

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

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

## PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on  
HOKUALA HALE  
Mililani Town  
Oahu, Hawaii

REGISTRATION NO. 626

### 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 but may only take reservations therefore after

- (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: November 6, 1973

Expires: December 6, 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:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED OCTOBER 5, 1973, AND INFORMATION SUBSEQUENTLY FILED AS OF OCTOBER 26, 1973. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES LAW, HAWAII REVISED STATUTES, CHAPTER 514.

1. HOKUALA HALE is a proposed fee simple condominium project containing 92 townhouses located in 14 separate two-story buildings consisting of 60 three-bedroom apartments and 32 four-bedroom apartments. There will be a total of 199 parking stalls, 92 of which will be located under carports adjacent to the apartments to which they are appurtenant, 92 of which will be uncovered stalls assigned to specific apartments and 15 of which will be used for guest parking. Each apartment will be assigned one covered and one uncovered parking stall.

2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of a condominium project and the issuance of this Preliminary Public Report.
3. The Developer reports that the Declaration of Horizontal Property Regime, the Bylaws and the Condominium Map will be filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii immediately prior to the application for a Final Public Report.
4. As of this date no advertising and promotional matters have been submitted to the Commission pursuant to its rules and regulations.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of the Hawaii Revised Statutes, Chapter 514, and the Rules and Regulations of the Hawaii Real Estate Commission which relate to Horizontal Property Regimes.
6. This Preliminary Public Report automatically expires thirteen (13) months after the date of issuance, November 6, 1973, unless a Final Public Report or a Supplementary Public Report issues, or the Commission, upon review of registration, issues an order extending the effective date of this report.
7. This Preliminary Public Report is made a part of the registration of HOKUALA HALE condominium project. The Developer has the responsibility of placing a true copy of this Preliminary Public Report (yellow paper stock) in the hands of all purchasers and prospective purchasers and securing a signed copy of the receipt for the Preliminary Public Report from each purchaser.

NAME OF PROJECT: HOKUALA HALE

LOCATION: The project is located in Mililani Town, Oahu, Hawaii, and consists of approximately 9.522 acres of land, being Lot 5284, as shown on Map 380 filed with Land Court Application No. 1000, being a portion of the land described in Transfer Certificate of Title No. 160,773 issued to the Developer.

TAX KEY: First Division 9-4-05 por. 23

ZONING: A-1 Apartment District

DEVELOPER: Mililani Town, Inc. is the developer of the project and has its principal place of business at 130 Merchant Street, Honolulu, Hawaii 96813.

Officers

W. G. Haight	President
Wendell Brooks, Jr.	Vice President and General Manager
George Yim	Vice President and Secretary
R. A. Minckler	Treasurer
Stanley Lee	Controller

ATTORNEY REPRESENTING DEVELOPER: Cades Schutte Fleming & Wright (Attention: Douglas E. Prior), 17th Floor, First Hawaiian Bank Building, P. O. Box 939, Honolulu, Hawaii 96808; telephone: 531-7232.

DESCRIPTION OF PROJECT: The project consists of fourteen 2-story buildings, containing a total of 92 apartments consisting of sixty (60) three-bedroom apartments (Type A) and thirty-two (32) four-bedroom apartments (Type B). The buildings are wood frame structures with masonite siding and shake roofs. The ground floor is of concrete with carpets in all areas except the kitchen and bathroom which have vinyl asbestos tile floor covering. The second floor is of wood with carpet in areas except the bathroom which has a vinyl asbestos tile floor covering. Each apartment has two floors and are numbered 101 through 192, inclusive. The apartments are numbered consecutively; even-numbered apartments of each type are the mirror images of odd-numbered apartments of the same type. The distribution of the apartments within the buildings is as follows:

<u>Building No.</u>	<u>Apartment Type</u>	<u>Apartment Nos.</u>
1	A	101 through 108
2	B	109 through 116
3	B	117 through 122
4	A	123 through 128
5	A	129 through 136
6	A	137 through 142
7	A	143 through 146
8	B	147 through 152
9	B	153 through 158
10	A	159 through 166
11	D	167 through 172
12	A	173 through 180
13	A	181 through 186
14	A	187 through 192

The location of the ninety-two (92) apartments within the fourteen (14) buildings and the location of the buildings on the land are shown on the Condominium Map on file at the Real Estate Commission and at the Mililani Town Sales Information Center.

Each three-bedroom apartment, Type A, contains a living room, a dining room, a kitchen, a half bath and a lanai on the first floor, and three bedrooms, two baths and a lanai on the second floor, with an interior staircase between the two floors and has an interior living area of approximately 1,356 square feet.

Each four bedroom apartment, Type B, contains a combination living room - dining room area, a kitchen, a utility room, a half bath, a bedroom and a lanai on the first floor and three bedrooms two baths and a lanai on the second floor, with an interior staircase between the two floors and has an interior living area of approximately 1457.20 square feet.

The purchaser of any apartment has the option of enlarging the ground floor lanai to more than twice its normal size as shown on the plans of the project on file at the Real Estate Commission and at the Mililani Town Sales Information Center, at an additional cost. Adjacent to each apartment are fenced front and rear yards; the front yard contains the carport appurtenant to the apartment. Each apartment has access to a parking and driveway area adjacent to the carport.

The project also contains the parking and driveway areas and

landscaping areas. It has two entrances on Hokuala Street and two on Kuaahelani Avenue.

