

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

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

## PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on

KUAHELANI APARTMENTS  
Mililani Town, Oahu, Hawaii

REGISTRATION NO. 529

### 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 but may only take reservations therefore after

- (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 11, 1973

Expires: June 11, 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 and prospective purchaser is particularly directed to the following:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED FEBRUARY 12, 1973. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT SET FORTH IN CHAPTER 514, HAWAII REVISED STATUTES.

1. Kuahelani Apartments is a proposed fee simple condominium consisting of ninety-nine (99) apartments arranged throughout eleven (11) detached buildings. Some apartments are one story in height and others are two stories in height. Each apartment has appurtenant thereto the exclusive right to use two parking stalls.

2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of a condominium project and issuance of this Preliminary Public Report.
3. The basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owners and a copy of the approved Floor Plans) have not been filed in the office of the recording officer.
4. Advertising and promotional matter has been submitted 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 Chapter 514, Hawaii Revised Statutes and the Condominium Rules and Regulations which relate to Horizontal Property Regime.
6. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance, May 11, 1973, unless a Final Public Report issues or the Commission, upon review of the registration, issues an order extending the effective period of this report.

NAME OF PROJECT: KUAHELANI APARTMENTS

LOCATION: In Mililani Town off Kamehameha Highway between Pearl City and Wahiawa, Oahu, Hawaii.  
 Lot 3825-B-1, area 5.0 acres, as shown on Map 335, filed in the Office of the Assistant Registrar of the Land Court of Hawaii with Land Court Application 1000, being a portion of the property described in Transfer Certificate of Title No. 142,570.

TAX KEY: 9-5-01-7

ZONING: A-2

DEVELOPER: MILILANI TOWN, INC., 20th Floor, Castle & Cooke Building, Financial Plaza of the Pacific, Honolulu, Hawaii.

Directors

H. B. Clark, Jr.  
 D. J. Kirchhoff  
 Malcolm MacNaughton  
 W. G. Haight

Officers

W. G. Haight, President  
 Wendell Brooks, Jr., Vice President and General Manager  
 George Yim, Vice President and Secretary  
 R. A. Minckler, Treasurer  
 Stanley Lee, Controller

ATTORNEY REPRESENTING DEVELOPER: JENKS, KIDWELL, GOODSILL & ANDERSON (Attention: Walter E. Bliss), 16th Floor, Castle & Cooke Building, Financial Plaza of the Pacific, Honolulu, Hawaii - Phone: 531-5066

DESCRIPTION: There will be eleven (11) buildings, each building containing six (6) or more apartments. Each building shall be constructed primarily of concrete and wood. The buildings are appropriately spaced throughout the 5.0 acres of land.

The location of the various apartments and buildings is shown on the Condominium Map. Each apartment is reached by a stairway. Each stairway connects with a walkway on the common area. The common area connects with a public roadway as shown on the Condominium Map.

The apartment numbers, the approximate area of each apartment, the number of rooms contained in each apartment and the interest in the common elements allocable to each apartment are as follows:

<u>APARTMENT NO.</u>	<u>APARTMENT AREA</u>	<u>NUMBER OF ROOMS</u>	<u>INTEREST IN COMMON ELEMENTS</u>
101	1311 sq. ft.	7	1.046
102	1311 " "	7	1.046
103	1311 " "	7	1.046
104	1311 " "	7	1.046
105	1311 " "	7	1.046
106	1311 " "	7	1.046
107	1311 " "	7	1.046
108	1311 " "	7	1.046
109	1311 " "	7	1.046
110	1311 " "	7	1.046
111	1311 " "	7	1.046
112	1311 " "	7	1.046
113	1311 " "	7	1.046
114	1311 " "	7	1.046
115	1311 " "	7	1.046

<u>APARTMENT NO.</u>	<u>APARTMENT AREA</u>	<u>NUMBER OF ROOMS</u>	<u>INTEREST IN COMMON ELEMENTS</u>
116	1311 sq. ft.	7	1.046
117	1311 " "	7	1.046
118	1311 " "	7	1.046
119	1311 " "	7	1.046
120	1311 " "	7	1.046
121	1311 " "	7	1.046
122	1311 " "	7	1.046
123	1311 " "	7	1.046
124	1311 " "	7	1.046
125	1311 " "	7	1.046
126	1311 " "	7	1.046
127	1311 " "	7	1.046
128	1311 " "	7	1.046
129	1311 " "	7	1.046
130	1311 " "	7	1.046
131	1311 " "	7	1.046
132	1311 " "	7	1.046
133	1311 " "	7	1.046
201	1268 " "	8	1.012
202	1268 " "	8	1.012
203	1268 " "	8	1.012
204	1268 " "	8	1.012
205	1268 " "	8	1.012
206	1268 " "	8	1.012
207	991 " "	7	.791
208	1268 " "	8	1.012
209	1268 " "	8	1.012

