

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

KAHALUU HILLSIDE
AHUIMANU LOOP
KAHALUU, CITY AND COUNTY OF HONOLULU
STATE OF HAWAII
REGISTRATION NO. 571
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: SEPTEMBER 24, 1973
Expires: OCTOBER 24, 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 SUBMITTED JUNE 8, 1973 AND INFORMATION SUBSEQUENTLY FILED AS LATE AS SEPTEMBER 5, 1973. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES ACT SET FORTH IN CHAPTER 514, HAWAII REVISED STATUTES.

1. Kahaluu Hillside is a proposed fee simple condominium project consisting of twenty-one (21) existing buildings, each containing a separate residential dwelling.
2. The Developer of the Project has submitted to the Commission for examination all documents deemed necessary for registration of a condominium project and issuance of this Final Public Report.
3. The basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owners, and a copy of approved Floor Plans) have been filed 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 Office of the Assistant Registrar, Land Court, State of Hawaii, as Document No. 645421 and Condominium Map No. 177 has been designated to the project by said Office.
4. No advertising and promotional matter has been submitted pursuant to the rules and regulations of the Commission.
5. The 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 the Horizontal Property Regime.
6. This Final Public Report automatically expires thirteen (13) months after date of issuance, September 24, 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: KAHALUU HILLSIDE

LOCATION: The project consists of approximately 22.942 acres, situated on Ahuimanu Loop, Kahaluu, Oahu, Hawaii.

TAX KEY: First Division, 4-7-40-19

ZONING: R-3 and conservation (See Topical Heading "Conservation District")

DEVELOPER: Braco Limited, a Hawaii corporation, whose principal office is Suite 2500, Pacific Trade Center, Honolulu, Hawaii.

ATTORNEY REPRESENTING DEVELOPER: Wooddell, Mukai, Wirtz, Ichiki & Whitfield (Attention: Richard G. MacMillan), Suite 500 Alexander Young Building, Honolulu, Hawaii. Telephone 531-6277.

DESCRIPTION OF PROJECT: The Declaration of Horizontal Property Regime reflects that the project consists of twenty-one (21) separate buildings, constructed on approximately 22.942 acres of land. Each building contains one (1) single family dwelling and is constructed principally of wood, glass and allied building materials on concrete slab or footings, with a corrugated metal

roof. The buildings are one-story in height, however, five of the dwellings have been built above a partial concrete basement.

DESCRIPTION OF DWELLINGS:

(1) The number of each dwelling, its type, number of rooms and street address are as follows:

<u>DWELLING NO.</u>	<u>TYPE OF UNIT</u>	<u>NO. OF ROOMS</u>	<u>DWELLING ADDRESS NO.</u>
1	(E)	5	47-722 C Ahuimanu Loop
2	(C)	5	47-722 B Ahuimanu Loop
3	(C)	5	47-722 A Ahuimanu Loop
4	(C)	5	47-724 Ahuimanu Loop
5	(C)	5	47-728 Ahuimanu Loop
6	(D)	5	47-732 Ahuimanu Loop
7	(A)	5	47-722 J Ahuimanu Loop
8	(A)	5	47-724 H Ahuimanu Loop
9	(A)	5	47-724 J Ahuimanu Loop
10	(A)	5	47-724 G Ahuimanu Loop
11	(A)	5	47-724 F Ahuimanu Loop
12	(A)	5	47-724 E Ahuimanu Loop
13	(A)	5	47-724 D Ahuimanu Loop
14	(A)	5	47-724 C Ahuimanu Loop
15	(A)	5	47-724 B Ahuimanu Loop
16	(A)	5	47-724 A Ahuimanu Loop
17	(B)	6	47-722 D Ahuimanu Loop
18	(B)	6	47-722 E Ahuimanu Loop
19	(B)	6	47-722 F Ahuimanu Loop
20	(B)	6	47-722 G Ahuimanu Loop
21	(B)	6	47-722 H Ahuimanu Loop

(2) Type (A) Dwellings. Those dwellings designated hereinabove as Type (A) each contain five (5) rooms, consisting specifically of two bedrooms, one bathroom, a living room and kitchen. Each Type (A) dwelling has a floor area of 660 square feet and an attached carport containing 220 square feet.

(3) Type (B) Dwellings. Those dwellings designated hereinabove as Type (B) each contain six (6) rooms, consisting specifically of three (3) bedrooms, one bathroom, a living room and kitchen, with a floor area of 816 square feet. Each Type (B) dwelling has a 400 square foot concrete basement (above grade) and an attached carport containing 240 square feet.

