

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
EDEN AT HAIKU WOODS (INCREMENT A)
HAIKU ROAD
Kaneohe, Oahu, Hawaii

REGISTRATION NO. 622

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

It was prepared as a supplement to an earlier Report dated September 5, 1975 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 14, 1976
Expires: July 5, 1977

SPECIAL ATTENTION

A comprehensive reading of this report is urged in order that the 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 SEPTEMBER 20, 1973, AND INFORMATION SUBSEQUENTLY FILED AS OF JULY 12, 1976. THE OWNER IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL IS COMPLYING WITH REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES ACT, CHAPTER 514, HAWAII REVISED STATUTES, AS AMENDED.

1. Since the issuance of the Commission's Final Public Report of September 5, 1975, on HAIKU WOODS (Increment A), Registration No. 622, there have been several changes affecting the project. None of these changes affect the layout, location, apartment numbers and dimensions of the apartments, or the layout, location and numbers of the parking stalls. The architect has certified that these conform "as built" to Condominium Map 430 recorded in the Bureau of Conveyances and Condominium Map 263 on file in the Office of the Assistant Registrar of the Land Court and this certificate was recorded in said Bureau on March 2, 1976, in Liber 11270 at Page 579 and filed in said Office as Document No. 755635 as the First Amendment of Declaration of Horizontal Property Regime of Haiku Woods.

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

The Owner is responsible for securing from each purchaser or prospective purchaser a signed receipt, signifying that he or she has received both reports.

3. The Owner of the project has submitted to the Commission for examination all documents deemed necessary for the issuance of this Supplementary Public Report.

4. No advertising or promotional matter has been submitted.

5. The basic documents (Declaration of Horizontal Property Regime, and the first and second amendments thereto, By-Laws of Association of Apartment Owners, and the first amendment thereto, 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. On March 2, 1976, the first Amendment of the Declaration of Horizontal Property Regime, being the Architect's "as built" certificate, was recorded in said Bureau in Liber 11270 at Page 579, and filed in said Office as Document No. 755635. On May 20, 1976, the second amendment of the Declaration of Horizontal Property Regime and first amendment of By-Laws was recorded in said Bureau in Liber 11417 at Page 230 and filed in said Office as Document No. 764938.

6. 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 Regime.

7. This Supplementary Public Report automatically expires on July 5, 1977, unless another Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the effective period of this Report.

The Developer has requested and the Real Estate Commission has approved the extension of the Final Public Report dated September 5, 1975, to July 5, 1977.

The information in the Final Report of September 5, 1975 under the topical headings NAME OF PROJECT, LOCATION, DEVELOPER, ATTORNEY REPRESENTING DEVELOPER, DESCRIPTION, LIMITED COMMON ELEMENTS, OWNERSHIP TO TITLE, ENCUMBRANCES, PURCHASE MONEY HANDLING, MANAGEMENT AND OPERATIONS and STATUS OF PROJECT only has been changed.

NAME OF PROJECT: The name of the project has been changed to EDEN AT HAIKU WOODS, INCREMENT A.

LOCATION: The project has been increased by the addition of 0.170 acres of adjoining land lying between the project as originally submitted and Haiku Road. The approximate 7.874 acres of fee simple land committed to the regime is situated on the westerly side of Haiku Road and approximately 300 feet southwesterly of Holokua Place at Heeia, Koolaupoko, Oahu, Hawaii.

DEVELOPER: FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF HAWAII, a Federal corporation, 851 Fort Street, Honolulu, Hawaii 96813.

ATTORNEY REPRESENTING DEVELOPER: John J. Hulten, Jr., Attorney at Law, A Law Corporation, Suite 310, 111 S. King Street, Honolulu, Hawaii 96813: Telephone 536-2316.

DESCRIPTION: On April 12, 1976, First Federal Savings and Loan Association of Hawaii, A Federal corporation (herein called "Owner") acquired the fee simple title to all of the apartments in the project, together with 100% of the common elements appurtenant thereto. First Federal also acquired the leasehold interest in the adjacent property scheduled to become Increment B.

