

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
HAIKU WOODS (Increment A)
Haiku Road
Kaneohe, Hawaii

REGISTRATION NO. 622

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 5, 1975
Expires: October 5, 1976

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:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION DATED SEPTEMBER 20, 1973 AND INFORMATION SUBSEQUENTLY FILED AS OF SEPTEMBER 5, 1975. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514, HAWAII REVISED STATUTES.

1. Since the issuance of the Commission's Preliminary Public Report of October 8, 1973, on HAIKU WOODS, there have been material changes to the project. The project has been divided into two separate projects, to-wit: Haiku Woods (Increment A) and Haiku Woods (Increment B). This Final Public Report will cover only Haiku Woods (Increment A).

The Developer has advised the Commission that Haiku Woods (Increment A) is fee simple and consists of 74 residential units located in 7 three-story townhouse clusters with a total of 173 parking spaces.

NOTE: The Developer has further advised the Commission that Haiku Woods (Increment B) will be leasehold and consists of 13 residential units.

2. This Final Public Report is made a part of the registration on HAIKU WOODS condominium project, Registration No. 622. The Developer is responsible for placing this Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers.

Securing a signed copy of the Receipt for Horizontal Property Regime Public Report from each purchaser and prospective purchaser is also the responsibility of the Developer.

3. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the issuance of this Final Public Report.
4. No advertising or promotional matter has been submitted.
5. The buildings will be completed in November, 1975. Forty-five (45) units have been totally completed as of this date.
6. 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 filed in the office of the recording officer.

The Declaration of Horizontal Property Regime, executed August 28, 1975, together with the By-Laws of Association of Apartment Owners, was recorded in the Bureau of Conveyances of the State of Hawaii in Liber 10875, Page 70,

and filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 733213. The recording officer has designated Condominium Map No. 263 in the Land Court and Condominium Map No. 430 in the Bureau of Conveyances on August 29, 1975.

7. 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.
8. This Final Public Report automatically expires thirteen (13) months after the date of issuance, September 5, 1975, unless a Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the effective period of this Report.
9. This Final Public Report substitutes in its entirety the Preliminary Public Report issued October 8, 1973.

NAME OF PROJECT: HAIKU WOODS

LOCATION: The approximate 7.704 acres of fee simple land committed to the regime is situated on the westerly side of Haiku Road and approximately 200 feet southwesterly of Holokua Place at Heeia, Koolaupoko, Oahu, Hawaii.

TAX MAP KEY: 4-6-17: 22

ZONING: R-6 and AG-1 under CZC of the City and County of Honolulu and designated as Planned Development-Housing District No. R-32 by Ordinance No. 4195 of the City and County of Honolulu.

DEVELOPER: HAIKU WOODS JOINT VENTURE consisting of the following: (1) HARRY C. UHLER DEVELOPMENT, INC., 84 White Sands Place, Kailua, Hawaii 96734; telephone 247-1601; (2) DOUG CARTY, INC. (formerly Doug Carty Realty, Inc.), 49 South Hotel Street, Honolulu, Hawaii 96813; telephone 536-0831; and (3) MAHINUI ESTATES, INC., 333 Queen Street, Honolulu, Hawaii 96813; telephone 538-3828.

ATTORNEY REPRESENTING DEVELOPER: Vincent H. Yano, Suite 601, 333 Queen Street, Honolulu, Hawaii 96813; telephone 538-3828.

DESCRIPTION: The Declaration of Horizontal Property Regime reflects that the project is to consist of seventy-four (74) residential units contained in sixteen (16) three-story buildings situated in seven (7) building clusters. The development also includes a swimming pool with therapeutic whirlpool and lily pond with surrounding deck area and men's and women's saunas and rest rooms, a tot lot and a picnic area, and 173 parking stalls.