(4) Type (C) Dwellings. Those dwellings designated hereinabove as Type (C) each contain five (5) rooms consisting specifically of two (2) bedrooms, one bathroom, a living room and a kitchen, and have a floor area of 600 square feet (excluding patios) and an attached carport containing 200 square feet. Each Type (C) dwelling also includes an appurtenant patio area as follows: Dwelling No. 2 has an enclosed screened patio containing 602 square feet; Dwelling No. 3 has an uncovered concrete pad containing 674 square feet; Dwelling No. 4 has a 562 square-foot uncovered concrete pad and Dwelling No. 5 has a covered patio of 156 square feet and a 324 square-foot uncovered concrete pad.

(5) Type (D) Dwellings. Dwelling No. 6 is the only Type (D) dwelling of the Project and contains five (5) rooms, consisting specifically of two (2) bedrooms, one bathroom, living room and kitchen. The dwelling has floor area of 740 square feet, a covered patio containing 144 square feet and an attached carport containing 200 square feet. Dwelling No. 6 also has a 399 square-foot uncovered concrete pad situate at the rear of the residential building.

(6) Type (E) Dwellings. Dwelling No. 1 is the only Type (E) dwelling of the Project and contains five (5) rooms, consisting specifically of two (2) bedrooms, one bathroom, a living room and kitchen. The dwelling has a floor area of 590 square feet, and attached carport containing 200 square feet. Dwelling No. 1 also has an enclosed patio containing 391 square feet and 161 square-foot uncovered concrete pad situate at the rear of the residential building.

Each dwelling shall be deemed to include the footings or slab on which it is constructed, the exterior walls and roof, all interior walls, ceilings, floors and partitions and the finished surfaces thereof, the carport and patio areas, if any, and all fixtures originally installed therein. However, the respective dwellings shall not be deemed to include any structural or service elements which are utilized or serve more than one dwelling, the same being deemed common elements as hereinafter provided. Each dwelling has immediate access to its entries and to the walkways and driveways appurtenant thereto connecting its building to Ahuimanu Loop or to the roadway of the Project which intersects with Ahuimanu Loop.

COMMON ELEMENTS: The Declaration identifies the following as common elements: (a) Said land in fee simple; (b) All yards, grounds, landscaped areas and walkways around and between said buildings; (c) All roadways, sidewalks, walkways and driveways of the Project; (d) All ducts, sewer lines, electrical equipment, pipes, wiring and other central and appurtenant transmission facilities, installations which serve more than one dwelling

for services, including power, lights, water, gas, air conditioning, refuse telephone and radio and television signal distribution; and (f) Any and all other apparatus and installations of common use and all other parts of the property necessary or convenient to its existence, maintenance or safety, and 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 of certain dwellings, and such dwellings shall have appurtenant thereto exclusive easements for the use of said limited common elements. Unless otherwise specified herein, all costs of every kind pertaining to each limited common element, including, but not limited to, costs of landscaping, maintenance, repair, replacement and restoration shall be borne entirely by the dwelling or dwellings to which it is appurtenant. The limited common elements so set aside and reserved are as follows:

(a) The site of each dwelling, consisting of the land beneath and immediately adjacent thereto, as shown and delineated on said Condominium Map, shall be a limited common element for the exclusive use of the dwelling to which it is appurtenant.

(b) The walkways and driveways connecting the dwellings to Ahuimanu Loop or to the roadway of the Project shall be a limited common element for the exclusive use of the dwelling to which said walkways and driveways are appurtenant;

(c) All other common elements of the Project which are rationally related to less than all of said dwellings shall be appurtenant to and for the exclusive use of the dwelling or dwellings served thereby.

COMMON INTERESTS. The Declaration reflects that each apartment shall have appurtenant thereto an undivided percentage interest in the 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, as follows:

<u>Dwelling Nos.</u>	<u>Common Interest</u>
7, 8, 9, 10, 11, 12, 13 14, 15, 16	.046
17, 18, 19, 20, 21	.057
2, 3, 4, 5	.041
6	.051
1	.040

DEVELOPER'S OPTION TO WITHDRAW AREAS. Developer shall, from time to time, have the right, at its option, up to but not later than December 31, 1988, to require alteration of the Project by withdrawing therefrom any portion or all of the land within the common element area delineated on said Condominium Map, as

"Further Withdrawal and Development Area", subject to the terms and conditions provided in the Declaration. No withdrawal shall be permitted which requires the alteration or destruction of any existing dwelling or the limited common elements appurtenant thereto. Whether or not Developer shall have exercised the right of withdrawal, Developer shall have the additional right, from time to time, to initiate and prosecute, on behalf of all dwelling owners and the Association, proceedings before any and all governmental agencies having jurisdiction thereof for the purpose of changing the land use classification or zoning of all or any portion of the property of the Project which is situate within the withdrawal area or not presently zoned or classified for residential use, and every dwelling owner shall, if required by law or by Developer, join in, consent to, or execute all instruments necessary or desirable to permit the institution and prosecution by Developer of any such proceedings.

