

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

COCONUT CREEK
351 Kauwila Street
Hilo, Hawaii

REGISTRATION NO. 444

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: May 1, 1972

Expires: June 1, 1973

SPECIAL ATTENTION

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

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED APRIL 3, 1972, AND ADDITIONAL MATERIAL SUBSEQUENTLY FILED ON APRIL 27, 1972. THE OWNER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT (CHAPTER 514, HAWAII REVISED STATUTES).

1. Coconut Creek is a proposed fee simple condominium project consisting of one building containing three (3) floors, with a total of forty (40) residential apartment units and two (2) commercial apartment units, which will be sold by the Owner upon and subject to the terms and provisions of Apartment Deeds to be issued by the

Owner, Westward Development Corporation, a Hawaii corporation. There will be forty-seven (47) parking stalls on the project.

2. The Owner of the project has filed all documents and materials deemed necessary by the Commission for the registration of this proposed condominium report and the issuance of the Preliminary Public Report.
3. Basic documents (Declaration of Horizontal Property Regime, By-Laws of the Association of Apartment Owners and a copy of Approved Floor Plans) have not yet been filed in the Office of the Recording Officer.
4. The Owner has not yet submitted its program of financing the building of the project and a statement of the estimated costs involved in completing the project. The Owner has not yet secured an interest from a financial institution to provide both construction financing and long-term mortgage loans to individually qualified purchasers of the apartment units.
5. The Owner has advised the Commission that advertising and promotional matter required to be filed pursuant to the rules and regulations promulgated by the Commission will be submitted prior to public exposure.
6. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514, Hawaii Revised Statutes, and the Rules and Regulations promulgated thereunder which relate to Horizontal Property Regimes.
7. This Preliminary Public Report is made a part of the registration of Coconut Creek condominium project. The Owner has the responsibility of placing a true copy of the Preliminary Public Report (yellow paper stock) in the hands of all purchasers and prospective purchasers.
8. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance, May 1, 1972, 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: Coconut Creek

LOCATION: 351 Kauwila Street, Hilo, Hawaii. The site, comprising approximately 42,034 square feet, is located adjacent to the intersection of Kauwila and Wainaku Streets in Hilo, Hawaii and being only a portion of the land purchased by the Developer.

TAX MAP KEY: THIRD DIVISION 2-6-05-10

ZONING: RM-1000

OWNER: Westward Development Corporation, a Hawaii corporation, located at 301 Cooke Street, Honolulu, Hawaii.

The officers of the Corporation are: JACK L. WARD, President and Treasurer; JOHN W. JETT, Vice President; MARJORIE Q. WARD, Vice President; and RICHARD A. BRETON, Secretary.

ATTORNEY REPRESENTING OWNER: Wooddell, Mukai, Wirtz, Ichiki & Whitfield [Messrs. Andy M. Ichiki and Richard G. MacMillan], 500 Alexander Young Building, Honolulu, Hawaii 96813. Telephone: 531-6277.

DESCRIPTION: The proposed Declaration of Horizontal Property Regime reflects that the project shall consist of one building containing three apartment levels (floors) and no basement. The building shall be constructed principally of timber, gypsum board, aluminum, wood, glass and related building materials, and shall contain a total of forty (40) two-bedroom, one and one-half bath apartment units, and two (2) commercial apartments.

The building to be constructed on the project shall have three apartment levels (floors) and no basement, and shall contain forty (40) residential apartments and two (2) commercial apartments. The first floor contains thirteen (13) residential apartments, one (1) commercial apartment and one (1) mechanical room. The second floor contains thirteen (13) residential apartments, one (1) commercial apartment and one laundry room. The third floor contains fourteen (14) residential apartments and one (1) recreation room. There are three stairways in the building between each of the three apartment levels.

Forty-two (42) freehold estates are hereby designated in the spaces within the perimeter walls, floors and ceilings in the building, consisting of forty (40) residential apartments and two (2) commercial apartments. Each apartment on the first apartment level of the building shall have immediate exterior access to a walkway connecting the building to the street entrances and parking areas of the project. Apartments on the second and third apartment levels of the building shall each have immediate access to a balcony corridor running generally along the east side of the building leading to stairways to the first apartment level and the walkways connecting the building to the street entrances and parking areas of the project.

The residential apartments in the building shall be numbered 101 through 114, inclusive, on the first apartment level, 201 through 214, inclusive, on the second level, and 300 through 314, inclusive, on the third level. The commercial apartments, which are located in the westerly wing of the building shall be numbered 100 on the first apartment level and 200 on the second apartment level.

Each residential apartment in the building contains six (6) rooms, specifically two bedrooms, one and one-half bathrooms, a living room and a kitchen, with a floor area of approximately 716 square feet and a lanai of approximately 100 square feet. The two (2) commercial apartments (100 and 200) shall each consist of one room with a floor area of approximately 716 square feet, and a lanai approximately 100 square feet, however, the space in each of said commercial apartments shall be subject to partition in accordance with the use to which such apartments shall be put.

The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or load-bearing walls within the apartment or the floors and the ceilings surrounding each apartment or any pipes, wires, conduits or other

utility and service lines 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 interior decorated or finished surfaces of all walls, floors and ceilings, including any plaster, paint, wallpaper and fixed carpet, and all fixtures originally installed therein.