IMPORTANT NOTE: The Declaration of Haiku Woods (Increment A) provides for the granting of rights in the nature of easements for the joint use of all of the common elements of the project, together with grants of easements for ingress and egress over, across and through the property included in this project; excluding, however, such common elements as shall be located within any residential structures. The grant of a perpetual roadway easement to the Trustees of the Estate of Bernice Pauahi Bishop in and to the roadway providing ingress and egress through the project to Haiku Road is also included in the Declaration covering the parcel owned by the Developer. The Developer has advised the Commission that Haiku Woods (Increment B) will provide reciprocal type easements for the joint use of common elements of the project, excluding such common elements located within residential structures. The Developer has further advised that the two projects will have separate independent associations of apartment owners, although common expenses with reference to the maintenance and servicing of the common elements will be shared in proportion to the number of units in the respective projects. The 74 owners of the fee simple units, Haiku Woods (Increment A), will be responsible for 85% of said common expenses and the remaining 15% will be the responsibility of the owners of the 13 leasehold units, which the Developer advises are contained in Haiku Woods (Increment B). It is anticipated that both associations will cooperate and work together in matters of mutual interest.

The principal materials of which the apartment buildings shall be constructed are as follows: The ground floor slabs shall be poured reinforced concrete; the flooring above the ground floor, the parting walls between apartments shall be wood studs with stucco exterior and veneer plaster over imperial gypsum board to be used as interior wall sheathing; the stairs shall be wood frame; each cluster shall have a concrete parking garage; the interior walls shall also consist of exposed heavy timber construction; all slope roofs will be cedar shake and all flat roofing will be built up.

There will be two general types of apartments: two-bedroom and three-bedroom units. The total net area of living space (including lanais and open decks) shall be 1,524 to 1,556 square feet for two-bedroom units and 1,505 to 1,627 square feet for three-bedroom units, depending on the particular floor plan. The three-bedroom units shall consist of three (3) levels and the two-bedroom units shall be two-story townhouses built above the concrete garages. The following is a list of apartment numbers and number of bedrooms, enclosed living area and percentage of common interest appurtenant to each unit:

<u>APT. NO.</u>	<u>NO. OF BEDROOMS</u>	<u>ENCLOSED LIVING AREA</u>	<u>OPEN DECK (LANAI)</u>	<u>TOTAL AREA (NET)</u>	<u>PERCENTAGE OF COMMON INTEREST</u>
A-1	3	1,452	120	1,572	1.4044
A-2	3	1,507	120	1,627	1.4535
A-3	3	1,507	120	1,627	1.4535
A-4	3	1,507	120	1,627	1.4535
A-5	3	1,452	120	1,572	1.4044
A-6	3	1,452	120	1,572	1.4044
A-7	3	1,507	120	1,627	1.4535
A-8	3	1,507	120	1,627	1.4535
A-9	3	1,452	120	1,572	1.4044
A-10	2	1,186	370	1,556	1.2248
A-11	2	1,170	354	1,524	1.2034
A-12	2	1,186	370	1,556	1.2248
B-1	3	1,452	120	1,572	1.4044
B-2	3	1,507	120	1,627	1.4535
B-3	3	1,507	120	1,627	1.4535
B-4	3	1,507	120	1,627	1.4535
B-5	3	1,507	120	1,627	1.4535
B-6	3	1,392	120	1,512	1.3508
B-7	2	1,186	370	1,556	1.2248
B-8	2	1,170	354	1,524	1.2034
B-9	2	1,170	354	1,524	1.2034
B-10	2	1,186	370	1,556	1.2248
C-1	2	1,186	370	1,556	1.2248
C-2	2	1,170	354	1,524	1.2034
C-3	2	1,170	354	1,524	1.2034
C-4	3	1,507	120	1,627	1.4535
C-5	3	1,452	120	1,572	1.4044
C-6	3	1,452	120	1,572	1.4044
C-7	3	1,507	120	1,627	1.4535
C-8	3	1,507	120	1,627	1.4535
C-9	3	1,507	120	1,627	1.4535
C-10	3	1,507	120	1,627	1.4535
C-11	3	1,507	120	1,627	1.4535
C-12	3	1,452	120	1,572	1.4044
D-1	2	1,186	370	1,556	1.2248
D-2	2	1,170	354	1,524	1.2034
D-3	2	1,170	354	1,524	1.2034
D-4	2	1,170	354	1,524	1.2034
D-5	3	1,507	120	1,627	1.4535
D-6	3	1,452	120	1,572	1.4044
D-7	3	1,452	120	1,572	1.4044
D-8	3	1,385	120	1,505	1.3446
D-9	3	1,385	120	1,505	1.3446
D-10	3	1,385	120	1,505	1.3446
D-11	3	1,452	120	1,572	1.4044