DEVELOPER'S OPTION TO BUILD ADDITIONAL DWELLINGS. Developer shall, from time to time, have the right at its option, up to but not later than December 31, 1988, to require alteration of the Project by creating one or more additional residential condominium units, with appurtenant common elements, within the area delineated on said Condominium Map as "Future Withdrawal and Development Area," in accordance with complete plans and specifications therefor prepared by a licensed architect and on the terms and conditions set forth in the Declaration. No such plans and specifications shall require the alteration, or demolition of any existing dwelling or its appurtenant limited common elements, or any improvements constituting part of the common elements, but the creation of additional dwellings will have the effect of diminishing the common interest appurtenant to each existing dwelling.

MERGER OF WITHDRAWN AREA AND OTHER PROPERTY WITH PROJECT. Should Developer withdraw from the Project any part or all of the land delineated for withdrawal, and should Developer desire to develop any part or all of such withdrawn property as a Horizontal Property Regime, Developer shall have the right to provide for a merger of any part or all of the withdrawn area with the Project, with the same legal effect as if both had been developed as a single project.

RESTRICTION AS TO USE: The Declaration states that the dwellings shall be used for residential purposes only. The owners of the respective dwelling shall have the absolute right to lease such dwellings subject to all provisions of the Declaration and By-Laws.

OWNERSHIP TO TITLE: Developer has filed with the Commission a Preliminary Title Report dated July 31, 1973, prepared by Hawaii Escrow & Title, Inc. which verifies that fee title to the land is vested in Braco, Limited.

ENCUMBRANCES AGAINST TITLE: The Developer has filed with the Commission an updated title search report prepared by Hawaii Escrow & Title Inc., dated July 31, 1973. The Preliminary Title Report reflects that the land is subject to the following reservations, easements, liens, encumbrances, etc:

(1) TAXES, 2nd INSTALLMENTS 1972-1973 UNPAID.

(2) THE RIGHT OF THE DILLINGHAM BROS., LIMITED, "at any time to change the location of said easements, roadways, or rights of way, other than the Kamehameha Highway, provided the Dillingham Bros., Limited, furnishes the owners of said pieces of lands affected by such change, with equally suitable easements, roadways, or rights of way, to those already existing and hereby provided of the same width at least as the existing roadways, easements, or rights of way, and if any dispute shall arise between the Dillingham Bros., Limited, and the new easements, roadways or rights of ways, such dispute shall be submitted to and settled by a judge of the Land Court of the State of Hawaii."

"Nothing herein contained shall be construed as determining the rights to water and/or easements for irrigation ditches in favor of the Dillingham Bros., Limited, and/or any of the parties interested in the Lands covered by Land Court Certificate of Title No. 47,043."

(3) EASEMENT 11 over Lot 779, as shown on Map 82, as set forth by Land Court Order No. 5498, filed August 5, 1943.

(4) A LIS PENDENS in favor of THE CITY AND COUNTY OF HONOLULU, re easements for rights of way and easements for a roadway, over portion of Lot 779, or the fee simple title to said parcel; and water rights appurtenant to said Lot 779, dated November 25, 1946, filed as Document No. 88675.

(5) COVENANTS in Deed Executed by DILLINGHAM BROS., LIMITED, a Hawaii corporation, to RAYMOND CHUNG YAP and CAROL WAI TOR YAP, husband and wife as Tenants by the Entirety, dated June 5, 1951, filed July 17, 1951 as Land Court Document No. 130310.

(6) GRANT OF EASEMENT in favor of HAWAIIAN ELECTRIC COMPANY, INC., and HAWAIIAN TELEPHONE COMPANY, for utility purposes, over and across Lot 779, dated May 13, 1963, filed June 3, 1963, by FRED YEW WAI CHANG, as Document No. 309220.

(7) MORTGAGE executed by BRACO, LIMITED, a Hawaii corporation, in favor of HONOLULU FEDERAL SAVINGS AND LOAN ASSOCIATION, a Federal savings and loan association, dated May 30, 1973, filed May 31, 1973 as Land Court Document No. 632186.

