

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

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

SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

ON
WAI'AU GARDENS KAI, UNIT "D"
Hookanike Street
Wai'au, Ewa, Oahu, Hawaii

REGISTRATION NO. 550

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

It was prepared as a supplement to an earlier Report dated July 31, 1973, 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 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 9, 1974
Expires: August 9, 1975

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:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED APRIL 17, 1973 AND INFORMATION SUBSEQUENTLY FILED AS OF JULY 3, 1974. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL AND SUBMITTING INFORMATION ON MATERIAL CHANGES IN THE PROJECT, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514, HAWAII REVISED STATUTES.

1. Since the issuance of the Commission's Final Public Report of July 31, 1973, the Developer reports that changes have been made in the plan or setup as presented in the April 17, 1973 notice of intention to sell. The changes subsequently made are determined to be a material revision to the information disclosed earlier. This Supplementary Public Report (pink paper stock) amends the Final Public Report (white paper stock), becoming a part of Wai'au Gardens Kai, Unit "D"

registration. The Developer is responsible for placing a true copy of this Supplementary Public Report in the hands of all purchasers and prospective purchasers, along with a copy of the Final Public Report. The buyer shall sign the required receipt signifying that he has had an opportunity to read both reports.

2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of the project and updating information disclosed therein.
3. The Developer reports that the Declaration of Horizontal Property Regime dated July 12, 1973, recorded in the Bureau of Conveyances of Hawaii in Liber 9326 at Page 312, and filed with Condominium Map No. 294, has been amended by First Amendment to Declaration incorporating the amendments contained in this report. The First Amendment to Declaration dated June 12, 1974, has been recorded in said Bureau of Conveyances in Liber 9987 at Page 512.
4. 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 promulgated thereunder which relate to Horizontal Property Regimes.

The information in the topical headings of the Final Public Report of July 31, 1973, with the exception of DESCRIPTION OF PROJECT, COMMON ELEMENTS, COMMON INTEREST, ENCUMBRANCES AGAINST TITLE, MANAGEMENT AND OPERATIONS, and STATUS OF PROJECT, has not been disturbed. A new heading, MONTHLY ASSESSMENTS FOR UNSOLD UNITS, has been added. The project will consist of one hundred fourteen (114) freehold estates, instead of 113 as previously stated, and there will be no Manager's unit as part of the common elements. Because of the new number of freehold estates, there is a change in the common interest for each apartment. Also, a new Managing Agent has been named. These amendments are recited in their entirety as the Commission is of the opinion that all purchasers and prospective purchasers should be cognizant of the changes:

NAME OF PROJECT: WAI'AU GARDENS KAI, UNIT "D"

DESCRIPTION OF PROJECT: One hundred fourteen (114) freehold estates are hereby designated in the spaces within the perimeter walls, floors and ceilings of each of the 114 three-bedroom apartment units of the project contained in twenty-five (25) two-story multifamily residential buildings, constructed principally of double wall construction of drywall interior and masonite exterior and wood floors, which spaces are herein called the "apartments" and designated on said plans and described and numbered as follows:

<u>Building No.</u>	<u>Apartment No.</u>
98-501	1, 2, 3 and 4
98-505	5 and 6
98-509	7, 8, 9 and 10
98-513	11 and 12
98-517	13, 14, 15, 16, 17 and 18
98-521	19, 20, 21, 22, 23 and 24
98-525	25, 26, 27, 28, 29, 30, 31 and 32
98-529	33 and 34
98-533	35, 36, 37 and 38
98-537	39, 40, 41, 42, 43 and 44
98-524	45, 46, 47, 48, 49 and 50

<u>Building No.</u>	<u>Apartment No.</u>
98-520	51, 52, 53 and 54
98-516	55, 56, 57 and 58
98-512	59, 60, 61, 62, 63 and 64
98-504	65 and 66
98-508	67 and 68
98-1456	69, 70, 71 and 72
98-1452	73, 74, 75 and 76
98-1448	77, 78, 79 and 80
98-1442	81, 82, 83 and 84
98-1444	85, 86, 87, 88, 89, 90, 91 and 92
98-1440	93, 94, 95 and 96
98-1438	97, 98, 99, 100, 101 and 102
98-1434	103, 104, 105, 106, 107 and 108
98-1430	109, 110, 111, 112, 113 and 114

Each apartment contains a living room, dining-family room, kitchen and half bath on the first floor and three bedrooms and a full bath on the second floor for a gross floor area of approximately 1,142 square feet, plus a lanai of approximately 126 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.

The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or interior load-bearing walls, the floors and ceilings surrounding each apartment or any pipes, wires, conduits or other utility or service lines running through such apartment, which are utilized for or serve any other apartment, the same being deemed common elements as hereinafter provided. Each apartment shall be deemed to include all walls and partitions which are not load-bearing within its perimeter walls, the inner decorated or finished surfaces of all walls, floors and ceilings, and all fixtures originally installed therein.

