

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII
1010 RICHARDS STREET
P. O. BOX 3469
HONOLULU, HAWAII 96801

(SECOND) SUPPLEMENTARY
HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)
PUBLIC REPORT

on
EWALANI VILLAGE
Road A & North Road
Ewa, Oahu, Hawaii
REGISTRATION NO. 514

This Report Is Not an Approval or Disapproval of This Condominium Project

April 16, 1973 and
It was prepared as a supplement to an earlier Report dated February 19, 1974 issued
by the Real Estate Commission on the above 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 Condo-
minium 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: June 10, 1974

Expires: November 16, 1974

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 or
prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE
REQUIRED NOTICE OF INTENTION SUBMITTED JANUARY 9, 1973
AND INFORMATION SUBSEQUENTLY FILED AS OF JUNE 10, 1974.
THE DEVELOPER, BY NOTIFYING THE COMMISSION OF HIS
INTENTION TO SELL AND SUBMITTING INFORMATION ON
MATERIAL CHANGES IS COMPLYING WITH THE REQUIREMENTS
OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514, HAWAII
REVISED STATUTES, AS AMENDED.

1. Since the issuance of the Commission's Final Public
Report of April 16, 1973 and the Supplementary Public
Report of February 19, 1974 on Ewalani Village,
Registration No. 514, the Developer reports that
changes have been made in the plan or setup as
heretofore presented in that Developer shall impose
restrictions on the transfer and use of the apartments.

The changes subsequently made are determined to be a material revision to the information disclosed earlier. This (second) Supplementary Public Report (pink paper stock) amends the Final Public Report (white paper stock) of April 16, 1973 and the (first) Supplementary Public Report (pink paper stock), of February 19, 1974, and becomes a part of the Ewalani Village, Registration No. 514. The Developer is responsible for placing a true copy of this (second) Supplementary Public Report in the hands of all purchasers and prospective purchasers, along with a copy of the Final Public Report and the (first) Supplementary Public Report. The purchaser shall sign the required receipt signifying that he has had an opportunity to read all three reports.

2. The Developer has submitted to the Commission for examination all documents deemed necessary for the registration of the project and updating information disclosed herein.

The Amendment to Declaration of Ewalani Village Condominium dated June 7, 1974, was filed as Land Court Document No. 684592. The amendment relates to the restrictions on use and transfer of the apartments as hereinafter described.

3. The purchaser and prospective purchaser are advised to acquaint themselves with the provisions of Chapter 514, Hawaii Revised Statutes (as amended), and the Condominium Rules and Regulations promulgated thereunder which relate to Horizontal Property Regimes.
4. This (second) Supplementary Public Report and all previous public reports filed under Registration No. 514 expires on November 16, 1974, unless another supplementary report is published or the Commission, upon review of the registration, issues an order extending the said effective period.

DEVELOPER: The original developer of the project was HMP Ventures, a Hawaii joint venture, as set forth in the Final Public Report of April 16, 1973. By deed dated April 24, 1974 and filed as Land Court Document No. 679023, HMP Ventures sold all of the apartments together with appurtenant interests thereto constituting the whole of the Ewalani Village Condominium project to the Hawaii Housing Authority, a public body and a body corporate of the State of Hawaii whose business and post office address is 1002 North School Street, Honolulu, Hawaii. The Hawaii Housing Authority intends to sell the apartments under Chapter 359G of the Hawaii Revised Statutes.

ATTORNEY REPRESENTING DEVELOPER: James T. Funaki, 1022 Bethel Street, Honolulu, Hawaii, Telephone 536-1791.

OWNERSHIP OF TITLE: The title to the land committed to the project is vested in Hawaii Housing Authority. A lien letter prepared by Long & Melone, Ltd. updated to May 8, 1974 confirms such ownership.

ENCUMBRANCES AGAINST TITLE: The lien letter prepared by Long & Melone, Ltd., updated to May 8, 1974, certifies that the records reveal no liens or encumbrances against said title, save and except the following:

1. Title to all mineral and metallic mines reserved to the State of Hawaii.
2. Designation of Easement 84 for electrical purposes, as shown on Map No. 203, filed as Land Court Application No. 242.
3. Designation of Easement 85 for waterline purposes, as shown on Map No. 203, filed as Land Court Application No. 242.
4. Designation of Easement 86 for drainage purposes, as shown on Map No. 203, filed as Land Court Application No. 242.
5. Declaration of Protective Provisions for Ewalani Village dated December 8, 1972, filed as Land Court Document No. 609903.
6. Declaration of Horizontal Property Regime dated January 5, 1973, filed as Land Court Document No. 614958 with Condominium Map No. 154, said Declaration of Horizontal Property Regime was amended by instrument dated January 11, 1974, filed as Land Court Document No. 666192, and further amended by instrument dated February 7, 1974, filed as Land Court Document No. 668437.
7. Taxes that may be due and owing and a lien on the land.

