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

NENEHIWA GARDENS
47-669 Melekula Road
Kaneohe, Oahu, Hawaii

REGISTRATION NO. 471

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: September 18, 1972
Expires: October 18, 1973

SPECIAL ATTENTION

A comprehensive reading by the prospective purchasers is urged in order that the 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:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED JULY 11, 1972, AND ADDITIONAL INFORMATION FILED AS OF SEPTEMBER 12, 1972. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514, HAWAII REVISED STATUTES, AS AMENDED.

1. Nenehiwa Gardens is a proposed fee simple condominium project consisting of twelve (12) individual residential dwellings, each being a single apartment unit, or as called by the Owner-Developer, an apartment-cottage. Six of the cottages were completed in 1966 and the other six were completed in 1970. Since completed all cottages have been occupied as single-family dwellings.

2. The Owner-Developer of the project has filed all documents and information deemed necessary by the Commission for the registration of this proposed condominium and this issuance of the Final Report.

3. The Commission has determined that the basic documents (Declaration of Horizontal Property Regime, By-Laws of the Association of Owners and a copy of approved floor plans) have been filed in the Office of the Assistant Registrar of the Land Court.

   The Declaration of Horizontal Property Regime executed June 7, 1972, with By-Laws attached was registered in the said Office of the Assistant Registrar on July 10, 1972, as Document No. 588594.

   The Master Deed was executed January 25, 1966, and is registered in said Office of the Assistant Registrar as Document No. 380855.

   The Registrar has designated Condominium Map No. 137 to the Project.

4. No advertising or promotional matter has been submitted pursuant to the Rules and Regulations of the Commission.

5. The prospective purchaser is advised to acquaint himself with the provisions of Chapter 514, Hawaii Revised Statutes, as amended, and the rules and regulations promulgated thereunder which relate to Horizontal Property Regime.

6. This final report automatically expires thirteen (13) months after the date of issuance, September 18, 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: NENEHIWA GARDENS

LOCATION: Approximately 153,943.0 square feet of fee simple land committed to the regime is situated between Melekula Road and Nenehiwa Place, at Kahaluu, Koolaupoko, in the City and County of Honolulu, State of Hawaii.

TAX MAP KEY: First Division 4-7-46-37

ZONING: P-1 and R-3

DEVELOPER: Bulldozing Service, Ltd., a Hawaii corporation, with principal office at 2543 Rose Street, Honolulu, Hawaii, telephone number 845-0454.

ATTORNEY REPRESENTING DEVELOPER: Tin Chong Goo, Suite 305, 1022 Bethel Street, Honolulu, Hawaii 96813, telephone: 533-3444.

DESCRIPTION: The Declaration of Horizontal Property Regime reflects that the project is a residential condominium complex

consisting of twelve (12) separate buildings constructed principally of wood and masonry. Each building represents one apartment-cottage. The plan of the individual buildings are essentially similar one to the other, except that for several buildings, the plan has been reversed. Sewage system consists of cesspools.

Each of the apartment-cottages consist of three bedrooms, living room, dining room, kitchen and single-car garage. Ten of the apartment-cottages have one-and-one-half (1½) bathrooms each; two have one (1) bathroom each.

Each apartment-cottage contains approximately 836 square feet, with the exception of one containing 912 square feet.

The apartment-cottages are designated Nos. 2, 3, 4, 5, 6, 7, 9, 10, 13, 14, 15 and 16.

Each apartment-cottage consists of all of the space enclosed by the walls and roofs within the apartment-cottage boundaries as delineated upon Land Court Condominium Map. No. 137 filed in the Office of the Assistant Registrar of the Land Court of Hawaii.

COMMON ELEMENTS: The Declaration set forth that the common elements of the project include the land in fee simple, being Lot No. 893, area 153,943.0 square feet, as shown on Map 131, filed in the Office of the Assistant Registrar of the Land Court of Hawaii, together with all improvements and vegetation thereon but excluding therefrom the apartment-cottages.