On May 20, 1976, Owner recorded an Amendment to the Declaration of Horizontal Property Regime whereby the following changes have been effected:

1. The Owner has reserved the right to grant a perpetual roadway easement for access to Haiku Road and sewer easement over the existing sewer main in the project to the Trustees of Bishop Estate to be used in connection with the adjacent property to be known as Eden at Haiku Woods, Increment B. Previously the Declaration contained a grant of the roadway easement. This has been changed to a reservation and the reservation of a sewer easement has been added.
2. The Declaration now incorporates language to implement the statement in the Final Public Report whereby the owners in Eden at Haiku Woods, Increment A, and Eden at Haiku Woods, Increment B will be responsible respectively for 85% and 15% of the common expenses of the two projects.
3. The Declaration now provides that the owners of apartments in Increment A will not amend the provisions of the Declaration relating to mutual easements or shared expenses vis a vis Eden at Haiku Woods, Increment B, nor vote to terminate the Horizontal Property Regime without the written consent of the Trustees of Bishop Estate or their successors in interest in and to the fee of the property constituting Eden at Haiku Woods, Increment B.

4. The Owner has reserved the right to merge Eden at Haiku Woods, Increment B into this project and to amend the Declaration as necessary to effect said merger, without the consent of the apartment owners, provided that the net result of the merger will be to incorporate the property comprising Eden at Haiku Woods, Increment B as a part of Eden at Haiku Woods, Increment A, thereby creating 13 additional fee simple apartments and adding to the common elements. In effecting the merger, the Owner shall not change the definition of Apartment or Common Elements, but may reduce the fractional interest in the common elements appurtenant to each apartment by no more than 15%, any such percentage reduction to be applied equally to each of the 74 apartments currently comprising the project.

The above provisions are the only changes made to the DESCRIPTION portion of the Final Public Report of September 5, 1975.

LIMITED COMMON ELEMENTS: The statement in the Declaration of Horizontal Property Regime that each apartment would have one (1) covered and one (1) open parking space was in error. Some apartments have two covered parking spaces and reference should be made to the Condominium Map.

OWNERSHIP TO TITLE: A certificate of title issued by Title Guaranty of Hawaii, Inc., on May 18, 1976, shows title to the land is vested in First Federal Savings and Loan Association of Hawaii by Deed dated April 12, 1976, and recorded in the Bureau of Conveyances of the State in Liber 11372 at Page 476 and filed in the Office of the Assistant Registrar of the Land Court as Document No. 762036 and by Deed dated May 12, 1976, and filed in said Office as Document No. 764583.

ENCUMBRANCES: The certificate of title dated May 18, 1976, issued by Title Guaranty of Hawaii, Inc., as submitted to the Commission, shows that the property is presently subject to:

1. For any taxes that may be due and owing, reference is made to the Office of the Tax Assessor, First Division.
2. -AS TO PARCEL FIRST ONLY:-
 - (A) Reservation in favor of the State of Hawaii of all mineral and metallic mines.
 - (B) A building setback line over and across said parcel, as set forth in Declaration of Horizontal Property Regime of Haiku Woods, dated August 28, 1975, recorded in Liber 10875 at Page 70.
 - (C) The following easements as set forth in said Declaration:
 - (1) Easement 1 for waterline purposes.
 - (2) Easement 2 (10.00 feet wide) for drainage purposes.
 - (3) Easement 3 (25.00 feet wide) for flowage purposes.
 - (4) Easement 4 for waterline purposes.
3. -AS TO LOT 1196-F OF PARCEL SECOND ONLY:- The 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 62 of Land Court Application No. 1100.