FINANCING OF PROJECT: The Hawaii Housing Authority has paid for the completed project in cash and the project is not encumbered by any mortgage.

RESTRICTIONS ON TRANSFER AND USE OF APARTMENTS: The Hawaii Housing Authority ("authority") intends to sell the apartments under Chapter 359C of the Hawaii Revised Statutes which imposes certain restrictions on the transfer and use of apartments as follows:

"(a) For a period of ten years after the dwelling unit is purchased from the authority, or an agreement of sale is executed, whether on fee simple or leasehold property the following restrictions shall apply to the use and transfer of the unit and the property:

"(1) Any such dwelling unit shall be owner occupied. Violation of this provision is sufficient for the authority, at its option, to repurchase the dwelling unit as provided for in paragraph (2);

"(2) In the event that the purchaser wishes to transfer title to the dwelling unit and the property or the lease, the authority shall have the right of first refusal, at a price which shall not exceed the amount of the original cost to the purchaser together with the cost of any improvements added by the purchaser together with simple interest on all of the purchaser's equity in the property at the rate of seven per cent a year; provided, however, that title to a dwelling unit and the property or lease may pass to a family member by devise or through the laws of descent, who would otherwise qualify under the rules and regulations established by the authority.

"(3) Any deed, lease, agreement of sale, mortgage, or other instrument of conveyance issued by the authority shall expressly contain the restriction on transfer and use of the dwelling unit as prescribed in this section.

"(b) For a period from the tenth year until the twentieth after a dwelling unit is purchased or an agreement of sale is executed, whether on fee simple or leasehold property the following restrictions shall apply to the use and transfer of the unit and the property:

"(1) Any such dwelling unit shall be owner occupied. Violation of this provision is sufficient for the authority, at its option, to repurchase the dwelling unit as provided for in paragraph (2);

"(2) In the event that the purchaser wishes to transfer title to the dwelling unit and the property or the lease, the authority shall have the right to first refusal, at a price which shall not exceed the greater amount of the original cost to the purchaser together with the cost of any improvements added by the purchaser together with simple interest on all of the purchaser's equity in the property at the rate of seven per cent a year, or the fair market value of the premises less any amount subsidized by the State, as determined by the authority, and less also interest thereon at the same rate as that paid by the purchaser on his mortgage or other security agreement, provided, that title to a dwelling unit and the property or lease may pass to a family member by devise or through the laws of descent, who would otherwise qualify under the rules and regulations established by the authority.

"(3) Any deed, lease, agreement of sale, mortgage or other instrument of conveyance issued by the authority shall expressly contain the restriction on transfer and use of the dwelling unit as prescribed in this section."

"In the event that the United States Department of Housing and Urban Development, through its Federal Housing Administration, the United States Department of Agriculture, through its Farmers Home Administration or any other federal or state agency engaged in housing activity, shall at any time become the owner of a dwelling unit and the land or leasehold interest pursuant to a contract, mortgage, or mortgage insurance, this right to repurchase by the authority shall be suspended and be of no force and effect during the period of such ownership, the right to repurchase being automatically reinstated and fully effective and applicable from and after any period of such ownership."

The purchaser or prospective purchaser shall be cognizant of the fact that this report represents information disclosed by the Developer in the required Notice of Intention submitted January 9, 1973 and information subsequently filed as of June 10, 1974.

This (SECOND) SUPPLEMENTARY HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 514 filed with the Commission on January 9, 1973.

The report, when reproduced, shall be a true copy of the Commission's public report. The paper stock used in making facsimiles must be pink in color.


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

Distribution:

DEPARTMENT OF TAXATION
BUREAU OF CONVEYANCES
PLANNING DEPARTMENT, CITY AND COUNTY OF HONOLULU
FEDERAL HOUSING ADMINISTRATION
ESCROW AGENT

Registration No. 514
June 10, 1974