

# 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

MAKAKILO GARDENS, INCREMENT NO. 2  
Makakilo Drive  
Ewa Beach, Hawaii

Registration No. 546

### 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: July 12, 1973  
Expires: August 12, 1974

#### SPECIAL ATTENTION

A comprehensive reading on the report by prospective purchasers 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 APRIL 13, 1973, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF JULY 11, 1973. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT AND AMENDMENTS THERETO BY CHAPTER 514, HAWAII REVISED STATUTES.

1. MAKAKILO GARDENS, INCREMENT NO. 2 is a proposed condominium project consisting of seventy-five (75) apartments arranged in eleven two-story multifamily residential buildings, One hundred thirty (130) parking stalls are to be provided in the parking area. The

proposed Sales Contract and other documents show an intention on the part of the Developer to sell, in leasehold, the condominium apartment units and to cause to be leased from the owner of the land to the Buyer directly an undivided interest in the land on which the apartment is situated.

2. The Developer has complied with Section 514-15, Hawaii Revised Statutes, and has fulfilled the requirements for the issuance of this Final Public Report prior to completion of construction.
3. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of a condominium project and the issuance of this Final Public Report.
4. The basic documents (Declaration of Horizontal Property Regime, By-Laws of the Association of Apartment Owners, and a copy of the approved floor plans) have been filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii.

The Declaration of Horizontal Property Regime with By-Laws of the Association of Apartment Owners, dated March 7, 1973, were filed in said Office as Document No. 633876 and noted on Transfer Certificate of Title No. 151,857.

The Assistant Registrar has designated Condominium Map No. 170 to the project.

5. The Developer has arranged for insurance by the Federal Housing Administration pursuant to Section 234 of Title II of the National Housing Act, as amended, of individual mortgages by qualified purchasers of apartments in the project. As a condition to its providing such insurance, the Federal Housing Administration requires that the Association of Apartment Owners enter into with the agency and record a Regulatory Agreement whereby the Association may be regulated and restricted by that agency. Purchasers of units in the project should, therefore, familiarize themselves with the provisions of the Regulatory Agreement.
6. No advertising or promotional matter has been submitted pursuant to the rules and regulations promulgated by the Commission.
7. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514, Hawaii Revised Statutes.
8. This Final Public Report automatically expires thirteen (13) months after date of issuance, July 12, 1973, 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: MAKAKILO GARDENS, INCREMENT NO. 2

LOCATION: The land, consisting of one (1) parcel containing 6.830 acres, is situate at Makakilo Drive, Ewa Beach, Hawaii being further described as Lot 2436 as shown on Map 219 filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1069, being all of the land covered by Transfer Certificate of Title No. 151,857 issued to the Trustees of the Estate of James Campbell.

TAX KEY: 9-2-03-57

ZONING: A-1 Apartment District

DEVELOPER: Finance Realty Company, Limited, a Hawaii corporation whose business and post office address is 195 South King Street, Honolulu, Hawaii has the exclusive rights from the owners of the subject property for the development and sale of residential improvements upon the property under F.H.A. approved 55-year leases. The officers of the corporation are:

Mun On Chun	President
Journ T. Yee	Vice President
Daniel B. T. Lau	Vice President & Secretary
Clifford H. N. Yee	Vice President
Jerold Y. K. Chun	Treasurer
Wendell K. Pang	Assistant Treasurer

ATTORNEY REPRESENTING DEVELOPER: Fong, Miho & Robinson, whose place of business and post office address is 195 South King Street, Honolulu, Hawaii 96813, and whose telephone number is 537-6977, are the attorneys representing the Developer.

DESCRIPTION: The project shall consist of eleven two-story multi-family buildings containing seventy-five apartments of which seventy-four (74) will be sold on long-term leases to be issued by the Trustees Under the Will and of the Estate of James Campbell. The construction will be of wood, with concrete block division walls and concrete slab for the ground floors. The apartments shall be of five types, designated as Type A, Type B, Type B-1, Type C and Type C-1, described as follows:

TYPE A	Apartment contains an entry hall, coat closet, storage, living room-dining area and kitchen on the first floor, and two bedrooms, a full bath and laundry area on the second floor, with an interior stairway connecting both floors for a gross floor area of approximately 873 square feet.
TYPE B	Apartment is the same as Type A except that it also has a half bath on the first floor, three bedrooms on the second floor and a gross floor area of approximately 1113 square feet.
TYPE B-1	Apartment is the same as Type B except for the location of the kitchen on the first floor and has a gross floor area of approximately 1125 square feet.

- TYPE C Apartment is the same as Type B except that it has four bedrooms upstairs with a laundry area and a full bath on the first floor with a different layout for the interior stairway and a gross floor area of approximately 1316 square feet.
- TYPE C-1 Apartment is the same as Type C except for the location of the kitchen on the first floor and has a gross floor area of approximately 1329 square feet.

Each apartment has immediate access to front and rear entries appurtenant to such apartment and walkways connecting the buildings to the street entrances and parking areas of the project.

