

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
MOKULEIA HALE
68025 Apuhii Street
Mokuleia
Island and County of Honolulu
State of Hawaii
REGISTRATION NO. 556

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: August 13, 1973
Expires: September 13, 1974

SPECIAL ATTENTION

A comprehensive reading of this 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 MAY 8, 1973. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514, HAWAII REVISED STATUTES.

1. The MOKULEIA HALE is a proposed leasehold condominium consisting of a single building containing 18 two-bedroom units on three floors, all in accordance with plans recorded in the State of Hawaii Bureau of Conveyances. One parking space is provided for each unit. The owner intends to sell each apartment together with an undivided interest in the common elements of the improvements (exclusive of the land) by an APARTMENT DEED and to lease an undivided interest in the land to

each purchaser by means of a GROUND LEASE. Purchasers are particularly advised to study these documents, with particular reference as to what happens upon expiration of each ground lease. Each ground lease will be for an approximate term of sixty-five (65) years, terminating at midnight, June 30, 2038.

2. The developer of the project has submitted to the Commission for examination all documents deemed necessary for the issuance of this Final Public Report.
3. No advertising or promotional matter has been submitted pursuant to the rules and regulations promulgated by the Commission.
4. The basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owners, and a copy of the approved floor plans) have been recorded in the office of the recording officer.

The Declaration of Horizontal Property Regime, together with the By-Laws of Association of Apartment Owners attached thereto, was recorded in the same Hawaii Bureau of Conveyances in Book 9321, Page 293, and condominium map No. 293 has been assigned to the project by said office.

5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514 of the Hawaii Revised Statutes and the condominium rules and regulations which relate to horizontal property regimes.
6. This Final Public Report automatically expires thirteen (13) months after the date of issuance, August 13, 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: MOKULEIA HALE

LOCATION: The land submitted to the Regime, approximately 13,414 square feet, is located at 68025 Apuhihi Street, Mokuleia, Island of Oahu.

TAX MAP KEY: FIRST DIVISION 6-8-11:28

ZONING: A-2 Apartment

DEVELOPER: Robert N. Moran, whose address is 649 Ulili Street, Honolulu, Hawaii.

ATTORNEY REPRESENTING DEVELOPER: Carlsmith, Carlsmith, Wichman and Case, 22nd Floor Pacific Trade Center, Honolulu, Hawaii 96813 (Attention: Thomas D. Welch, Jr.), Telephone 531-2071.

DESCRIPTION: The land will be improved, according to the Developer's plans and intention to sell, by constructing thereon a single building, containing three floors and eighteen apartments (six on each floor). In addition, the project will contain a parking area. Each unit includes all built-in fixtures including a stove, refrigerator, sinks, water heater, bathroom fixtures and carpets. Each unit includes all walls and partitions within its perimeter walls, all glass windows or panels along the perimeter; the interior half of all perimeter walls; the inner decorated or finished surfaces of the floors and ceilings; and all air space encompassed within the apartment (except for the inner decorated surface of said wall within said apartment, which is not a limited common element).

1. Materials. The principal materials used in the construction of the project are concrete block bearing walls, concrete floor slabs, glass, wallboard and related materials.
2. Description, Area, Numbering and Percentage Interest of Apartments. Each apartment includes two bedrooms, hall, bath, and living/dining/kitchen area with kitchenette. There are two types of apartments: Type A and Type B. All apartments on the ground floor are Type A apartments and all other apartments are Type B. The only difference between Type A and Type B apartments is that in Type B the area of the living/dining/kitchen area is slightly larger than in Type A. Type A apartments have a gross floor area (including pipe chase and pipe and ventilator shaft) of 506 square feet and a net floor area (excluding pipe chase and pipe and ventilator shaft) of 489 square feet. Each Type B apartment has a gross floor area (including pipe chase and pipe and ventilator shaft) of 536 square feet and a net floor area (excluding pipe chase and pipe and ventilator shaft) of 519 square feet. The apartments are numbered consecutively from the south end of the building to the north end, from 101 through 106 on the ground floor, 201 through 206 on the second floor, and 301 through 306 on the third floor. Each apartment has a 1/18 percentage interest in the common elements.

COMMON ELEMENTS: The common elements will include the limited common elements described in the next topical heading of the Final Public Report, LIMITED COMMON ELEMENTS, and all other portions of the project other than the apartments, including specifically, but not limited to: (a) the property in fee simple; (b) all foundations, floor slabs (except for the floor surface thereof within each apartment), beams, supports, bearing walls (except the inner decorated surface within each unit), roofs, stairways and entry ways; (c) all parking areas (including all unassigned spaces), driveways and planted areas; (d) all ducts and appurtenant installations for common services, including power, light, water, sewer, ventilation, telephone and refuse disposal; and (e) all other parts of the project necessary or convenient to its existence, maintenance, and safety, or normally in common use.

