

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
HILLSIDE TERRACE
Ewa, Hawaii
Registration No. 518

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: May 4, 1973
Expires: June 4, 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 19, 1973 AND INFORMATION SUBSEQUENTLY FILED AS OF MAY 3, 1973. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES LAW, CHAPTER 514, HAWAII REVISED STATUTES.

1. Hillside Terrace is a condominium project consisting of eleven (11) multi-family structures consisting of fifty-six (56) units. The Developer intends to sell the apartment units together with an undivided interest in the common elements of the project, including the land, in fee.

2. The Developer has complied with the requirements for issuance of a Final Public Report as set forth in Chapter 514, Hawaii Revised Statutes.

3. This Final Public Report is made a part of the registration on HILLSIDE TERRACE condominium project. The Developer is responsible for placing this Final Public Report (white

paper stock) in the hands of all purchasers and prospective purchasers and for securing a signed copy of the Receipt for Horizontal Property Regime Public Report from each purchaser and prospective purchaser.

4. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of the condominium project and the issuance of this Final Public Report.

The Developer, reports that the basic documents (Declaration of Horizontal Property Regime, with By-Laws of the 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 of Horizontal Property Regime, with By-Laws attached, was filed with the Assistant Registrar of the Land Court as Document No. 626123 and recorded in Liber 9074, Page 156.

Land Court Map No. 270 showing the layout, location, and apartment numbers was filed with the Assistant Registrar of the Land Court.

5. Advertising and promotional matter has not as yet been submitted pursuant to the rules and regulations promulgated by the Commission.

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

7. This Final Public Report automatically expires thirteen (13) months after the date of issuance, May 4, 1973, unless a Supplementary Public Report issues or the Commission, upon the review of the registration, issues an order extending an effective period of this report.

NAME OF PROJECT: HILLSIDE TERRACE

LOCATION: The approximately 242,865 square feet of land committed to the regime is more particularly described in Exhibit "A" attached hereto and made a part hereof.

TAX KEY: 9-8-02-03 (Lot 1) and 9-8-09-09 (Lot 285-A-3)

ZONING: A-1 Apartment

DEVELOPER: Oceanview Ventures, a Hawaii Limited Partnership, whose principal place of business is 2024 North King Street, Honolulu, Hawaii, and whose telephone number is 847-4241. The members of the Limited Partnership are:

SHIGERU HORITA

IWAO KISHIMOTO

HERBERT K. HORITA

MASAKAZU HORITA

KAZUAKI TANAKA

KINJI KANAZAWA

DESCRIPTION: The proposed project consists of a 242,865 square feet parcel of land situated at Waiau-Waimalu, Ewa, Oahu, Hawaii, with improvements to be constructed thereon consisting of eleven (11) multi-family structures, designated by their street address number, together with parking facilities. Said structures are constructed principally of concrete slabs and wood.

There will be six (6) types of apartment spaces which have been designated, for classification purposes only, as Model "A", Model "B", Model "C", Model "D", Model "E" and Model "F". The area and the number of rooms contained in each of said types of apartment spaces are as follows:

- Model "A" - a two story, end unit apartment (full level down) with an area of 1187 square feet, more or less (exclusive of lanai, attached two-car garage and entry court, containing approximately 720 square feet) containing two bedrooms, 1 1/2 bath, kitchen, and dining/living room.
- Model "B" - a two story, end unit apartment (1/2 level up) with an area of 1187 square feet, more or less (exclusive of lanai, attached two-car garage and entry court, containing approximately 720 square feet) containing two bedrooms, 1 1/2 bath, kitchen and dining/living room.
- Model "C" - a two story, interior unit apartment (full level down) with an area of 1161 square feet, more or less (exclusive of lanai, attached one-car garage and entry court, containing approximately 473 square feet) containing two bedrooms, 1 1/2 bath, kitchen and dining/living room.
- Model "D" - a two story, interior unit apartment (1/2 level up) with an area of 1200 square feet, more or less (exclusive of lanai, attached one-car garage and entry court containing approximately 482 square feet) containing two bedrooms, 1 1/2 bath, kitchen and living/dining room.
- Model "E" - a two story, end unit apartment (1/2 level down) with an area of 1497 square feet, more or less, (exclusive of lanai, attached two-car garage, entry court and balcony

containing approximately 840 square feet) containing three bedrooms, 2 1/2 bath, kitchen and living/dining room.

Model "F" - a two story, interior unit apartment (1/2 level down) with an area of 1409 square feet, more or less (exclusive of lanai, attached one-car garage and entry court containing approximately 473 square feet) containing three bedrooms, 2 1/2 bath, kitchen and living/dining room.

There will be seven (7) types of buildings which have been designated, for classification purposes only, as "Types 1, 2, 3, 4, 5, 6 and 7" and are briefly described as follows:

Type "1" - Designed for uphill sloping areas with three different floor elevations and containing two bedroom apartments.