COMMON ELEMENTS: The Declaration of Horizontal Property Regime, a copy of which is filed with the Commission, states that the common elements shall include (a) A leasehold interest in the land; (b) Apartment No. 71, located in Building K for the use of the resident manager; (c) Parking Stall Nos. 21, 60, 61, 65, 76, 129 and 130 as shown on the Condominium Map for use of the Association of Apartment Owners and Parking Stall No. 125 shall be used by the resident manager; (d) The recreation center as shown on the Condominium Map; (e) All foundations, floor supports, retaining walls, fences, columns, supportors, unfinished perimeter walls and loadbearing walls, roofs of the residential buildings; (f) All yards, grounds and landscaping, roads, walkways, loading areas, parking areas and driveways, the swimming pool and other recreational facilities, and all refuse facilities; (g) All ducts, electrical equipment, wiring, pipes 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, water, sewer, telephone and radio and television signal distribution; (h) 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 Declaration provides that certain parts of the common elements, called the designed as limited common elements, shall be for the exclusive use and enjoyment of certain apartments, as follows: (a) The front entry of each apartment shall be appurtenant to and for the exclusive use of such apartment; (b) The fenced area adjoining the rear of an apartment as shown on said Condominium Map shall be appurtenant to and for the exclusive use of such apartment; (c) One or more of the 130 remaining parking spaces (exclusive of the 8 parking spaces listed as common elements) shall be assigned to and be appurtenant to the respective apartments with which the same are conveyed upon the initial conveyance by lease, the Assignment of the parking spaces for each apartment and for the guests of the Association of Apartment Owners being shown on said Condominium Map; (d) All other common elements of the project which are rationally related to less than all of said apartments or buildings shall be limited to use of such apartments or buildings.

INTEREST TO BE CONVEYED TO PURCHASER: The undivided interest in the common elements appertaining to the apartments and their owners for all purposes, including voting, is as follows:

<u>APARTMENT</u>	<u>TYPE</u>	<u>PER CENT INTEREST</u>
2,5,6	A	1.027
1,70	A	1.028
3,4,7,13,14,34,40, 41,42,43,44,45,56,57	B	1.307
8,33,39,46,55,58	B	1.308
18,19,20,21,22,23,26,27, 28,29,30,51,52,53,60,61, 62,63,64,67,68	B-1	1.307
17,24,25,54,59,65,66,69	B-1	1.308
10,11,12,15,35,36,37,72, 73,74	C	1.540
9,16,38,75	C	1.541
31,48,49,50	C-1	1.540
32,47	C-1	1.541

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The Declaration provides that the building shall at all times be used 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 rental for any period less than 30 days, or any rental in which the occupants are provided customary hotel services such as room service for food and beverage, mail 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 the Declaration.

OWNERSHIP OF TITLE: The Notice of Intention and Application, together with the attached documents show that the fee simple title to the land is vested in the Trustees under the Will and of the Estate of James Campbell, deceased, whose business and post office address is 828 Fort Street Mall, Honolulu, Hawaii.

ENCUMBRANCES AGAINST TITLE: The Developer has filed a Lien Letter Report dated June 13, 1973, prepared by Security Title Corporation. Said report reveals that title to the land is subject to: Taxes for the Fiscal Year 1972-73 are a lien (the 1st Installment has been paid, but the records at the Tax Office do not reflect that any portion of the 2nd Installment has

been paid, as the posting of tax payments made to the Tax Office for the 2nd Installment for the Fiscal Year 1972-73 had not been completed as of the date of the Lien Letter Report); Development Rights dated May 5, 1966, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 391241, made by and between Alan S. Davis, M. L. Randolph and George M. Collins, Trustess under the Will and of the Estate of James Campbell, Deceased, called Trustees, to Finance Realty Company, Limited, a Hawaii corporation, and mentioned in Transfer Certificate of Title No. 122,950; Lease dated March 7, 1973, filed in said Office of the Assistant Registrar as Document No. 633875, made by and between the Trustees under the Will and of the Estate of James Campbell, Deceased, as Lessors, and Finance Realty Company, Limited, a Hawaii corporation, as Lessee, for the term of 55 years from December 1, 1972; Condominium Map No. 170, filed in said Office of the Assistant Registrar on June 14, 1973; Convenants, agreements, obligations, conditions and other provisions set forth in that certain Declaration of Horizontal Property Regime dated March 7, 1973, filed in said Office of the Assistant Registrar as Document No. 633876, and the By-Laws attached thereto.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated March 19, 1973, identifies Bank of Hawaii, a Hawaii corporation, as Escrow Agent. On examination, the specimen Sales Contract and executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes.

Among other provisions both the specimen Sales Contract and executed Escrow Agreement provides that if less than 80% of the apartments in the project are sold to Purchasers thereof approved by the F.H.A. prior to August 1, 1973, Seller at its option may terminate the sales contract and refund all payments made by Purchaser without deduction or interest. Also purchaser and Seller shall have the right to withdraw from the specimen Sales Contract if title to the apartment is not conveyed to the Purchaser in accordance with F.H.A. requirements on or before December 31, 1973.

It is incumbent upon the purchaser and prospective purchaser that he reads with care the specimen Sales Contract and executed Escrow Agreement. The Escrow Agreement establishes how the proceeds from the sale of apartments and all sums from any source are placed in trust as well as it establishes the conditions for the retention and disbursement of said trust funds.

MANAGEMENT AND OPERATION: Mahalo Nui Management, Inc. has been appointed by the Association of Apartment Owners as initial managing agent to manage the condominium project.

STATUS OF THE PROJECT: Construction of the project has begun with adequate funds from a Bank of Hawaii revolving line of credit to complete the construction of the project without using any portion of the purchase money to be paid by the purchasers of the apartments in the project. Completion of the project is scheduled for September, 1973. A condition of the disbursement of escrow funds is the issuance of the final public report.

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The purchaser or prospective purchaser should be cognizant of the fact that this published report represents information disclosed by the Developer in the required Notice of Intention submitted April 13, 1973, and additional information subsequently filed as of July 11, 1973.

THIS FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 546 filed with the Commission on April 13, 1973.

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

  
(For) DOUGLAS R. SODEFANI, 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.: 546  
July 12, 1973