible for and pay for the maintenance of the laundry building both the interior and exterior including the clean up of the floors and the painting of the same.

COMMON ELEMENTS: The Declaration of Horizontal Property Regime reflects that the common elements include:

- a. The undivided fee simple land described in Exhibit "A" to the Declaration.
- b. The foundations, columns, girders, beams, supports, main walls, roofs and floors of the laundry buildings, Buildings A, B and C, and the parking building.
- c. The lobby, manager's office number C 102, manager's apartment C 103 all located in Building C and parking stall 0-1.
- d. The passageways, walkways, stairs and stairways, the easements over the parking driveways except areas B-R-I and B-R-II, and guest parking stalls 0-7 through 0-12 inclusive and 0-14 through 0-34 inclusive held by the Association for its use as is set forth in the Condominium Map.
- e. Trash rooms, storage rooms, trash chutes, electric room, utility and service buildings and elevators.
- f. Entrances and exits of all the buildings.
- g. The central and appurtenant installations for services such as power, light, gas, hot and cold water and like utilities.
- h. The yard and recreation areas.
- i. All other parts of the project existing for the common use or necessary to the existence, maintenance and safety of the project.

LIMITED COMMON ELEMENTS: The Declaration states that a certain part of the common elements, therein called and designated "Limited Common Element", is hereby set aside and reserved for the exclusive use of apartments A101, A102, A103 and A104, and such apartments shall have appurtenant thereto exclusive easements over such limited common element. The limited common element so set aside and reserved shall be the Garden Court, containing an area of approximately 2,080 square feet, as shown on said Condominium Map.

PERCENTAGE OF UNDIVIDED INTEREST IN THE COMMON ELEMENTS:

- a. The percentage of undivided interest in the common elements appertaining to each apartment, parking stall and laundry building are as follows:

<u>Type of Unit</u>	<u>Percentage of Undivided Interest in the Common Elements</u>	<u>No. of Units</u>	<u>Percentage of Ownership in the Common Elements Per Type</u>
Vacation	.1695	139	23.5605
One-Bedroom	.1947	314	61.1358
Parking Stall	.0262	560	14.6720
Laundry Building	.31585	2	<u>.6317</u>
Total			100.0000

b. Voting and Percentage in the Common Elements. For purposes of percentage in the common elements and voting on all matters requiring action by the owners when completed and occupied the percentages as provided in paragraph "a" above shall govern. Where two one-bedroom apartments are combined into a two-bedroom apartment the percentage will be doubled.

INTEREST TO BE CONVEYED PURCHASER: The Declaration states that the percentage of undivided interest in the common elements would be as stated above.

PURPOSES FOR WHICH THE BUILDING AND EACH OF THE APARTMENTS MAY BE USED: The apartments are intended primarily for residential purposes. However, certain commercial and business uses shall be permitted (such as hotel operation) subject to such limitation as may be contained herein and in the By-Laws of the Association and House Rules which may be adopted from time to time governing the use of the apartments. The assigned parking stalls shall be used for parking purposes and the unassigned parking stalls may be used for such commercial uses as may be determined by the owner thereof.

OWNERSHIP TO TITLE: PROJECT COORDINATOR'S OFFICE, INC., General Partner of Makaha Surfside Development Company, is the fee owner of the subject property.

A copy of the title search as of November 29, 1972 issued by Security Title Corporation certifies that the fee simple title to the land is vested as aforesaid.

ENCUMBRANCES AGAINST TITLE: The title search report of November 29, 1972 reflects that title to the land committed to the regime is subject to:

As to Lot 242-A and Lot 243-A:

Grant dated December 5, 1950, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 124220, in favor of Hawaiian Electric Company, Inc. and Hawaiian Telephone Company, granting an easement for utility purposes over and across Lots 242-A and 243-A.

As to All Lots:

1. Mortgage dated October 3, 1972, filed in the Office of the Assistant Registrar as Document No. 603903, made by Project Coordinator's Office, Inc., as Mortgagor, to Continental Mortgage Investors, as Mortgagee.
2. Undated Financing Statement recorded on October 27, 1972, in the Bureau of Conveyances of the State of Hawaii in Book 8688, Page 325.
3. Declaration of Horizontal Property Regime, dated November 28, 1972, filed in the Office of Assistant Registrar as Document No. 608328, and the By-Laws attached thereto.
4. Condominium Map No. 150, filed in the Office of the Assistant Registrar on November 29, 1972.
5. Real Property Taxes that may be due and owing.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated June 22, 1972 identifies Security Title Corporation as "Escrow Agent". On examination, the specimen Condominium Deposit, Receipt and Sales Contract and executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes.