Type "2" - Designed for uphill sloping areas with two different floor elevations and containing two bedroom apartments.

Type "3" - Designed for uphill sloping areas with level floor elevation (i.e., flat) and containing two bedroom apartments.

Type "4" - Designed for downhill sloping areas with three different floor elevations and containing three bedroom apartments.

Type "5" - Designed for downhill sloping areas with one floor elevation and containing three bedroom apartments.

Type "6" - Designed for downhill sloping areas with two different floor elevations and containing three bedroom apartments.

Type "7" - Designed for downhill sloping areas with level floor elevation (i.e., flat) and containing two bedroom apartments.

Buildings designated with "(r)" after the Building Type number on the plans are reverse types of buildings.

The apartment number of each apartment space, its location and model are as shown on Exhibit "B" attached hereto and made a part hereof.

COMMON ELEMENTS: A freehold estate consisting of all remaining portions of the project being described and referred to in the Declaration as "Common Elements" which definition includes, but is not limited to: (a) the land described in Exhibit "A" in fee simple; (b) all foundations, columns, girders, beams, supports, perimeter walls, the enclosed space between party walls, load-bearing walls, roofs, walkways, boardwalks, ducts,

pumps, pipes, wires, conduits, and generally all equipment, apparatus, installations and personal property existing for common use in the buildings or located on the land described in Exhibit "A"; (c) all roads and other common ways, landscaping, yards, playground areas and equipment, fences, refuse collection areas, mail box areas, loading zone and guest parking areas situate on the land described in Exhibit "A" and existing for common use; (d) community facilities and all utility installations; (e) all portions of the building not deemed to be included as an apartment space.

LIMITED COMMON ELEMENTS: Portions of the common elements are hereby set aside and designated as "limited common elements". Each apartment space will have as an appurtenance thereto, where applicable: the driveways leading to individual garages; the attached garage space enclosed by the interior surfaces of the garage walls, roof and floor, including the garage door proper and the hardware attached thereto; the assigned uncovered parking spaces bearing the same designation as the apartment space, assigned private open-spaces in the rear of the apartment, enclosed by fences; storage areas; walkways and railings; entry court and the fences and gates enclosing such entry courts; all for the exclusive use of such apartment space.

In the case of interior units which share a common stairway or walkway, such stairway or walkway will be a limited common element of the two units to which it is appurtenant and its use and maintenance shall be governed as set forth in the "Covenants of Family Unit Owners" of the Declaration.

The parking spaces are shown on the plot plan of the project filed with the Assistant Registrar of the Land Court as Condominium Map 270.

Parking Spaces Nos. A total of 7 spaces, which have not been assigned to any apartment space, shall remain as common elements to be used for guest parking.

Except for the items hereinabove set forth as an appurtenance to the restrictive apartment spaces, there are no other restricted or limited common elements.

The ownership of each apartment space shall include the respective undivided interest in the common elements, and each apartment space, together with an undivided interest in the common elements, is defined and hereinafter referred to as "family unit".

INTEREST TO BE CONVEYED PURCHASER: Each unit shall have appurtenant thereto an undivided 1.785 percentage interest (1/56th fractional interest) called the "common interest", in the common elements for all purposes, including voting.

PURPOSE AND USE OF THE APARTMENT SPACES: The purpose for which the apartment spaces are intended and restricted as to use is residential; provided, that this shall not be construed to prohibit the renting or leasing of said apartment spaces for profit, individually or otherwise, so long as the ultimate tenant thereof

uses the apartment space as a place in which to reside as distinguished from a place in which to carry on a trade or business; provided further, that no apartment space shall be rented by the owner or owners thereof for transient or hotel purposes.

OWNERSHIP TO TITLE: The Notice of Intention submitted to the Commission states that title to the land committed to the project is vested in Shigeru Horita and Iwao Kishimoto, Authorized General Partners of Oceanview Ventures, as joint tenants.

ENCUMBRANCES AGAINST TITLE: A Land Court Letter dated March 30, 1973 and a Certificate of Title dated April 3, 1973, both prepared by Long & Melone, Ltd., reports that title to the land is subject to the following encumbrances:

AS TO LOT 1 ONLY:

1. Deed dated March 2, 1973 from the Trustees of the Estate of Bernice Pauahi Bishop, recorded in Book 9043, Page 151.
2. Easement 1 (20 feet wide) for electrical purposes.
3. Title to all mineral and metallic mines reserved to the State of Hawaii.
4. For any taxes that may be due and owing on the land reference is hereby made to the office of the Tax Assessor of the First Taxation Division.