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

- (a) Said land in fee simple.
- (b) All foundations, floor supports, columns, girders, beams, supportors, unfinished perimeter walls and loadbearing walls and roofs of the residential buildings.
- (c) All yards, grounds and landscaping, roads, walkways, loading areas, parking areas, driveways, the swimming pool, recreation facilities and all refuse facilities.
- (d) 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, gas, sewer, telephone and radio and television signal distribution.
- (e) Any and all 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.

COMMON INTEREST: Each apartment shall have appurtenant thereto an undivided one-one hundred fourteenth (1/114) or 0.877+ percent interest in all common elements of the project (herein called the "common interest") and the same proportionate share in all common profits and expenses of the project and for all other purposes, including voting.

ENCUMBRANCES AGAINST TITLE: The Developer has filed an updated Preliminary Report dated June 26, 1974, prepared by Security Title Corporation. Said report states that the land is encumbered by the following:

1. Real property taxes that may be due and owing.
2. Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent 4475.
3. The terms and provisions of that certain unrecorded Development Agreement made by and between the TRUSTEES OF THE ESTATE OF BERNICE PAUHI BISHOP and AMERICAN FACTORS LIMITED (now AMFAC, INC.), dated August 29, 1960, as amended, which rights, by mesne assignments, were acquired by WAIAHOLE WATER COMPANY, LIMITED, a Hawaii corporation, as to an undivided one-half (1/2) interest therein, by instrument dated December 27, 1967, recorded in Book 5915 at Page 395, and by LEAR SIEGLER PROPERTIES, INC., a Delaware corporation, as to an undivided one-half (1/2) interest therein, by instrument dated December 30, 1969, recorded in Book 6976 at Page 334.
4. Mortgage dated December 27, 1967, made by TROUSDALE CONSTRUCTION COMPANY, a California corporation, as Mortgagor, to BANK OF HAWAII, a Hawaii corporation, as Mortgagee, recorded in Book 5916 at Page 20. (Also affects other property.)
5. Undated Financing Statement recorded on December 28, 1967 in said Bureau of Conveyances in Book 5916 at Page 44.
6. Additional Charge Mortgage and Financing Statement dated January 30, 1967, made by TROUSDALE CONSTRUCTION COMPANY, as Mortgagor, to BANK OF HAWAII, as Mortgagee, recorded in Book 6397 at Page 94.
7. Second Additional Charge Mortgage and Financing Statement dated July 20, 1970, made by LEAR SIEGLER PROPERTIES, INC., as Mortgagor, to BANK OF HAWAII, as Mortgagee, recorded in Book 7515 at Page 36.
8. Mortgage and Financing Statement dated March 11, 1971, made by WAIAHOLE WATER COMPANY, LIMITED, as Mortgagor, to BANK OF HAWAII, as Mortgagee, recorded in Book 7515 at Page 49. (Also affects other property.)
9. The terms and provisions of that certain Lease No. 22,300 dated March 1, 1973, recorded in said Bureau of Conveyances in Book 9295 at Page 81, made by and between TRUSTEES OF THE ESTATE OF BERNICE PAUHI BISHOP, as Lessors, and CENTRAL OAHU LAND CORPORATION, a Hawaii corporation, and LEAR SIEGLER PROPERTIES, INC., a Delaware corporation authorized to do business in Hawaii, which corporations

are associated in a joint venture known as CENTRAL-TROUSDALE, as Lessees.

10. The covenants, agreements, obligations, conditions and other provisions set forth in that certain Declaration of Horizontal Property Regime of Waiiau Gardens Kai, Unit "D" dated July 12, 1973, recorded on July 20, 1973 in said Bureau of Conveyances in Book 9326 Page 312, and the By-Laws attached thereto, to which reference is hereby made.

By instrument dated June 12, 1974, recorded on June 25, 1974 in said Bureau of Conveyances in Book 9987 Page 512, the foregoing Declaration was amended.

11. Mechanic's Lien dated March 18, 1974, filed in the Circuit Court of the First Circuit, State of Hawaii, as M. L. No. 2792, in favor of CONSTRUCTION MATERIALS HAWAII INC., re claim for payment in the sum of \$6,085.14.

12. Mechanic's Lien dated March 18, 1974, filed in said Circuit Court of the First Circuit as M. L. No. 2793, in favor of INTER ISLAND EQUIPMENT INC., re claim for payment in the sum of \$650.00.

13. Mechanic's Lien dated March 18, 1974, filed in said Circuit Court of the First Circuit as M. L. No. 2794, in favor of U. S. PIPE & FOUNDRY CO., re claim for payment in the sum of \$924.06.