COMMON ELEMENTS: The common elements will include the limited common elements hereinafter described and all other portions of the land and improvements other than the apartments and they shall specifically include, but not be limited to, the above-described land and improvements thereon; all foundations, floors, columns, girders, beam supports, main or load-bearing walls, roofs, corridors, stairways, walkways, balconies and entrances of the building; all yards, grounds, landscaping, mailboxes, laundry room, storage room, recreational facilities, and refuse facilities; all parking areas, driveways and walkways; all ducts, electrical equipment, wiring and other central and appurtenant installations, including power, light, water, sewer and telephone; and all other elements and facilities rationally in common use or necessary to the existence, upkeep and safety of the building of the project.

LIMITED COMMON ELEMENTS: The proposed Declaration reflects that certain parts of the common elements, herein called "limited common elements", are designated and set aside for the exclusive use of certain apartments. Such apartments shall have appurtenant thereto easements for the use of such limited common elements as follows: Forty-seven (47) parking stalls numbered 1 through 47 shall be assigned one to each apartment upon the original conveyance thereof and shall be appurtenant to and for the exclusive use of such apartment.

INTEREST TO BE CONVEYED TO PURCHASER: Apartment units shall have appurtenant to each an undivided 1/42nd fractional interest (2.381%) in all elements of the project.

The common interest, proportionate share in all common profit and expenses of the project and proportionate representation for voting purposes in the Association of Apartment Owners shall be in said fraction for each apartment.

USE: The proposed Declaration provides that residential apartments shall be occupied and used only for living accommodations by the respective owners thereof, their servants and guests, and for no other purpose. The apartment owners shall have the absolute right to lease or rent their apartments subject to the limitations, restrictions, covenants and conditions of the Declaration and By-Laws, provided the occupancy of the rented apartment is only by the lessee, his family, its servants and guests. The two commercial apartments may be used for any purpose permitted by law, and the owners thereof are entitled to convert the commercial units to residential units any time prior to January 1, 1980.

OWNERSHIP OF TITLE: The preliminary title report dated March 22, 1972, by American Abstract & Escrow, Inc., indicates that title to the land is vested in Wardco, Inc., a Hawaii corporation. However, said property has been conveyed to Westward Development Corporation by an unrecorded deed dated March 30, 1972.

ENCUMBRANCES AGAINST TITLE: The Notice of Intention reflects and the March 22, 1972 preliminary title report indicates that there are the following encumbrances: (a) Reservation to the Hawaiian Government of all mineral and metallic mines of every description, as reserved in Royal Patent No. 4666; (b) Mortgage, executed by Wardco, Inc., a Hawaii corporation, in favor of Hawaii National Bank, in the amount of \$192,000, dated March 7, 1971, and recorded March 8, 1971, in Liber 7439, page 82; and, (c) Taxes for the fiscal year 1971-1972 are a lien.

PURCHASE MONEY HANDLING: An executed Escrow Agreement, dated March 30, 1972, identifies American Abstract & Escrow, Inc. as the Escrow Agent. Upon examination of the Escrow Agreement, as amended, it is found to be in consonance with Chapter 514, Hawaii Revised Statutes, and particularly Section 514-35 through Section 514-40.

Among other provisions, the Escrow Agreement provides that Escrow Agent shall refund to purchaser all of purchaser's funds, without interest if purchaser shall in writing request refund of his funds and any one of the following shall have occurred: (a) Escrow Agent receives the written request from Owner and interim lender to return to purchaser the funds of purchaser held under the Escrow Agreement by Escrow Agent; or (b) if the Final Public Report of the Real Estate Commission is not issued within one year from the date of issuance of this Preliminary Public Report; or (c) if purchaser entered into a Contract of Sale prior to the time the Final Public Report is issued and the Final Public Report differs in any material respect from this Preliminary Public Report; or (d) if there is any change in the building plans requiring the approval of a county officer having jurisdiction over the issuance of permits for construction and purchaser has not given written approval or acceptance of the change.

According to the Sales Contract, in the event that less than twenty-eight (28) apartments in the project are sold prior to January 1, 1973, Seller may, at its option, cancel the Contract and cause the Escrow Agent to refund to buyer all monies paid without interest and seller shall be relieved and released of all further liability.

It is incumbent upon the purchaser and prospective purchaser to read and understand the Escrow Agreement before executing the Contract of Sale, since the Escrow Agreement prescribes the procedure for receiving and disbursing purchaser's funds and the Contract of Sale specifically provides that the purchaser approves said Escrow Agreement and assumes the benefit and obligations therein provided.

MANAGEMENT OF PROJECT: The By-Laws which are incorporated in the Declaration provides that the operation of the project shall be conducted for the Association under the direction of its Board of Directors by a responsible managing agent. The proposed Declaration provides that Gordon Crabtree & Associates, Inc. will be the initial managing agent.

STATUS OF PROJECT: No construction contract has been executed although the Owner has advised the Commission that preliminary negotiations have been carried on with a general contractor and tentatively agreed upon. Construction has not started on the project.

The Owner has advised the Commission that it proposes to commence construction on or about June 1, 1972. Construction is expected to be completed within twelve (12) months.

The purchaser or prospective purchaser should be cognizant of the fact that this published report represents information disclosed by the Owner in the required Notice of Intention submitted April 3, 1972, and additional information subsequently filed as late as April 27, 1972.

This is a PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT which is made a part of REGISTRATION NO. 444, dated May 1, 1972. This report, when reproduced, shall be a true copy of the Commission's Public Report. The paper stock used in making facsimiles must be yellow.


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

Distribution:

Department of Taxation
Bureau of Conveyances
Planning Department, County of Hawaii
Federal Housing Administration
Escrow Agent

May 1, 1972
REGISTRATION NO. 444