

# 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

MAKAHA VILLAGE

Waianae, City and County of Honolulu

REGISTRATION NO. 548

### 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: June 27, 1973

Expires: July 27, 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 the prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION FILED APRIL 17, 1973. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514, HAWAII REVISED STATUTES.

1. MAKAHA VILLAGE is a proposed leasehold condominium project consisting of eight (8) buildings without basements, each containing one (1) story and two (2) apartments. There are a total of sixteen (16) residential apartments and sixteen (16) parking spaces.
2. Materials. The principal materials used in the construction of the buildings are wood, concrete and plaster board.

3. The Developer of the project has filed all documents and materials deemed necessary by the Commission for the registration of this proposed condominium project and the issuance of this Preliminary 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 not yet been filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii.
5. No advertising or promotional matter has been filed 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 the Horizontal Property Act, Chapter 514 of the Hawaii Revised Statutes and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.
7. This Preliminary Public Report automatically expires thirteen (13) months after the date of issuance, June 27, 1973, unless a Final Public Report issues or the Commission, upon review of the registration, issues an order extending the period of this report.
8. This Preliminary Public Report is made a part of registration on MAKAHA VILLAGE condominium project. The Developer has the responsibility of placing a true copy of the Preliminary Public Report (yellow paper stock) in the hands of all purchasers. Securing a signed copy of the Receipt for the Preliminary Horizontal Property Regime Public Report from each purchaser is also the responsibility of the Developer.

NAME OF PROJECT: MAKAHA VILLAGE

LOCATION: 84-510 and 84-520 Farrington Highway, Waianae, City and County of Honolulu, Hawaii, and containing 80,000 square feet or thereabouts

TAX MAP KEY: PARCEL ONE: First Division: 8-4-18-7  
PARCEL TWO: First Division: 8-4-18-8

ZONING: R-6

DEVELOPER: Pace Corporation, a Hawaii corporation, whose principal place of business is Suite 418, Hawaii Building, 745 Fort Street, Honolulu, Hawaii, and whose post office address is P. O. Box 3048, Honolulu, Hawaii 96802, Phone 524-5722.

The officers of the corporation are:

William H. Krutzer, III - President and Treasurer  
Mary B. Bretschneider - Vice President and Secretary

ATTORNEY REPRESENTING DEVELOPER: Conroy, Hamilton, Gibson, Nickelsen & Rush (Attention: Dwight M. Rush and Walter Beh, II), 20th Floor, Hawaii Building, 745 Fort Street, Honolulu, Hawaii 96813, Phone 521-2611.

DESCRIPTION: The proposed Declaration of Horizontal Property Regime and plans submitted by the Developer indicate a leasehold condominium project consisting of eight (8) buildings without basements, each containing one (1) story and two (2) apartments.

Building "1-2" contains Apartment Nos. 1 and 2.

Building "3-4" contains Apartment Nos. 3 and 4.

Building "5-6" contains Apartment Nos. 5 and 6.

Building "7-8" contains Apartment Nos. 7 and 8.

Building "9-10" contains Apartment Nos. 9 and 10.

Building "11-12" contains Apartment Nos. 11 and 12.

Building "13-14" contains Apartment Nos. 13 and 14.

Building "15-16" contains Apartment Nos. 15 and 16.

Each apartment has the layout and contains the number of rooms and the approximate floor area according to the plans submitted by the Developer as follows:

Each apartment consists of seven and one-half (7-1/2) rooms, including three (3) bedrooms, a combined living-dining room, a kitchen, a full bathroom, a half bathroom (without a bathtub), a utility room and a lanai; each apartment contains a floor area of approximately 1,321 square feet including the lanai of approximately 282 square feet.

Each apartment has immediate access to the grounds of the project.

The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter or party walls or interior load-bearing walls, the floors and ceilings surrounding each apartment, or any pipes, wires, conduits or other utilities or service lines running through such apartments which are utilized for or serve more than one apartment, the same being deemed common elements as hereinafter provided. Each apartment shall be deemed to include all the walls and partitions which are not load-bearing within its perimeter or party walls, the lanai air space, all fixtures originally installed therein, and the inner decorated or finished surfaces of all walls, floors, ceilings, fences, railings, doors, door frames, windows and window frames.

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

1. The land in fee simple;

2. All foundations, floor slabs, columns, girders, beams, supports, unfinished perimeter, party and load-bearing walls, roofs, chases, entries, stairways, walkways, entrances and exits of said buildings;
3. All yards, grounds and landscaping;
4. All parking areas, including all carports;
5. 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;
6. 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: Certain parts of the common elements, herein called the "limited common elements", are designated and set aside for the exclusive use of certain apartments, and such apartments having appurtenant thereto easements for the use of such limited common elements as follows:

The site of each apartment shall be appurtenant to and for the exclusive use of such apartment;

One (1) carport, including the storage area and garbage area located therein, as designated on the plans of the project by a number corresponding to the number of each of the respective apartments shall be appurtenant to and for the exclusive use of each such apartment.