14. Mechanic's Lien dated March 21, 1974, filed in said Circuit Court of the First Circuit as M. L. No. 2788, in favor of WARD FOODS INC., re claim for payment in the sum of \$26,963.85.

15. Mechanic's Lien dated March 18, 1974, filed in said Circuit Court of the First Circuit as M. L. No. 2806, in favor of PACIFIC CONCRETE & ROCK CO. LTD., re claim for payment in the sum of \$565.97.

16. Mechanic's Lien dated March 18, 1974, filed in said Circuit Court of the First Circuit as M. L. No. 2807, in favor of U. S. PIPE & FOUNDRY CO., re claim for payment in the sum of \$873.00.

17. Mechanic's Lien dated March 18, 1974, filed in said Circuit Court of the First Circuit as M. L. No. 2808, in favor of CONSTRUCTION MATERIALS HAWAII INC., re claim for payment in the sum of \$7,563.30.

18. Mechanic's Lien dated March 21, 1974, filed in said Circuit Court of the First Circuit as M. L. No. 2812, in favor of HAWAIIAN BITUMULS & PAVING CO. LTD., re claim for payment in the sum of \$31,168.92.

19. Mechanic's Lien dated March 21, 1974, filed in said Circuit Court of the First Circuit as M. L. No. 2820, in favor of PIKAKE TRUCKING CO., re claim for payment in the sum of \$148.80.

20. Mechanic's Lien dated March 22, 1974, filed in said Circuit Court of the First Circuit as M. L. No. 2830, in favor of MID-PAC ELECTRIC INC., re claim for payment in the sum of \$3,382.50.

21. Mechanic's Lien dated April 17, 1974, filed in said Circuit of the First Circuit as M. L. No. 2853, in favor of LONE STAR INDUSTRIES, INC., re claim for payment in the sum of \$13,430.21.

22. Notice of Mechanic's and Materialmen's Lien and Demand for Payment dated March 5, 1974, filed in said Circuit Court of the First Circuit as M. L. No. 2766, a certified copy of which was recorded on March 5, 1974 in said Bureau of Conveyances in Book 9761 Page 580, in favor of STANDARD PLUMBING COMPANY, LTD., re claim for payment in the sum of \$34,186.99.

23. Notice of Mechanic's and Materialmen's Lien and Demand for Payment dated March 21, 1974, filed in said Circuit Court of the First Circuit as M. L. No. 2786, a certified copy of which was recorded on March 22, 1974 in said Bureau of Conveyances in Book 9792 Page 17, in favor of JACK ENDO ELECTRIC, INC., re claim for payment in the sum of \$22,076.66.

24. Notice of Mechanic's Lien and Demand for Payment dated March 21, 1974, filed in said Circuit Court of the First Circuit as M. L. No. 2809, a certified copy of which was recorded on March 22, 1974 in said Bureau of Conveyances in Book 9792 Page 564, in favor of THE RMT CORPORATION, re claim for payment in the sum of \$21,657.22.

25. Notice of Mechanic's and Materialmen's Lien and Demand for Payment dated March 22, 1974, filed in said Circuit Court of the First Circuit as M. L. No. 2821, a certified copy of which was recorded on April 11, 1974 in said Bureau of Conveyances in Book 9832 Page 458, in favor of STANDARD PLUMBING COMPANY, LTD., re claim for payment in the sum of \$14,308.83.

MANAGEMENT AND OPERATIONS: Operation of the project shall be conducted for the Association by a responsible corporate Managing Agent who shall be appointed by the Association in accordance with the By-Laws. The Managing Agent is hereby authorized to receive service of legal process in all cases provided in said Horizontal Property Act. The initial Managing Agent shall be Reliance Realty and Management, whose place of business and post office address is 1661 Kapiolani Boulevard, Honolulu, Hawaii.

MONTHLY ASSESSMENTS FOR UNSOLD UNITS: The Developer states that the Developer shall pay for the maintenance of the grounds of the project until 80% of the units are sold and apartment leases issued. Apartment owners will pay for their proportionate share of monthly maintenance upon issuance of their apartment lease. There shall be no monthly maintenance charges payable by the Developer for unsold apartments except charges for lease rent and real property taxes for unsold apartments until 80% of the units are sold. After such time, monthly maintenance shall be assessed each owner in accordance with the Declaration and By-Laws and the Developer shall pay for the monthly assessments for unsold units.

STATUS OF PROJECT: The Developer reports that the project was completed on December 1, 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 April 17, 1973 and information subsequently filed as of July 3, 1974.

This SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 550 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 pink in color.


(for) DOUGLAS R. SODEVANI, 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

July 9, 1974

Registration No. 550