LIMITED COMMON ELEMENTS: As shown on said Land Court Condominium Map No. 137, Lot 893 is marked off into 18 condominium areas. Each condominium area on which is constructed an apartment-cottage is designated a "home site". As there are 12 apartment-cottages, there are correspondingly 12 home sites. Each home site is designated a limited common element restricted to the use of the apartment-cottage situated within that particular home site. The developer has no plan to construct dwellings on the condominium area on which there is no apartment-cottage constructed. These six condominium areas are part of common elements.

INTEREST TO BE CONVEYED: To each purchaser of an apartment-cottage shall be conveyed an undivided 1/12 interest in all the common elements of the project.

USE: Each apartment-cottage shall be used only as a place of dwelling and for no other purpose.

OWNERSHIP OF TITLE: A certificate of title dated June 2, 1972, prepared by First American Title Company of Hawaii, Inc., states that title to the land committed to the project is vested in Bulldozing Service, Limited, a Hawaii corporation.

ENCUMBRANCES AGAINST TITLE: The June 2, 1972, title certificate report prepared by First American Title Company of Hawaii, Inc., discloses the following:

1. Real property taxes due for the year 1971-1972:

	Tax	Penalty	Interest	Total
-First Installment	1538.78	153.87	78.96	1771.61
-Second Installment	1538.78	153.87	11.28	1703.93

2. "Nothing herein contained shall be construed as determining the rights of water and/or easements for irrigation ditches in favor of the Dillingham Bros., Limited, and/or any of the parties interested in the lands covered by Land Court Certificate of Title No. 47,043."

3. The covenants as set forth in that certain Deed dated December 27, 1950, filed in said Office of the Assistant Registrar as Document No. 124605:

   -"That no hedge, building or structure, or any part thereof (except a boundary hedge, fence or wall not more than four (4) feet above the ground line) shall be grown, created or placed or allowed to remain upon the above-described premises within twenty (20) feet from the front street boundary line, or within six (6) feet from any other street property line.

   -"That no "quonset" type of building shall be erected, placed or maintained upon said premises."

4. The covenants as set forth in that certain Deed dated January 25, 1966, filed in said Office of the Assistant Registrar as Document No. 380885:

   -"That all houses shall be constructed of new material and shall have a maximum house area of 800 square feet.

   -"That all plot plans are to be approved by the Grantor herein in order to provide for a well-planned development."

5. Mortgage dated March 5, 1971, to secure an indebtedness of $58,740.00 and any other amounts payable under the terms thereof, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 528957.

   Mortgagor: Bulldozing Service, Limited, a Hawaii corporation

   Mortgagee: Finance Factors, Limited, a Hawaii corporation

6. Mortgage dated June 4, 1971, to secure an indebtedness of $50,000.00, and any other amounts payable under the terms thereof, filed in said Office of the Assistant Registrar as Document No. 540069.

   Mortgagor: Bulldozing Service, Limited, a Hawaii corporation

   Mortgagee: Finance Factors, Limited, a Hawaii corporation

Aside from the encumbrances listed above, there are certain encumbrances which are not registered with the Land Court, nor noted on Transfer Certificate of Title No. 107381, but which are set forth under Question No. 11 of the Horizontal Property Regime (Condominium) Questionnaire. These unregistered encumbrances are as follows:

7. Relative to Apartment-Cottages Nos. 4 and 6, there exist Initial Payment Receipt and Contracts between Le Vanh Binh and Chu Thi Thanh, as Purchaser, and Bulldozing Service, Limited, as Seller. Each of the contracts covers the particular apartment-cottage and a one-fifteenth equal fractional part of the equitable ownership and beneficial interest in said Lot 893 (the land herein proposed to be submitted to the project).