<u>APT. NO.</u>	<u>NO. OF BEDROOMS</u>	<u>ENCLOSED LIVING AREA</u>	<u>OPEN DECK (LANAI)</u>	<u>TOTAL AREA (NET)</u>	<u>PERCENTAGE OF COMMON INTEREST</u>
E-1	3	1,452	120	1,572	1.4044
E-2	3	1,507	120	1,627	1.4535
E-3	3	1,507	120	1,627	1.4535
E-4	3	1,452	120	1,572	1.4044
E-5	3	1,452	120	1,572	1.4044
E-6	3	1,507	120	1,627	1.4535
E-7	3	1,507	120	1,627	1.4535
E-8	3	1,452	120	1,572	1.4044
E-9	2	1,186	370	1,556	1.2248
E-10	2	1,170	354	1,524	1.2034
E-11	2	1,170	354	1,524	1.2034
E-12	2	1,186	370	1,556	1.2248
F-1	2	1,186	370	1,556	1.2248
F-2	2	1,170	354	1,524	1.2034
F-3	2	1,186	370	1,556	1.2248
F-4	3	1,452	120	1,572	1.4044
F-5	3	1,507	120	1,627	1.4535
F-6	3	1,507	120	1,627	1.4535
F-7	3	1,507	120	1,627	1.4535
F-8	3	1,507	120	1,627	1.4535
F-9	3	1,452	120	1,572	1.4044
G-1	2	1,186	370	1,556	1.2248
G-2	3	1,452	120	1,572	1.4044
G-3	3	1,507	120	1,627	1.4535
G-4	3	1,507	120	1,627	1.4535
G-5	2	1,170	354	1,524	1.2034
G-6	2	1,170	354	1,524	1.2034
G-7	2	1,170	354	1,524	1.2034
G-8	2	1,186	370	1,556	1.2248
		<u>101,477</u>	<u>15,156</u>	<u>116,633</u>	<u>100.0000</u>

NOTE:

In computing percentage of common interest, the open-deck lanai spaces of all two-bedroom units were given one-half the weight of similar spaces of all three-bedroom units due to more enclosed living areas and additional unfinished areas in said three-bedroom units.

COMMON ELEMENTS: One freehold estate is hereby designated in all of the remaining portions and appurtenances of the project, herein called the "common elements", including specifically, but not limited to: (a) said land in fee simple; (b) all foundations, floor slabs, columns, girders, beams, supports, unfinished perimeter and load-bearing walls, roofs, and walkways around and between said buildings; (c) all yards, grounds, landscaping, mail boxes, refuse and like facilities; (d) all driveways and parking areas; (e) all ducts, sewer lines, electrical equipment, pipes, wiring and other central and appurtenant transmission facilities, installations for services including power, light, water, gas, air conditioning, refuse, telephone and radio and television signal distribution; (f) recreation area, including swimming pool with jacuzzi pool; two tot lots; and men's and women's sauna with dressing areas located on the ground level of Cluster "D"; and (g) 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, or normally in common use.