The provisions of the executed Escrow Agreement, as filed with the Commission, provide that disbursements from the escrow fund shall be made by Escrow Agent upon the written request of the Developer for the following purposes:

(a) To pay for the construction of the buildings and other improvements, furniture, appliances, and fixtures in such amounts and at such times and in proportion to the valuation of the work completed by the Contractor as certified by a registered architect or licensed professional engineer in accordance with the construction contract or other contracts and bills and upon bills approved or certified for payment by the Developer's mortgagee; (b) to other persons as required for architectural, engineering, finance, advertising, printing, accounting, escrow fees, selling expenses, taxes, assessments, legal fees, and for other incidental expenses of the Project to the extent approved by the Developer's mortgagee; (c) for the total or partial release of any master mortgage or mortgages or other liens covering the Project or portions of the Project and for the removal of any other encumbrances required to be removed in order to place title of the Project in the required state for conveyance; (d) for such title reports and costs of recordation as may be necessary or proper in connection with recordation of deeds, mortgages, and other documents required to effect transfer of title under the Condominium Deposit, Receipt and Sales Contract; (e) to Developer or order, forty-six (46) days after the filing of the affidavit of publication of notice of completion as provided for under Chapter 507, Part II, Hawaii Revised Statutes, provided, however, if a notice of mechanics' and/or materialmen's lien has been filed against any of the property included within the Project or suit thereon is filed, Escrow Agent shall withhold one hundred fifty per cent (150%) of the amount claimed thereunder until any lien existing or possible thereunder has been removed.

The executed Escrow Agreement illustrates compliance with the requirements of Section 514-36 through 514-39, Hawaii Revised Statutes. A purchaser shall be entitled to a refund of his funds and Escrow Agent shall pay said funds to said purchaser without interest and less Escrow Agent's cancellation fee if purchaser shall in writing request refund of his funds and if any one of the following shall have occurred: (a) Escrow Agent receives a written request from Developer to return to purchaser the funds of such person then held hereunder by Escrow Agent; (b) a purchaser's funds were obtained prior to the issuance of the Final Public Report and there has been a change in the condominium building plans subsequent to the execution of the purchaser's Condominium Deposit, Receipt and Sales Contract requiring the approval of the City and County officer having jurisdiction over the issuance of permits for construction of buildings, unless the purchaser has given written approval or acceptance of the specific change or (c) if the purchaser's funds were obtained prior to the issuance of the Final Public Report and the request is prior to the time the Final Public Report is issued or, (d) if the Final Public Report differs in any material respect from any Preliminary Public Report that has been issued, unless the purchaser has given written approval or acceptance of the difference or (e) the Final Public Report is not issued within one (1) year from the date of the issuance of the Preliminary Public Report. Upon refund of said funds to the purchaser as aforesaid, Escrow Agent shall return to Developer such purchaser's Condominium Deposit, Receipt and Sales Contract and any apartment deed heretofore delivered to Escrow Agent and thereafter purchaser shall be no longer obligated thereunder.

It is incumbent upon the purchaser and prospective purchaser that he read with care the Condominium Deposit, Receipt and Sales Contract and the Escrow Agreement. The Escrow Agreement establishes how the proceeds from the apartment units and all sums received from any source are placed in trust, as well as retention and disbursement of said trust funds.

MANAGEMENT AND OPERATIONS: A specimen of the proposed Property Management Agreement between the Association of Owners of Makaha Surfside and Trans Isle Realty, Inc. has been filed with the Commission.

STATUS OF PROJECT: The Developer advises the Real Estate Commission that the construction of the project was commenced on October 30, 1972, and the completion date is established as February 22, 1974, in accordance with the construction contract made October 25, 1972, between the Developer and Nordic Construction, Ltd., a copy of which has been filed with the Commission.

The Purchaser or prospective purchaser shall be cognizant of the fact that this published report represents information disclosed by the Developer in the required notice of intention submitted April 4, 1972 and information subsequently filed as of November 30, 1972.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 442 filed with the Commission on April 4, 1972.

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


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

Distribution:

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

Registration No. 442
December 18, 1972