LIMITED COMMON ELEMENTS: Certain parts of the common elements, herein designated as "limited common elements", are hereby set

aside and reserved for the exclusive use of certain apartments:
(a) each apartment shall have appurtenant to it one parking space designated on the condominium map by a number corresponding to the number of the apartment to which it is appurtenant; and
(b) each entry way and stairway shall be appurtenant to and for the exclusive use of only those apartments directly adjacent to, and opening on, said entry way and stairway.

INTEREST TO BE CONVEYED TO PURCHASER: Each unit will have a 1/18th undivided fractional interest in the improvements (exclusive of land) called the "Common Interest", for all purposes, including voting. In addition, each apartment purchaser will hold an undivided 1/18th leasehold interest in the underlying land.

USE: The Declaration provides that the apartments will be occupied and used as permanent or temporary residences or lodgings, and for no other purposes. The owners of apartments have the right to lease or rent their apartments to third parties.

OWNERSHIP TO TITLE: The Developer advises the Commission that title to the land is vested in Robert Norton Moran. The Certificate of Title dated August 7, 1973, prepared by Long & Melone, Ltd., confirms such ownership.

ENCUMBRANCES AGAINST TITLE: The Certificate of Title prepared by Long & Melone, Ltd. dated August 7, 1973 reflects the following encumbrances:

1. 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.
2. Deed dated August 2, 1973, by and between the Developer as Grantee, and Alii Land, Inc. as Grantor, recorded in Book 9378, Page 3.
3. Grant of Easement in favor of Hawaiian Electric Company, Inc., and Hawaiian Telephone Company dated June 19, 1963, recorded in Book 4571, Page 234.
4. Restrictive Covenant dated November 29, 1972, recorded in Book 8768, Page 423, more specifically the covenant relates to "The Purchaser shall not place any used or secondhand buildings on the property herein described, or use or incorporate any used or secondhand materials into any buildings placed thereon prior to December 31, 1992."
5. Mortgage dated August 7, 1973, in favor of Pacific Standard Investment & Loan, Inc., recorded in Book 9378, Page 11.
6. Declaration of Horizontal Property Regime with By-Laws attached, dated July 17, 1973, recorded in Book 9321, Page 293. Condominium map No. 293 has been assigned by the Bureau of Conveyances.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement, dated May 8, 1973, between Real Estate Finance Escrow, as escrow agent and Developer, has been filed with the Commission. On examination the specimen Sales Contract and the executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes, and particularly Section 514-15(6).

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

MANAGEMENT OF THE PROJECT: The By-Laws of the Association of Apartment Owners vest in the Board of Directors the power and duties necessary for the administration of the overall affairs of the project. The By-Laws of the Association of Apartment Owners specify that the presence at any meeting in person or by proxy of fifty percent (50%) of apartment owners shall constitute a quorum and at any meeting in which a quorum is present, action by a majority of the voting power represented at such meeting shall be valid and binding on the Association except as otherwise provided in the By-Laws. Voting shall be on a percentage basis, the percentage of the total vote to which each apartment is entitled shall be the same as the percentage of the common interests assigned to such apartment in the Declaration; and any percentage of apartment owners specified in the By-Laws means the owners of apartments to which are appurtenant such percentage of the common interest. The Board of Directors of the Association of Apartment Owners may employ necessary personnel to carry out management and operation functions of the project. The By-Laws submitted to the Commission named Robert N. Moran as initial managing agent for a three year period.

STATUS OF PROJECT: On July 12, 1973 Developer entered into a construction contract with U and F Builders and Tokuo Yoshida. The contract calls for commencement of construction on July 27, 1973. The specimen Sales Contract states that if less than eleven (11) apartments are sold prior to November 1, 1973, the Developer at his option may cancel all sales contracts, refund all amounts paid by buyers, without interest, and terminate the project. Also, if the construction is not completed by July 1, 1975, either buyer or seller may terminate the Sales Contract and all funds will be refunded.

PROGRAM OF FINANCING: The statement of the Program of Financing submitted by the Developer reflects that the Developer intends to pay the cost of the project from funds available through a construction loan from Real Estate Finance Corporation, and proceeds from the Developer's general assets.

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 May 8, 1973.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 556 filed with the Commission May 8, 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 white.


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

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Registration No. 556
August 13, 1973