INTEREST TO BE CONVEYED TO PURCHASERS: The Declaration states that the purchasers will secure an apartment lease demising an apartment together with an undivided 6.25 percentage interest in the common elements of the project. This same percentage interest for each apartment shall be used in determining each purchaser's proportionate share of all common profits and expenses of the project and shall be used for all other purposes including determining the proportionate representation for voting purposes in the Association of Apartment Owners of the project.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The Declaration provides that the apartments shall be occupied and used only as private dwellings by the respective owners thereof, their tenants, families, domestic servants and personal guests, except that the apartments may also be used for hotel or transient purposes. The apartments may not be used for any other purpose unless consent of the Board of Directors is secured. The owners of the respective apartments shall have the absolute right to lease the same subject to the limitations, restrictions, covenants and conditions of the Declaration.

OWNERSHIP OF TITLE: The Developer in its Notice of Intention re-

presents that:

1. Peter George and Anna George, husband and wife, are the owners of the fee simple title to Parcel One; said Peter George and Anna George have granted Developer an option to purchase said land under that certain unrecorded Option Agreement dated April 10, 1973.
2. James Kwai Yung Yuen and Edith Tam Yuen, husband and wife, are the owners of the fee simple title to Parcel Two; said James Kwai Yung Yuen and Edith Tam Yuen have granted William Krutzer an option to purchase said land under that certain unrecorded Option Agreement dated March 3, 1973; said William Krutzer has assigned to Developer all of his rights in said Agreement by Assignment dated April 9, 1973 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 9072, Page 455.

The Developer will issue individual apartment leases directly to the buyers.

ENCUMBRANCES AGAINST TITLE: A Preliminary Report dated May 16, 1973, issued by American Abstract and Escrow, Inc., as submitted to the Commission, provides that the following are encumbrances against title to the property.

1. Mortgage executed by Peter George and Anna George, husband and wife, in favor of THC Financial Corp. dated November 20, 1972, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 608220 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 8760, Page 132. (As to Parcel One)
2. For any taxes that may be due and owing and a lien on the lands of the project, reference is hereby made to the Office of the Tax Assessor of the First Division, State of Hawaii.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated May 1, 1973, between American Abstract and Escrow, Inc., as Escrow, and Developer has been filed with the Commission. On examination, the executed Escrow Agreement filed with the Commission is found to be in compliance with Chapter 514, Hawaii Revised Statutes, and particularly Sections 514-36 through 514-40, H.R.S. Among other provisions, the executed Escrow Agreement states that a purchaser shall be entitled to a refund of his funds, and Escrow shall pay said funds to said purchaser, without interest, and less Escrow's \$15.00 cancellation fee, if purchaser shall in writing request refund of his funds and any one of the following shall have occurred:

1. Escrow receives a written request from Developer to return to purchaser the funds of such purchaser then held under the Escrow Agreement by Escrow; or
2. If a purchaser's funds were obtained prior to the issuance of a Final Public Report and if there is any change

- in the condominium building plans, subsequent to the execution of purchaser's sales contract, requiring the approval of a County officer having jurisdiction over the issuance of permits for construction of building, unless the purchaser has given written approval or acceptance of the specific change; or
3. If a purchaser's funds were obtained prior to the issuance of a Final Public Report and the request is prior to the time the Final Public Report is issued; or
  4. If the Final Public Report differs in any material respect from the Preliminary Public Report, unless the purchaser has given written approval or acceptance of the difference; or
  5. If the Final Public Report is not issued within one (1) year of the date of issuance of the Preliminary Public Report.

The specimen reservation agreement states that in the event less than sixteen (16) apartment units are sold prior to November 1, 1973, Seller may at its option cancel this contract and refund all moneys to buyers, without interest.

It is incumbent of the purchaser and prospective purchaser to read and understand the Escrow Agreement before signing the reservation agreement since the Escrow Agreement prescribes the procedure for receiving and disbursing the purchaser's funds. The specimen reservation agreement specifically provides that the purchaser approve said Escrow Agreement and assume the benefits and obligations therein provided. Purchasers and prospective purchasers are advised to read with care the provisions of the reservation agreement.

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. The Developer has indicated that Aaron M. Chaney, Inc., whose principal place of business and post office address is Suite 400, Davies Pacific Center, 841 Bishop Street, Honolulu, Hawaii shall be Managing Agent of the project; a copy of the Management Agreement has been filed with the Real Estate Commission of the State of Hawaii.

STATUS OF PROJECT: Complete and final plans and specifications are in the process of preparation. The Developer advises that it estimates construction on the project will begin in July, 1973.

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The purchaser and 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 17, 1973.

This is a PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT which is made a part of REGISTRATION NO. 548 filed

with the Commission April 17, 1973. This report when reproduced shall be a true copy of the Commission's Public Report. The paper stock used in making facsimiles must be yellow.

  
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(for) DOUGLAS R. SODETANI, 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

June 27, 1973

Registration No. 548