

**REAL ESTATE COMMISSION**  
PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES  
STATE OF HAWAII  
1010 RICHARDUS STREET  
P. O. BOX 3469  
HONOLULU, HAWAII 96801

**FINAL**  
**HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)**  
**PUBLIC REPORT**  
on

KAOHINANI GARDENS  
3174-3176 Kaohinani Drive  
Honolulu, Hawaii

REGISTRATION NO. 496

**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: March 15, 1973  
Expires: April 15, 1974

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 prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION FILED NOVEMBER 14, 1972. THE DEVELOPERS, IN NOTIFYING THE COMMISSION OF THEIR INTENTION TO SELL, ARE COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514, HAWAII REVISED STATUTES.

1. Kaohinani Gardens is a fee simple condominium project situated on 37,067 square feet of fee simple land and consists of three (3) single family dwellings. The unit designated 3174 was completed on October 13, 1948, and has been occupied by the Developer since its completion. The units designated 3174-A and 3176 were completed on January 5, 1968, and have been occupied as rental units since their completion.

2. The Developers of the project have filed all documents and materials deemed necessary by the Commission for the registration of this condominium project and issuance of this Final Public Report.

3. The Commission has determined that the basic documents (Declaration of Horizontal Property Regime, with the By-Laws of Association of Apartment Owners attached, and a copy of the approved Floor Plans) have been filed in the office of the recording officer.

The Declaration and By-Laws dated December 4, 1972, have been filed in the Office of the Assistant Registrar of the Land Court as Document No. 616461. The Assistant Registrar has designated Condominium Map No. 157 to the project.

4. No advertising or promotional matter has been filed pursuant to the rules and regulations promulgated by the Commission.

5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of the Horizontal Property Act, Chapter 514 of the Hawaii Revised Statutes and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.

6. This Final Public Report automatically expires thirteen (13) months after the date of issuance, March 15, 1973, unless the Commission, upon review of the registration, issues an order extending the period of this report.

NAME OF PROJECT: KAOHINANI GARDENS

LOCATION: 3174-3176 Kaohinani Drive, Honolulu, Hawaii

TAX MAP KEY: 2-2-46-37

ZONING: R-3

DEVELOPER: JAMES JOHN TOMPKISON and MOLLIE TOSHIE TOMPKISON, 3174 Kaohinani Drive, Honolulu, Hawaii.

ATTORNEY REPRESENTING DEVELOPER: Conroy, Hamilton, Gibson, Nickelsen & Rush (Attention: Ken Harimoto), 20th Floor Hawaii Building, 745 Fort Street, Honolulu, Hawaii 96813.

DESCRIPTION: The Declaration of Horizontal Property Regime and plans submitted by the Developers indicate a fee simple condominium project consisting of three (3) single family houses constructed principally of wood. There will be three (3) freehold estates designated in the spaces within the perimeter walls of each of the three (3) units contained in the project, including privacy areas appurtenant thereto, which spaces, referred to herein as "apartments", are designated on said plans and described as follows:

1. The apartment designated 3174 on said plans is a single

family dwelling without a basement consisting of 4 bedrooms, 2 bathrooms, a living room, kitchen, dining room, an attached carport, and a privacy area containing a total area of approximately 12,500 square feet, including the carport and privacy area.

2. The apartments designated on said plans as 3174-A and 3176 are both single family dwellings without basements consisting of 3 bedrooms, 1-1/2 bathrooms, a kitchen, a living room, a dining room, an attached carport and a privacy area. Apartment 3174-A contains a total area of approximately 10,000 square feet, including the carport and privacy area, and Apartment 3176 contains a total area of 10,900 square feet, including the carport and privacy area.

3. The respective apartments shall not be deemed to include any pipes, wires, conduits or other utility or service lines running through such apartment which are utilized for or serve any other apartment, the same being deemed common elements as hereinafter provided. Apartments 3174, 3174-A and 3176 shall each be deemed to include the privacy areas adjacent thereto as delineated on said plans as Lots A, B and C, respectively, and the spaces and structures enclosed by and within said privacy areas.