<u>APARTMENT NO.</u>	<u>APARTMENT AREA</u>	<u>NUMBER OF ROOMS</u>	<u>INTEREST IN COMMON ELEMENTS</u>
210	1268 sq. ft.	8	1.012
211	1268 " "	8	1.012
212	1268 " "	8	1.012
213	1268 " "	8	1.012
214	1268 " "	8	1.012
215	1268 " "	8	1.012
216	1268 " "	8	1.012
217	1268 " "	8	1.012
218	1268 " "	8	1.012
219	1268 " "	8	1.012
220	1268 " "	8	1.012
221	1268 " "	8	1.012
222	1268 " "	8	1.012
223	1268 " "	8	1.012
224	1268 " "	8	1.012
225	1268 " "	8	1.012
226	1268 " "	8	1.012
227	1268 " "	8	1.012
228	1268 " "	8	1.012
229	1268 " "	8	1.012
230	1268 " "	8	1.012
231	1268 " "	8	1.012
232	1268 " "	8	1.012
233	1268 " "	8	1.012
234	1268 " "	8	1.012
235	1268 " "	8	1.012
236	1268 " "	8	1.012

<u>APARTMENT NO.</u>	<u>APARTMENT AREA</u>	<u>NUMBER OF ROOMS</u>	<u>INTEREST IN COMMON ELEMENTS</u>
237	1268 sq. ft.	8	1.012
238	1268 " "	8	1.012
239	1268 " "	8	1.012
240	1268 " "	8	1.012
241	1268 " "	8	1.012
242	1268 " "	8	1.012
243	1268 " "	8	1.012
244	991 " "	7	.791
245	991 " "	7	.791
246	1268 " "	8	1.012
247	1268 " "	8	1.012
248	1268 " "	8	1.012
249	1268 " "	8	1.012
250	991 " "	7	.791
251	1268 " "	8	1.012
252	1268 " "	8	1.012
253	1268 " "	8	1.012
254	1268 " "	8	1.012
255	991 " "	7	.791
256	1268 " "	8	1.012
257	1268 " "	8	1.012
258	1268 " "	8	1.012
259	1268 " "	8	1.012
260	1268 " "	8	1.012
261	991 " "	7	.791
262	1268 " "	8	1.012
263	1268 " "	8	1.012

<u>APARTMENT NO.</u>	<u>APARTMENT AREA</u>	<u>NUMBER OF ROOMS</u>	<u>INTEREST IN COMMON ELEMENTS</u>
264	1268 sq. ft.	8	1.012
265	1268 " "	8	1.012
266	1268 " "	8	1.012

The apartments, each being an apartment within the meaning of that term as used in the Horizontal Property Act, consist of (i) all of the areas or spaces enclosed by walls and roof within the apartment boundaries as delineated by perimeter boundaries upon said Condominium Map, (ii) that portion of the lanais which has a concrete floor and is covered by roof or overhang as shown on said Condominium Map, and (iii) exterior doors, exterior window glass and hardware on said window glass, but shall not include the following:

(a) The foundation, exterior walls, roofs, floors and load-bearing walls, beams and columns of all buildings and all perimeter or party walls separating two apartments.

(b) All pipes, wires, conduits and other utility or service lines which are utilized for or serve another or more than one apartment.

Each apartment shall be deemed to include all interior nonload-bearing walls and all inner decorated or finished surfaces of all floors and of all perimeter or party walls and finished surfaces of interior load-bearing walls and all fixtures originally installed in the apartment space.

COMMON ELEMENTS: The common elements within the meaning of that term as used in the Horizontal Property Act include the land, together with all improvements and vegetation thereon, but excluding therefrom the apartments as described above.

LIMITED COMMON ELEMENTS: Each apartment has appurtenant thereto the exclusive right to use the two parking stalls bearing the number of said apartment which are shown on the Condominium Map, and said parking stalls are hereby designated limited common elements restricted to the use of said apartment. Each stairway within an apartment building which gives access from the basement of such building to the first floor of such building is a limited common element for the use solely of the apartment on the first floor and the apartment, if any, on the second floor to which such stairway gives access, and each stairway within an apartment building between the first and second floor is a limited common element appurtenant solely to the apartment

on the second floor to which such stairway gives access. The storage areas in the basement of each building are limited common elements, each such storage area being appurtenant to a particular single apartment, the identity of the apartment to which the same is appurtenant being indicated by the apartment number printed on such storage area where shown on the Condominium Map. The six-foot wide yard space shown on the Condominium Map which is adjacent to each apartment on the ground floor is a limited common element appurtenant to the apartment to which it is adjacent. The planter boxes which are affixed to the lanais of each apartment on the second floor, except Apartments 207, 244, 245, 250, 255 and 261, shall at all times remain affixed to said lanais in the space shown therefor on the Condominium Map and are limited common elements appurtenant to the apartments within which they are situated.

PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE: The buildings and apartments and common elements shall be used only for a private dwelling for the owner, his family, tenants and social guests and such other purposes as are permitted by the Declaration of Covenants, Conditions and Restrictions (known as the Mililani Town Covenants) filed in the Office of the Assistant Registrar of the Land Court of Hawaii as Land Court Document No. 441561, as amended by Land Court Document No. 445150.

