

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
MELEANA CONDOMINIUM
Meleana Place
Honolulu, Hawaii

REGISTRATION NO. 468

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: August 14, 1972
Expires: September 14, 1973

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 JUNE 30, 1972, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF AUGUST 3, 1972. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT SET FORTH IN CHAPTER 514, HAWAII REVISED STATUTES.

1. Meleana Condominium is a proposed fee simple condominium consisting of two separate residential dwelling units designated as Dwelling A and Dwelling B and other improvements in accordance with plans filed in the Bureau of Conveyances, State of Hawaii. Dwelling A was completed in 1964 and Dwelling B was completed in 1966.

The Developer has submitted to the Commission all documents deemed necessary for the registration of

the condominium project and the issuance of this Final Public Report prior to completion of construction.

2. No promotional and advertising materials have been submitted pursuant to the rules and regulations promulgated by the Commission.
3. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514 of the Hawaii Revised Statutes and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.
4. The basic documents (Declaration of Horizontal Property Regimes, By-Laws of Association of Dwelling Owners, and a copy of the approved Floor Plans) have been filed in the office of the recording officer.

The Declaration of Horizontal Property Regimes executed August 2, 1972, with the By-Laws attached thereto, has been filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii on August 7, 1972 as Land Court Document No. 592558.

The recording officer has designated Condominium Map No. 144 to the project.

5. This Final Public Report is made a part of the registration on the Meleana Condominium. 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 for the Final Horizontal Property Regimes Public Report from each purchaser is also the responsibility of the Developer.
6. This Final Public Report automatically expires thirteen (13) months after date of issuance, August 14, 1972, unless a supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the effective period of this report.

NAME OF PROJECT: MELEANA CONDOMINIUM

LOCATION: The approximate 1.027 acres of land is situated at 116 and 116A Meleana Place, Nuuanu Valley, City and County of Honolulu, State of Hawaii.

TAX KEY: FIRST DIVISION 1-9-03-05

ZONING: R-3 Residential District

DEVELOPER: ROBERT A. SPICER, [REDACTED]

ATTORNEY REPRESENTING DEVELOPER: Kai, Dodge & Evensen (Attention: Jerrold M. Bell), Suite 1808, Financial Plaza of the Pacific, Honolulu, Hawaii 96813. Telephone: 536-7744.

DESCRIPTION: The executed and recorded Declaration of Horizontal Property Regimes and Developer's Floor Plans reflect that the project is to consist of two buildings, designated A and B, defined and referred to herein as the "dwellings", as designated and described on the condominium file plan, and a detached garage which shall be appurtenant to Dwelling B. Both dwellings have already been constructed and the construction thereof has been approved by the Building Department of the City and County of Honolulu.

Dwelling A is a one-story building principally of wood construction. It contains one living room, one kitchen, one den, one sitting room, two bedrooms and one bathroom. A garage-workshop is attached. It comprises a total area of 1704 square feet and is constructed on a concrete slab without basement. It has immediate access to the adjacent walkway and driveway. All of the foregoing description is more particularly located and shown on the plans attached to the condominium file plan.

Dwelling B is a one-story building with enclosed basement principally of wood construction. It contains one living room, one kitchen, two bedrooms and one bathroom and detached garage. It comprises a total area of 1357 square feet and is constructed on a rock wall with reinforced pillars. It has immediate access to the adjacent walkway and driveway. All of the foregoing description is more particularly located and shown on the plans attached to the condominium file plan. There are no separate apartments within each building. Each building is a separate one-family dwelling unit.

COMMON ELEMENTS: The common elements shall consist of all the remaining portions of the condominium, specifically including, but not being limited to, all items shown as common elements on the condominium file plan and more particularly described as follows: (a) The land described herein; (b) The driveway and sidewalk; (c) All appurtenant installations, including all pipes, wires, cables, conduits and other utility lines running within the said land for services such as power, light, gas and water; (d) All other parts of the property necessary or convenient to its existence, maintenance and safety and normally in common use. The condominium plans filed with the Commission reflects that the cesspool which serves both dwellings located under Driveway A is a common element.

LIMITED COMMON ELEMENTS: Certain parts of the common elements, herein called and designated as "limited common elements" are hereby set aside and reserved for the exclusive use of certain dwellings, and such dwellings shall have appurtenant thereto an exclusive easement for the use of such limited common elements. The limited common elements so set aside and reserved include all items set forth in the condominium file plan as limited common elements and are as follows: (a) The site of each dwelling, consisting of the land beneath and immediately adjacent to such dwelling designated on the condominium file plan, shall be appurtenant to and for the exclusive use of such dwelling. (b) The driveways designated on the condominium

file plan by letter corresponding to the letter of each dwelling shall be appurtenant to and for the exclusive use of such dwelling. (c) All other elements of the project that are rationally of limited common use for less than both of the dwellings shall be appurtenant to and for the exclusive use of such of the dwelling to which its use is appropriate.

INTEREST TO BE CONVEYED: Each dwelling shall include all the walls and partitions within its perimeter walls; all glass windows or panels; the inner decorated or furnished surfaces of the floors and ceilings; and all fixtures originally installed therein which are to include garbage disposal, range and oven, water heater, washer and dryer, also detached garage appurtenant to Dwelling B.

Each dwelling shall have appurtenant thereto an undivided 1/2 interest in all common elements of the project and the same proportionate share in all common profits and expenses of the project and for all other purposes, including voting.