8. Relative to Apartment-Cottage No. 15, there exists Initial Payment Receipt and Contract between Ngo Thi Yuyet, as Purchaser, and Bulldozing Service, Limited, as Seller. The contract covers Apartment-Cottage No. 15 and a one-fifteenth equal fractional part of the equitable ownership and beneficial interest in said Lot 893.

9. Relative to Apartment-Cottage No. 10, there exists Initial Payment Receipt and Contract and a Declaration of Trust between Kadushi and Fumiko Sakai, as Purchaser, and Bulldozing Service, Limited, as Seller. Relative to Apartment-Cottage No. 16, there exist Initial Payment Receipt and Contract and a Declaration of Trust between Shigeki and Mitsuko Uyetake, as Purchaser, and Bulldozing Service, Limited, as Seller. In each instance, the contract covers the particular apartment-cottage and a one-fifteenth equal fractional part of Lot 893, and the Declaration of Trust sets forth the conditions of the trust under which the Seller holds the apartment-cottage and one-fifteenth equal fractional part of Lot 893 for the benefit of the Purchaser.

10. Relative to Apartment-Cottage No. 2, there exists an oral contract with Shigeki Uyetake as Purchaser; relative to Apartment-Cottage No. 14, there exists an oral contract with George Picanso as Purchaser. The terms

of the oral contracts are similar to those set forth in the written Initial Payment Receipt and Contracts relative to Apartment-Cottages Nos. 4, 6 and 15.

PURCHASE MONEY HANDLING: The specimen sales contract (Purchase Agreement Form A, used with reference to Apartment-Cottages Nos. 3, 5, 7, 9 and 13, and Purchase Agreement Form B, used with reference to Apartment-Cottages Nos. 2, 4, 6, 10, 14, 15 and 16) and apartment-cottage deed have been examined and found to be acceptable under the provisions of Chapter 514, Hawaii Revised Statutes. It is incumbent upon the purchaser and prospective purchaser that he reads with care the sales contract. Each purchaser shall be responsible for obtaining his own financing.

ADMINISTRATION, MANAGEMENT & OPERATIONS: Administration of the project is to be vested in the Association of Owners. The Declaration of Horizontal Property Regime and the By-Laws vest the Board of Directors with certain authority, and among the Board's responsibilities is the duty to secure the services of a person or firm to manage the project. The declaration identifies that the initial managing agent is developer Bulldozing Service, Limited.

STATUS OF PROJECT: An Affidavit of Publication of the Owner's Notice of Completion of Contract was filed in the Circuit Court of the First Circuit, State of Hawaii, on January 10, 1966, with reference to Apartment-Cottages Nos. 9, 14 and 15. A similar Affidavit was filed on June 26, 1966, with reference to Apartment-Cottages Nos. 2, 4 and 6. A third Affidavit was filed on May 7, 1970, with reference to Apartment-Cottages Nos. 3, 5, 7, 10, 13 and 16.

Apartment-Cottages Nos. 2, 4, 6, 10, 14, 15 and 16 have heretofore been sold to various purchasers under an Initial Payment Receipt and Contract, or under an Initial Payment Receipt and Contract and Declaration of Trust, or under oral contracts. Apartment-Cottages Nos. 3, 5, 7, 9 and 13 have been operated as rental units.

IMPORTANT NOTICE: The Commission has been advised that the existing apartment-cottages do not meet the provisions of the Comprehensive Zoning Code, Section 21-506, therefore, if any one of the existing apartment-cottages is demolished, it cannot be replaced.

The purchaser or prospective purchaser should be cognizant of the fact that this published report represents information disclosed by the Developer and the required Notice of Intention submitted July 11, 1972, and additional information filed as of September 12, 1972.

This FINAL HORIZONTAL PROPERTY CONDOMINIUM PUBLIC REPORT is made part of the REGISTRATION NO. 471 filed with the Commission July 11, 1972.

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

(For) DOUGLAS R. SODETANI, Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII

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REGISTRATION NO. 471

September 18, 1972