NOTE: Grants of easements for ingress and egress and the right to the use of common elements in the parcel of land covered in this registration during the period of the leasehold shall be given to any purchaser, purchasers, lessee, lessees, owner or owners of the thirteen (13) residential leasehold units in the adjoining property together with a perpetual roadway easement to the Trustees of the Estate of Bernice Pauahi Bishop for ingress and egress over, across and through the parcel of land covered in this registration to Haiku Road.

LIMITED COMMON ELEMENTS: Certain parts of the common elements, herein called and designated "limited common elements", are hereby set aside and reserved for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto exclusive easements for the use of such limited common elements. The limited common elements so set aside and reserved are as follows: (a) One (1) covered and one (1) open parking space so designated on said Condominium File Plan by the number corresponding to the number of each apartment shall be appurtenant to and for the exclusive use of such apartment, with which the same are conveyed upon the initial conveyance by lease or deed; (b) all

other common elements of the project which are rationally related to less than all of said apartments (or buildings) shall be limited to the use of such apartments (or buildings).

INTEREST TO BE CONVEYED TO PURCHASER: The Declaration reflects that each apartment shall have appurtenant thereto an undivided percentage interest as set forth under the above topical heading of "DESCRIPTION" in all common elements of the project and the same proportionate share in all common profits and expenses of the project, except as otherwise provided in the Declaration and for all other purposes including voting.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The Declaration reflects that the apartments shall be occupied and used only 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 but the owners of the respective apartments shall have absolute right to lease such apartments subject to all the provisions of the Declaration.

OWNERSHIP TO TITLE: The Developer has filed a policy of title insurance issued by Security Title Insurance Company showing title vested in HARRY C. UHLER DEVELOPMENT, INC., DOUG CARTY REALTY, INC., and MAHINUI ESTATES, INC. by Deed dated June 20, 1972 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 8402, Page 292.

ENCUMBRANCES: The preliminary report dated August 8, 1975 issued by Security Title Corporation as submitted to the Commission provides that the following are encumbrances against the property: (1) Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patents Numbered 1021, 1018, 1009, 1565 and 1664; (2) Mortgage dated January 18, 1974, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 9695, Page 454, made by Harry C. Uhler Development, Inc., Doug Carty Realty, Inc., and Mahinui Estates, Inc., Hawaii corporations, as Mortgagors, to First Federal Savings and Loan Association of Hawaii, a Federal corporation, as Mortgagee, in the amount of \$5,155,900.00; by instrument dated July 23, 1975, recorded in said Bureau of Conveyances in Liber 10805, Page 380, the foregoing Mortgage was amended; (3) Additional Charge Mortgage dated August 29, 1974, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 694734 and also recorded in said Bureau of Conveyances in Liber 10114, Page 5, made by Harry C. Uhler Development, Inc., et al., as Mortgagor, to First Federal Savings and Loan Association of Hawaii, as Mortgagee, in the amount of \$834,500.00;