NOTE: In letters dated June 19, 1972 the intended purchasers, Porter and Beal, have agreed that should each dwelling in the project be resold, all the information concerning the project will be conveyed to the new prospective purchaser or purchasers.

PURPOSE OF THE BUILDING AND RESTRICTIONS AS TO USE: The Declaration provides that the dwellings shall be occupied and used only as private dwellings by the respective owners thereof, their tenants, families, domestic services, families, domestic servants and social guests; provided however, that they may also be used to maintain a professional office or study to the extent the same is permitted by the applicable zoning ordinances and regulations. The dwellings shall not be rented for transient 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 dwelling are provided customary hotel services, such as room service for food and beverages, maid service, laundry and linen, or bellboy service. Except for such transient or hotel purposes, the owners of the respective dwellings shall have the right to lease the same subject to the limitations, restrictions, covenants and conditions of this Declaration.

OWNERSHIP TO TITLE: The Notice of Intention reflects that the fee title to the land, consisting of approximately 1.027 acres is vested in Robert A. Spicer by Deed dated November 15, 1963.

ENCUMBRANCES AGAINST TITLE: A Lien Letter prepared by Title Guaranty of Hawaii, Inc. reflects that title to the land as of July 28, 1972, is subject to:

1. Real Property Taxes for the fiscal year - 1971-1972 has been paid.
2. Mortgage dated May 19, 1964, filed as Land Court Document No. 341076, made by ROBERT ALLEN SPICER, husband of Anne Anematsu Spicer, to BANK OF HAWAII for the sum of \$30,000.00.

3. Designation of Easement D affecting Lot 5, as shown on Map 3, as set forth by Land Court Order No. 29430, filed January 7, 1969.
4. A Grant in favor of Robert Benjamin Goodman and Barbara Diane Goodman, husband and wife, granting easement for roadway over Easement D appurtenant to Lot 6 of Certificate No. 111359, dated January 8, 1969, filed as Land Court Document No. 466677.
5. Agreement of Sale dated August 15, 1970, filed as Land Court Document No. 508940, made by and between ROBERT ALLEN SPICER, husband of Fumiyo Anamatsu Spicer, also known as Anne Anematsu Spicer, as Seller, and JOHN STUART PORTER and RACHEL ELSA PORTER, husband and wife, as Tenants by the Entirety, as Purchasers, by which the Seller agreed to sell and the Purchasers agreed to buy the land under search for the sum of \$98,000.00. (Besides personal property.) Subject to the terms and conditions in said Agreement of Sale.

NOTE: The Agreement dated June 15, 1972 by and between John S. and Rachel Porter, Spencer and Karen R. Beal and Robert A. Spicer shows that the Agreement of Sale dated August 15, 1970, recorded as Document No. 508940 will be cancelled upon the establishment of a horizontal property regime, and individual deeds will be issued to the intended purchasers, Porter and Beal, by the Fee Owner.

It is also to be noted that the building permits for the existing dwellings and appurtenances were issued prior to adoption of the Comprehensive Zoning Code regulations. Therefore, the side yard setback of Dwelling B and the retaining wall within the 10-foot visibility triangle do not meet requirements of the present code but are authorized because of prior approval.

NOTE: In a letter dated June 29, 1972 from the City and County of Honolulu explained that should the dwellings be destroyed, rebuilding of the dwelling will be permitted provided that the dwellings meet the provisions of the Comprehensive Zoning Code.

PURCHASE MONEY HANDLING: A copy of the executed Agreement, dated June 15, 1972, by and between JOHN S. PORTER and RACHEL E. PORTER, SPENCER E. BEAL and KAREN R. BEAL and ROBERT A. SPICER, husband of Anne Anematsu Spicer has been filed with the Commission. Said Agreement sets out the terms under which said Beal and Porter are to purchase Dwellings A and B respectively and provides for purchase money handling of all funds with respect to the condominium. Escrow will be American Abstract & Escrow Co.

ADMINISTRATION OF THE CONDOMINIUM: Operation of the condominium and maintenance, repair, replacement and restoration of the common

elements, and any additions or alterations thereto, shall be in accordance with the provisions of the Horizontal Property Act, this Declaration and the by-laws of the Association. The owner of each dwelling shall be solely responsible for the maintenance, repair, replacement and restoration of such dwelling, except as otherwise provided herein, and the Association shall be responsible for all common elements of the condominium.

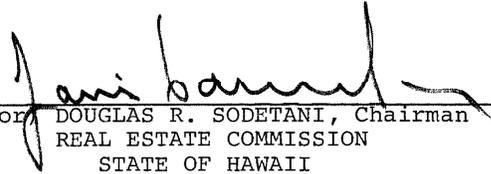
All charges, costs and expenses incurred by the Association for or in connection with the administration of the condominium shall constitute common expenses of the condominium and shall be borne by the dwelling owners in proportion to their respective common interests.

STATUS OF PROJECT: At the date of issuance hereof, all construction has been completed, and both Dwellings A and B have been reserved and the terms of financing agreed upon pursuant to the aforesaid Agreement dated June 15, 1972.

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 June 30, 1972, and additional information subsequently filed as of August 3, 1972.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 468 filed with the Commission June 30, 1972.

This report, when reproduced, shall be a true copy of the Commission's Public Report. In making facsimiles, the paper stock shall 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. 468

August 14, 1972