COMMON ELEMENTS: One freehold estate is hereby designated in all remaining portions of the project, herein called the "common elements", including specifically but not limited to:

1. Said land in fee simple;

2. Parking areas and driveways; provided, however, that the right to use parking spaces in the parking areas may be that or assigned for the exclusive use of certain apartments or otherwise disposed of by the Association under such terms and conditions as it determines; provided, further, that the single apartments shall be deemed to include the carports attached thereto;

3. All pipes, cables, conduits, ducts, electrical equipment, wiring and other central and appurtenant transmission facilities and installations over, under and across the project which serve more than one apartment for services such as power, light, gas, water, sewer, telephone and television signal distribution, if any;

4. Any and all other apparatus and installations of common use and all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

LIMITED COMMON ELEMENTS: The project shall contain no limited common elements.

INTEREST TO BE CONVEYED TO PURCHASERS: The Declaration states that each apartment shall have appurtenant thereto an undivided percentage interest in all common elements of the project, herein called the "common interest", and the same proportionate share in all common profits and expenses of the project and for all other purposes including voting, as follows:

<u>APARTMENT</u>	<u>COMMON INTEREST</u>
3174	37.66%
3174-A	29.47%
3176	32.87%

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The Declaration states that the apartments shall be occupied and used only as private dwellings by the respective owners thereof, their tenants, families, domestic servants and social guests, and for no other purpose. The apartments shall not be rented for transient or hotel purposes, which are defined as (1) rental for any period less than 30 days, or (2) any rental in which the occupants of the apartment are provided customary hotel services such as room service for food and beverage, maid service, laundry and linen or bellboy service. Except for such transient or hotel purposes the owners of the respective apartments shall have the absolute right to lease such apartments subject to all provisions of this Declaration and the By-Laws of the Association; subject, however, to compliance with all applicable statutes and ordinances and governmental rules and regulations.

OWNERSHIP OF TITLE: The Developers in their Notice of Intention represent that the owners of the fee simple title to the property committed to the project are JAMES JOHN TOMPKISON and MOLLIE TOSHIE TOMPKISON, husband and wife, said property having been conveyed to them by Deed dated August 12, 1966, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 397980.

ENCUMBRANCES AGAINST TITLE: A Preliminary Report dated February 16, 1973, issued by Title Guaranty of Hawaii, Incorporated, as submitted to the Commission, provides that the following are encumbrances against title to the property:

1. The right of the State of Hawaii, Mrs. Jane Mist, Mrs. Mary Dowsett and Mrs. M.E.G. Williams and their tenants to take water from sundry auwais or ditches which convey water over said land to land owned by them not being determined in the matter of the registration of this land, such easements, if any, are expressly excluded from this title.

2. A grant in favor of Hawaiian Electric Company, Inc., and Hawaiian Telephone Company, dated April 25, 1967, filed as Document No. 415694, granting an easement for utilities. Consent given by Island Insurance Co., Ltd., filed as Document No. 415695.

3. The reservation and covenants in deed dated October 8, 1936, and filed as Document No. 37434.

4. Mortgage executed by James John Tompkison and Mollie Toshie Tompkison, husband and wife, as mortgagors, in favor of Island Insurance Company, Ltd., as mortgagee, dated January 19, 1967, filed in the Office of the Assistant Registrar of the Land

Court as Document No. 409091 and duly noted on Transfer Certificate of Title No. 110,509.

5. Declaration of Horizontal Property Regime of Kaohinani Gardens dated December 4, 1972, filed in said Office of the Assistant Registrar as Document No. 616461, Condominium Map No. 157.

6. Real Property Taxes, second installment, fiscal year July 1, 1972 to June 30, 1973.

PURCHASE MONEY HANDLING: No formal Escrow Agreement is necessary since construction of the project has been completed.

MANAGEMENT OF THE PROJECT: The By-Laws which are incorporated in the Declaration provide that the operation of the project shall be conducted for the Association of Apartment Owners under the direction of the Board of Directors by a responsible managing agent. James John Tompkison has been indentified as the initial managing agent.

STATUS OF PROJECT: Construction of the project was completed as to Apartment 3174 on October 13, 1948, and as to Apartments 3174-A and 3176 on January 5, 1968.

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The purchaser or prospective purchaser should be cognizant of the fact that this published report represents information disclosed by the Developers in the required Notice of Intention submitted November 14, 1972.

This is a FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT which is made a part of Registration No. 496 filed with the Commission November 14, 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 white.

  
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. 496

March 15, 1973.