(4) Additional Security Mortgage dated August 29, 1974, filed in the Office of the Assistant Registrar of the Land Court as Document No. 694734 and recorded in said Bureau of Conveyances in Liber 10114, Page 5, by Harry C. Uhler Development, Inc., et al., as Assignors, assigning all of their right, title and interest in and to Parcels Second and Third described in said preliminary report, to First Federal Savings and Loan Association of Hawaii, as Assignee; (5) Financing Statement dated January 28, 1974, recorded in said Bureau of Conveyances in Liber 10255, Page 522, filed by Sears, Roebuck & Co.; (6) Additional Charge Mortgage dated June 23, 1975, filed in said Office of the Assistant Registrar of the Land Court as Document No. 724715 and also recorded in said Bureau of Conveyances in Liber 10728, Page 161, made by Harry C. Uhler Development, Inc., et al., as Mortgagor, to First Federal Savings and Loan Association of Hawaii, as Mortgagee, in the amount of \$400,000.00; (7) Additional Charge Mortgage dated July 24, 1975, filed in said Office of the Assistant Registrar of the Land Court as Document No. 728617 and also recorded in said Bureau of Conveyances in Liber 10805, Page 380, made by Harry C. Uhler Development, Inc., et al., as Mortgagor, to First Federal Savings and Loan Association of Hawaii, as Mortgagee, in the amount of \$200,000.00; (8) Assignment of Profits dated August 12, 1974, recorded in said Bureau of Conveyances in Liber 10088, Page 34, from Mahinui Estates, Inc., as Assignor, to Donald S. Umemoto, as Assignee, for the right to receive two-thirds (2/3) of all profits which the Assignor is entitled to receive from the Haiku Woods Joint Venture, for the sum of \$91,000.00; (9) Undated Financing Statement recorded in said Bureau of Conveyances in Liber 10088, Page 535, by Donald S. Umemoto with reference to the above Assignment of Profits; (10) AS TO LOT 1196-F ONLY: Free flowage of water in Haiku-Heeia Stream and the stream from Iolekaa which empties into said Haiku-Heeia Stream and the other streams and auwais over and across said lot, without prejudice to existing water rights as shown on Maps 1 and 138 of Land Court Application No. 1100, (11) For any taxes due and owing, reference is made to the Office of the Tax Assessor, First Division.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated August 1, 1975, identifies Title Guaranty Escrow Services, Inc., a Hawaii corporation, as escrow agent. On examination, the specimen Contract of Sale and the executed Escrow Agreement are found to be in compliance with Hawaii Revised Statutes, Chapter 514, and particularly Hawaii Revised Statutes, Section 514-35 and Section 514-36 through Section 514-40.

Among other provisions the executed Escrow Agreement states that a purchaser under contract of sale, upon written request, shall be entitled to a refund of all monies deposited with Escrow, without interest, less Escrow's cancellation fee, if any of the following events shall have occurred: (1) If funds were obtained from an apartment purchaser prior to the issuance of a final public report upon the project by the Real Estate Commission, and there is a change in the plans for the said buildings requiring the approval of the official of the City and County of Honolulu having jurisdiction over the issuance of permits for the construction of buildings, unless Developer obtains the written approval or acceptance of such specific change in building plans by such apartment purchaser; (2) the Final Public Report upon the project differs from the Preliminary Public Report upon the project issued by the Real Estate Commission of the State of Hawaii in any material respect; (3) such Final Public Report is not issued within one year from the date of issuance of such Preliminary Public Report; and (4) the Developer shall not have delivered to Escrow Agent any purchaser's receipt for a copy of the Final Public Report within ninety (90) days after the issuance thereof.

The specimen Contract of Sale states that the terms of the Escrow Agreement are made a part of the Contract of Sale by reference. The Contract of Sale further states that until Seller has closed out the sale of all the apartments in the project or until December 31, 1976, whichever shall occur first, Buyer will not enter into an agreement with any owner of another apartment in the project and/or any third party under which Buyer agrees to share expenses and/or rentals of apartments in the project. It is incumbent upon the purchaser and prospective purchaser that he reads with care the Contract of Sale and the executed Escrow Agreement. The Escrow Agreement establishes how the proceeds from the dwelling units and all sums received from any source are placed in trust, as well as the retention and disbursement of said trust funds.

MANAGEMENT AND OPERATIONS: The proposed By-Laws of the Association provide that the Board of Directors shall annually employ a responsible Hawaii corporation as Managing Agent to manage and control the project subject at all times to direction by the Board. A specimen agreement has been submitted as part of the registration and Pacific Islands Management, Ltd., is identified as the Managing Agent.

STATUS OF PROJECT: A building contract has been executed with Continental Construction Company. It is estimated that the entire project will be completed on or about November 30, 1975.

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 dated September 20, 1973, and information subsequently filed as of September 5, 1975.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 622 filed with the Commission.

This report, when reproduced, shall be a true copy of the Commission's Public Report. In making facsimiles, the paper stock shall be white in color.


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

Distribution:

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

September 5, 1975
Registration No. 622