4. -AS TO PARCEL THIRD ONLY:- Grant 122126 in favor of the United States of America, easement of right-of-way for the purposes of laying &c, underground communication cable.
5. -AS TO PARCELS FIRST AND SECOND ONLY:-
- (A) Covenants, conditions, restrictions, easements, reservations and all other provisions set forth in Declaration of Horizontal Property Regime dated August 28, 1975, filed as Land Court Document No. 733213 and also recorded in Liber 10875 at Page 70, and by the By-Laws attached thereto as the same are or may hereafter be amended in accordance with law, said Declaration or By-Laws. (Project covered by Condominium Maps Nos. 263 filed in the Office of the Assistant Registrar of the Land Court and 430 filed in the Office of the Registrar of Conveyances.) Said Declaration was amended by Instrument dated February 27, 1976, filed as Document No. 755635 and also recorded in Liber 11270 at Page 579.
- (B) INSTRUMENT: Circuit Court Judgment
- PLAINTIFF : Ecol, Inc.
- DEFENDANT : Doug Carty, Inc., formerly known as Doug Carty Realty, Inc., and Douglas McDonnell Carty
- DATED : March 5, 1976
- AMOUNT : \$20,312.00, together with interest at the rate of six percent (6%) per annum from the date of entry of judgment herein
- FILED : Circuit Court of the First Circuit, State of Hawaii, S. P. No. 4047, on March 8, 1976
- RECORDED: : Liber 11280 Page 480 in the Bureau of Conveyances on March 8, 1976
- (C) NOTICE OF STATE OF HAWAII TAX LIEN (DEPARTMENT OF TAXATION)
- AGAINST : Doug Carty Realty, Inc.
- DATED : January 5, 1976
- RECORDED : Liber 11157 Page 467
- AMOUNT : \$6,924.34
- (D) NOTICE OF STATE OF HAWAII TAX LIEN (DEPARTMENT OF TAXATION)
- AGAINST : Mahinui Estates
- DATED : January 5, 1976
- RECORDED : Liber 11157 Page 472
- AMOUNT : \$6,924.34
- (E) MECHANIC'S LIEN NO. 3211 dated and filed in the Circuit Court of the First Circuit, on May 11, 1976, Pacific Lathing & Plastering, Inc., vs. Haiku Woods Joint Venture, Continental Construction Corporation, and First Federal Savings and Loan Association of Hawaii; Amount - \$4,612.70, etc.

The Owner advises the Commission that prior to the conveyance of an apartment in the project, items 5 (B), (C), (D) and (E) above will be fully released or partially released as to the apartment conveyed.

PURCHASE MONEY HANDLING: Owners have entered a new Escrow Agreement dated May 12, 1976, which identifies Title Guaranty Escrow Services, Inc., a Hawaii corporation, as escrow agent. 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. 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. The terms of the Escrow Agreement do not materially differ from the terms set forth in the earlier Escrow Agreement referenced in the Final Public Report.

The specimen Contract of Sale states in part, (1) that the terms of the Escrow Agreement are made a part of the Contract of Sale by reference; (2) that until Seller has closed out the sale of all the apartments in the project, or until December 31, 1977, 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; (3) that Buyer is aware that Seller intends to obtain a Supplementary Public Report, a copy of which will be mailed or delivered to Buyer and should Buyer fail to notify Seller in writing within fifteen (15) days of Buyer's refusal to approve or accept any material changes set forth in such Supplementary Public Report, then Buyer's approval and acceptance of any such material changes shall be conclusively presumed to have been given and the Contract of Sale shall continue as a binding obligation on both parties; and (4) that the property is subject to restrictive conditions imposed by Ordinance No. 4195 of the City and County of Honolulu attached as Exhibit "B" to the Declaration.

It is incumbent upon the purchaser and prospective purchaser that he reads with care the Contract of Sale and the executed Escrow Agreement.

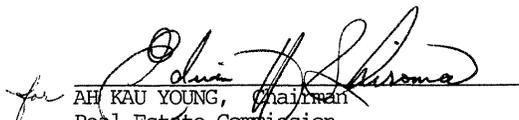
MANAGEMENT AND OPERATIONS: The By-Laws of the Association provide that the Board of Directors shall annually employ a responsible Hawaii corporation as Managing Agent to manage and control the project subject at all times to direction by the Board. Owner has entered an agreement with Tropic Shores Realty, Ltd., as Managing Agent and has filed an executed copy of this agreement with the Commission.

STATUS OF PROJECT: The project has been completed and a copy of the affidavit of publication of the notice of completion dated February 23, 1976, has been filed with the Commission.

The purchaser or prospective purchaser should be cognizant of the fact that this Supplementary Public Report represents information disclosed by the Developer in the required Notice of Intention submitted September 20, 1973, and information subsequently filed as of July 12, 1976.

This SUPPLEMENTARY HORIZONTAL PROPERTY REGIME (CONDOMINIUM)
PUBLIC REPORT is made a part of REGISTRATION NO. 622 filed with
the Commission on September 20, 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 pink.


for AH KAU YOUNG, Chairman
Real Estate Commission
State of Hawaii

Distribution:

Department of Taxation
Bureau of Conveyances
Planning Department, County of Honolulu
Federal Housing Administration
Escrow Agent

REGISTRATION NO. 622

July 14, 1976