(8) MORTGAGE executed by BRACO, LIMITED, a Hawaii corporation, in favor of HAWAII THRIFT & LOAN, INC., a Hawaii corporation, dated May 30, 1973, filed May 31, 1973 as Land Court Document No. 632187.

(9) DECLARATION OF HORIZONTAL PROPERTY REGIME for Kahaluu Hillside dated August 21, 1973, together with By-Laws filed in the Office of the Assistant Registrar of the Land Court as Document No. 645421, and Condominium Map filed in the said Office as Condominium Map No. 177.

PURCHASE MONEY HANDLING: An executed Escrow Agreement for Kahaluu Hillside dated June 4, 1973, identifies Hawaii Escrow & Title, Inc., as the escrow agent. Upon examination of the

Escrow Agreement, it is found to be in consonance with Chapter 514, Hawaii Revised Statutes, and particularly Section 514-35 through Section 514-40.

Among other provisions, the Escrow Agreement provides that a purchaser shall be entitled to a refund of his funds, without interest, if purchaser requests in writing a refund of his funds and any one of the following has occurred:

- (a) Developer has requested Escrow in writing to return to purchaser the funds of purchaser then being held by Escrow; or
- (b) Purchaser's funds were obtained prior to the issuance of a final public report and there is a change in the condominium building plans subsequent to execution of purchaser's sales contract requiring the approval of a county officer having jurisdiction over the issuance of permits for construction of buildings unless purchaser has given written approval or acceptance of the specific change; or
- (c) If a purchaser's funds were obtained prior to the issuance of the preliminary public report, purchaser requests a refund and the request is prior to the time the final public report is issued; or
- (d) The final public report differs in any material respect from any preliminary public report, unless the purchaser has given written approval or acceptance of the difference; or
- (e) If the final public report is not issued within one year from the date of issuance of any preliminary public report.

According to the Deposit Receipt and Sales Contract, in the event that less than 15 dwellings are sold prior to January 1, 1974, Developer may, at its option, cancel the contract, in which event Developer will cause Escrow Agent to refund to Buyers all monies paid, without interests.

It is incumbent upon the prospective purchaser to read and understand the Escrow Agreement and the sales agreement before executing the sales agreement. The Escrow Agreement establishes how the proceeds from the sale of units and all sums from any source are placed in trust, as well as the retention, disbursement and refund of said trust funds.

CONSERVATION DISTRICT. The Commission has been advised that a portion of the land which is appurtenant as a limited common element to each of Dwelling Nos. 6, 9, 13, 14, 15 and 16 of the Project is situate within a conservation district as established by the State Land Use Commission of the State of Hawaii, although the aforesaid dwellings are not within said district.

USE OF PURCHASER'S FUNDS. The proposed Deposit Receipt and Sales Contract filed with the Commission reserves to the Developer the right to withdraw purchaser's deposits from escrow prior to closing to be used for land acquisition costs or such other purpose or purposes as Developer may desire; provided, that purchasers shall be given full credit for all deposits made.

MANAGEMENT AND OPERATION: The By-Laws of the Association of Dwelling Owners provide that the Board of Directors of Kahaluu Hillside shall employ a responsible Hawaii corporation as Managing Agent to manage and control the Project subject at all times to direction of the Board. The Declaration and Management Agreement submitted by the Developer reflects that the Managing Agent for the first three years of the project shall be Parade Realty, Inc., 350 Ward Avenue, Honolulu, Hawaii.

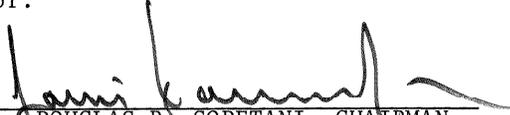
STATUS OF PROJECT: The Developer has advised the Commission that the buildings were completed in phases from about 1958 through 1965. The buildings were used as residential rental units from time of completion.

Note: The buildings are non conforming structures under the present Comprehensive Zoning Code.

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 June 8, 1973, and additional information subsequently filed as late as September 5, 1973.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 571 filed with the Commission August 22, 1973.

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


For DOUGLAS R. SODEHANI, CHAIRMAN
REAL ESTATE COMMISSION
STATE OF HAWAII

DISTRIBUTION:

DEPARTMENT OF TAXATION
BUREAU OF CONVEYANCES
PLANNING DEPARTMENT, CITY & COUNTY OF HONOLULU
FEDERAL HOUSING ADMINISTRATION
ESCROW AGENT

September 24, 1973
Registration No. 571