AS TO LOT 285-A-3 ONLY:

1. Easement 7 for flowage purposes as shown on Map No. 19, Land Court Application No. 950.
2. Master Declaration of Covenants, Conditions and Restrictions for the Newtown Estates, dated May 26, 1972, filed as Land Court Document No 582929.
3. Mortgage dated October 7, 1971 in favor of First Hawaiian Bank, filed as Land Court Document No. 558596.
4. Mortgage dated December 1, 1970 in favor of the Trustee under the Will and of the Estate of Edith Austin, deceased, filed as Land Court Document No. 520695.
5. Subordination Agreement by the Trustee under the Will and of the Estate of Edith Austin, deceased, dated November 10, 1971 filed as Land Court Document No. 558597 (Subordinates Mortgage dated December 1, 1970 and filed as Land Court Document No. 520695).
6. Additional Charge Mortgage and Additional Security in favor of First Hawaiian Bank, dated June 20, 1972, filed as Land Court Document No. 624069. Additional Charge to Mortgage filed as Land Court Document No. 558596.

7. Subordination Agreement by the Trustee under the Will and of the Estate of Edith Austin, deceased, dated March 21, 1973 filed as Land Court Document No. 624070 (Subordinates Mortgage dated December 1, 1970 and filed as Land Court Document No. 520695).

8. For any taxes that may be due and owing on the land reference is hereby made to the office of the Tax Assessor of the First Taxation Division.

PURCHASE MONEY HANDLING: An Escrow Agreement dated January 15, 1973 has been executed and a copy of same has been filed with the Commission. The Escrow Agent is Developers Escrow Services, Inc., a Hawaii corporation. Upon examination the Specimen Sales Contract and the executed Escrow Agreement are found to be consonance with Chapter 514, Hawaii Revised Statutes, and particularly Section 514-15(6) and 514-36 through 514-40.

Among other provisions the Specimen Sales Contracts provides that in the event Seller shall not enter into agreements similar to this agreement with other purchasers for the sale and purchase of not less than twelve (12) of the apartment units on said land on or before three (3) months from the date of completion of construction of said Project, the obligations of both Seller and Buyer hereunder shall terminate, and all sums paid by Buyer hereunder shall be refunded without interest.

It is incumbent upon the Purchaser and prospective purchaser that he reads with care the Sales Contract and the executed Escrow Agreement. The latter Agreement established how the proceeds from the sale of condominium units are placed in trust, as well as the retention and disbursement of said funds.

MANAGEMENT AND OPERATIONS: The By-Laws of the Association of Apartment Owners vests the Board of Directors with the powers and duties necessary for the administration of the affairs of the project. The By-Laws provide that the organizational meeting for the Association shall be held on "Monday of the fifth week following completion of construction of the building". Until that first meeting, the Developer shall act in the capacity of the initial managing agent merely to assist the apartment owners of project.

At the first meeting, the Association will select its own managing agent and make and execute its own management contract with such agent.

Hence, a specimen Management Contract has not been submitted.

FINANCING OF PROJECT: Developer has filed an estimated total project cost of \$2,241,137.00. Developer has advised the Commission that it intends to finance part of the total project cost through an existing building construction loan and revolving fund from the First Hawaiian Bank.

STATUS OF PROJECT: A Building Contract was executed on October 31, 1972, between Developer, as Owner, and S. Horita Contracting, as Contractor. The Developer advised the Commission in January,

1973 that the project had been 1% completed and that the estimated date of completion is June, 1973.

The purchaser or prospective purchaser should be cognizant of the fact that this report represents information disclosed by the Developer in the required Notice of Intention submitted January 19, 1973, and information subsequently filed as of May 3, 1973.

This FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 518 filed with the Commission on January 19, 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 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. 518
May 4, 1973

EXHIBIT "A"

FIRST:

ALL of that certain parcel of land situated at Waiau, Waimalu, Ewa, Oahu, Hawaii and more particularly described as follows:

LOT 285-A-3, area 236,810 square feet or thereabouts (5.437 acres), as shown on Map 22 filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 950, as amended.

Being a portion of the land described in Transfer Certificate of Title No. 137,368 issued to Shigeru Horita, husband of Mitsue Horita, and Iwao Kishimoto, husband of Yaeko Kishimoto, as joint tenants.