OWNERSHIP OF TITLE: The Notice of Intention states that the ownership of title is vested in Mililani Town, Inc. The Preliminary Title Report dated April 13, 1973 prepared by Title Guaranty of Hawaii, Incorporated confirms the fact that Mililani Town, Inc. owns title to the land involved.

ENCUMBRANCES AGAINST TITLE: The Preliminary Title Report dated April 13, 1973, prepared by Title Guaranty of Hawaii, Incorporated reveals the following encumbrances against the land:

1. Real property taxes for the fiscal year 1972-1973 now a lien, the first installment having been paid.
2. Additional Charge and Additional Security Mortgage made by MILILANI TOWN, INC. in favor of AETNA LIFE INSURANCE COMPANY dated June 18, 1969, filed as Land Court Document No. 476187, which Mortgage was amended by Land Court Document No. 476649, Document No. 527458 and Document No. 566680.
3. An easement for utility purposes in favor of Hawaiian Electric Company, Inc., dated April 4, 1973 filed as Land Court Document No. 626091.

4. Easement 838 as shown on Maps 326 and 335 for electrical purposes as set forth in Land Court Order No. 32670, filed January 22, 1971.
5. Grant of Easement 838 in favor of the Hawaiian Electric Co., Inc. for utility purposes, dated September 3, 1971 and filed as Document No. 551612 on September 13, 1971, said interest of Hawaiian Electric Co., Inc. having been assigned by Document No. 551613 to Hawaiian Trust Company, Limited, Trustee, Mortgage Document No. 45945, as amended.
6. Mortgage made by MILILANI TOWN, INC. to CASTLE & COOKE, INC. dated June 18, 1969 filed as Land Court Document No. 476188. CASTLE & COOKE, INC., Mortgagee under Document No. 476188, subordinates said Mortgage to Additional Charge and Additional Security Mortgage filed as Document No. 476187, as set forth by Subordination Agreement dated June 18, 1969 filed as Document No. 476650.

NOTE: The Developer has advised that easements reserved in said Land Court Document No. 476186 will be released prior to the issuance of a deed for any of the apartments.

The Developer has advised that easements will be granted for underground sewer and electric lines prior to the issuance of the Final Public Report.

The documents filed with the Notice of Intention reveal that the Developer has reserved the right to grant the State of Hawaii, City and County of Honolulu, or any other governmental agencies or any public utility or other corporation easements under such terms and conditions as it shall deem appropriate, and it further states that each purchaser will be obligated upon request to join in the designating and granting of any such easement.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated February 5, 1973, identifies Bank of Hawaii, a Hawaii corporation, as the escrow agent. On examination, the specimen Deposit Receipt and Contract of Sale and executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes, and particularly Section 514-14. The Escrow Agreement provides that if the Purchaser purchases prior to the issuance of a Final Public Report he can cancel the contract and obtain a refund of his money if (a) (i) the Final Public Report is not issued within one year from the date of issuance of the Preliminary

Public Report, or (ii) there is any change in the condominium building plans subsequent to the execution of the Sales Contract and prior to the issuance of said Final Public Report and Seller fails to obtain Purchaser's written approval or acceptance of the specific change, or (iii) the Final Public Report differs in any material respect from the Preliminary Public Report, and (b) Purchaser delivers notice in writing to Seller and Escrow Agent prior to the expiration of ten (10) days after receipt by Purchaser, or any one of them if Purchaser is more than one person, of a copy of said Final Public Report.

Among other provisions, the Sales Contract provides that if Seller shall not have entered into contracts similar to the Sales Contract with Purchasers for the sale and purchase of at least 50 of the apartments within the project on or before September 1, 1973, or if Seller has entered into said contracts by said date but the Purchasers therein who have agreed to obtain mortgage loans from a Mortgagee have not secured commitments therefor satisfactory to Seller, Seller may, if this sale has not closed prior thereto, at its option cancel this contract by notice to Purchaser, in which event all sums theretofore paid by Purchaser hereunder shall be refunded without interest.

It is incumbent upon the Purchaser and prospective Purchaser that he reads with care the Sales Agreement and the executed Escrow Agreement. The latter document, the Escrow Agreement, establishes how the proceeds from the sale of the apartments and all sums received from any source are placed in trust as well as the retention and disbursement of said trust fund.

MANAGEMENT AND OPERATION: The Developer advised that the administration of the project shall be vested in the Association of Apartment Owners. The proposed By-Laws empower the Board of Directors to employ a managing agent to manage and control the project, subject to control by the Board. Mililani Town, Inc. is identified as the initial managing agent.

STATUS OF PROJECT: In the Notice of Intention, the Developer advised the Commission that it estimated construction would start in July, 1973, and it estimated that the project would be completed April 1, 1974.

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The Purchaser or prospective Purchaser should be cognizant of the fact that this public report represents information disclosed by the Developer in the required Notice of Intention submitted February 12, 1973.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 529 filed

with the Commission on February 12, 1973. The report, when reproduced, shall be a true copy of the Commission's Public Report. In making facsimiles the paper stock shall be yellow in color.

  
(for) DOUGLAS R. SODEVANI, Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII

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

Registration No. 529  
May 11, 1973