SECOND:

ALL of that certain land situated at Waiau, Ewa, Oahu, Hawaii, being a portion of Royal Patent 4475, Land Commission Award 7713, Apana 35 to V. Kamamalu, described as follows:

BEGINNING at the Northeast corner of this parcel of land, the coordinates of which referred to Government Survey Triangulation Station "EWA CHURCH" being 3622.12 feet North and 10,154.25 feet East and running by azimuths measured clockwise from true South:

1. 53° 26' 100.32 feet along Lot 50-A of Land Court Application No. 950 (Map 18);
2. 13° 50' 114.72 feet along Lot 50-A of Land Court Application No. 950 (Map 18);
3. Thence along remainder of R. P. 4475, L. C. Aw. 7713, Apana 35 to V. Kamamalu (Lot 85 of Waiau View Estates Subdivision Unit 1-C, File Plan 1242) on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being 154° 29' 03" 22.81 feet;
4. 189° 15' 167.55 feet along remainder of R. P. 4475, L. C. Aw. 7713, Apana 35 to V. Kamamalu (Lot 85 to Waiau View Estates Subdivision Unit 1-C, File Plan 1242);

5. 279° 15' 92.09 feet along remainder of R. P. 4475, L. C. Aw. 7713, Apana 35 to V. Kamamalu to the point of beginning and containing an area of 6,055 square feet.

SUBJECT, HOWEVER, to Easement 1 twenty (20.00) feet wide for electrical purposes affecting Lot 1.

SUBJECT, ALSO, to the Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent No. 4475.

SUBJECT, FURTHER, as to Parcels First and Second hereinabove described, to the covenants, conditions and restrictions for NEWTOWN ESTATES as set forth in that certain Master Declaration filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 582929 on May 31, 1972.

EXHIBIT "B"

<u>BUILDING STREET ADDRESS</u>	<u>BUILDING TYPE</u>	<u>APARTMENT NUMBER</u>	<u>MODEL NUMBER</u>
98-1095 (Road "C")	"1"	1	B
98-1095 (Road "C")	"1"	2	D
98-1095 (Road "C")	"1"	3	D
98-1095 (Road "C")	"1"	4	D
98-1095 (Road "C")	"1"	5	D
98-1095 (Road "C")	"1"	6	B
98-1099 (Road "C")	"4r"	7	E
98-1099 (Road "C")	"4r"	8	F
98-1099 (Road "C")	"4r"	9	F
98-1099 (Road "C")	"4r"	10	F
98-1099 (Road "C")	"4r"	11	F
98-1099 (Road "C")	"4r"	12	E
98-1091 (Road "C")	"2"	13	B
98-1091 (Road "C")	"2"	14	D
98-1091 (Road "C")	"2"	15	D
98-1091 (Road "C")	"2"	16	B
98-1089 (Road "A")	"4"	17	F
98-1089 (Road "A")	"4"	18	F
98-1089 (Road "A")	"4"	19	F
98-1089 (Road "A")	"4"	20	F
98-1089 (Road "A")	"4"	21	F
98-1089 (Road "A")	"4"	22	E
98-1085 (Road "A")	"6"	23	E
98-1085 (Road "A")	"6"	24	F
98-1085 (Road "A")	"6"	25	F

<u>BUILDING STREET ADDRESS</u>	<u>BUILDING TYPE</u>	<u>APARTMENT NUMBER</u>	<u>MODEL NUMBER</u>
98-1085 (Road "A")	"6"	26	E
98-1061 (Road "B")	"6r"	27	E
98-1061 (Road "B")	"6r"	28	F
98-1061 (Road "B")	"6r"	29	F
98-1061 (Road "B")	"6r"	30	E
98-1065 (Road "B")	"6r"	31	E
98-1065 (Road "B")	"6r"	32	F
98-1065 (Road "B")	"6r"	33	F
98-1065 (Road "B")	"6r"	34	E
98-1069 (Road "B")	"5r"	35	E
98-1069 (Road "B")	"5r"	36	F
98-1069 (Road "B")	"5r"	37	F
98-1069 (Road "B")	"5r"	38	F
98-1069 (Road "B")	"5r"	39	F
98-1969 (Road "B")	"5r"	40	E
98-1073 (Road "B")	"7"	41	A
98-1073 (Road "B")	"7"	42	C
98-1073 (Road "B")	"7"	43	C
98-1073 (Road "B")	"7"	44	C
98-1073 (Road "B")	"7"	45	C
98-1073 (Road "B")	"7"	46	A
98-1081 (Road "B")	"3"	47	B
98-1081 (Road "B")	"3"	48	D
98-1081 (Road "B")	"3"	49	D
98-1081 (Road "B")	"3"	50	D
98-1081 (Road "B")	"3"	51	D
98-1081 (Road "B")	"3"	52	B

<u>BUILDING STREET ADDRESS</u>	<u>BUILDING TYPE</u>	<u>APARTMENT NUMBER</u>	<u>MODEL NUMBER</u>
98-1077 (Road "B")	"2r"	53	B
98-1077 (Road "B")	"2r"	54	D
98-1077 (Road "B")	"2r"	55	D
98-1077 (Road "B")	"2r"	56	B

The foregoing apartment spaces are shown on the floor plan of the project filed with the Assistant Registrar of the Land Court of the State of Hawaii as Condominium Map No. 270.

Each of the apartments shall have immediate access to the surrounding grounds which is a common element.