Each apartment will be carpeted throughout except for the bathrooms and kitchen which will have vinyl floors, each apartment will have a range, oven, hood vent, water heater, refuse disposal and, at the option of the Purchaser, refrigerator, washer, dryer and dishwasher.

Each apartment shall have a CATV outlet providing connection to a cable television system at the election of the owner upon payment of the monthly charge imposed by the Mililani Cablevision, Inc.

COMMON ELEMENTS: The common elements will include all of the project except the apartments, specifically, but not limited to the following: (a) The land in fee simple; (b) All foundations, bearing walls, walkways, and landscaped areas; (c) The roofs; (d) All driveway areas and parking stalls, including those un-numbered parking stalls, if any, designated on the condominium map (and any amendments thereto) which shall be used as determined by the Board of Directors; (e) All ducts, electrical equipment, wiring and other central and appurtenant installations for services including power, light, cold and hot water, refuse and telephone; (f) All other devices or installations upon the land existing for or rationally of common use to all the owners of apartments within the project.

LIMITED COMMON ELEMENTS: Each of the ninety-two (92) covered parking stalls will be a limited common element reserved for the exclusive use of the apartment to which it is adjacent and which bears the same number as shown on the Condominium Map; each of the ninety-two uncovered, numbered, parking stalls will be a limited common element reserved for the exclusive use of the apartment bearing the same number, as shown on the Condominium Map. Each of the fenced front and rear yards shown on the Condominium Map shall be limited common elements reserved for the exclusive use of the apartment to which they are adjacent. The common elements of each building, including the land below but excluding utility lines which serve other buildings, shall be limited common elements for the exclusive use of the apartments in the building.

PERCENTAGE OF UNDIVIDED OWNERSHIP TO BE CONVEYED: The percentage of undivided interest in all of the common elements appertaining to each apartment will be 1.0610 for three-bedroom apartments and 1.1406 for four-bedroom, Type B, apartments. The voting rights of each apartment owner, as well as his share of the common expenses shall be in proportion to his common interest.

PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE: The apartments hereinabove described shall at all times be used only for a private dwelling for the owner, his family, tenants and social guests and such other purposes as are permitted by the Declaration of Horizontal Property Regime and the Bylaws of HOKUALA HALE, as well as the Declaration of Covenants, Conditions and Restrictions for Mililani Town more fully described below in the item captioned "Encumbrances". An apartment shall not be rented for a period of less than three months except that appropriate provisions may be inserted in rental agreements for earlier termination for hardship or military transfers. Pets are restricted to one cat and one dog per apartment except that the Board may permit additional pets.

OWNERSHIP OF TITLE: The Developer has filed with the Commission a Preliminary title report dated September 10, 1973, prepared by Title Guaranty of Hawaii, Inc., which certifies that title to the land committed to this regime is vested in Mililani Town, Inc.

ENCUMBRANCES: The Preliminary title report prepared by Title Guaranty of Hawaii Incorporated certifies that as of the date of the report (September 10, 1973) title to the land is subject to:

1. Easement 1393, as shown on Map 380, as set forth by Land Court Order No. 37921 filed July 20, 1973 and to grant of easement to Hawaiian Electric Co., Inc. dated August 2, 1972, filed in the Office of the Assistant Registrar Land Court Document No. 642983.
2. Mortgage dated December 29, 1971, filed as Land Court Document No. 564455 in the Office of the Assistant Registrar of the Land Court made by Mililani Town, Inc. to Aetna Life Insurance Company, as amended by instrument dated January 14, 1972, filed as Land Court Document No. 566680, and by instrument dated May 29, 1973, filed as Land Court Document No. 633441.
3. Mortgage dated December 29, 1971, filed as Land Court Document No. 564456 made by Mililani Town, Inc. to Castle & Cooke, Inc.
4. Real property taxes for the fiscal year July 1, 1973 to June 30, 1974.
5. Nonexclusive easements reserved in deed dated December 23, 1971, filed as Land Court Document No. 564454.

The Developer has advised the Commission that the above mortgages will be released prior to the first conveyance of an apartment to a purchaser.

The Developer has advised the Commission that prior to the first conveyance of an apartment to a purchaser the property will be annexed to Mililani Town pursuant to and so as to become subject to the provisions of the Declaration of covenants, conditions and restrictions from Mililani Town, a copy of which has been filed with and which is available for public inspection at the Offices of the Real Estate Commission and which additionally has been filed with and is available for public inspection at the Office of the Assistant Registrar of the Land Court as Document No. 441561 as amended. This Declaration provides for certain monthly maintenance assessments to pay the expenses of the Mililani Town Community Association and reserves a lien upon each apartment to secure the payment of these assessments. The amount of the current monthly assessment is \$5.75 subject to increase in case of the increase in the cost of living or in case 66-2/3% of the members of the community association approve an increase.

PURCHASE MONEY HANDLING: A copy of the specimen Sales Contract and the Escrow Agreement has been submitted as part of the registration. The Escrow Agreement dated May 4, 1973, identifies Bank of Hawaii as the Escrow Agent. Upon examination, the specimen Sales Contract and the executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes, and particularly with Section 514-35 and Section 514-36 through Section 514-40, Hawaii Revised Statutes.

If a purchaser enters into a Sales Contract prior to the date of issuance of a Final Public Report by the Real Estate Commission of Hawaii, such purchaser shall have the right to cancel his contract to purchase and to obtain a refund of all monies held by Escrow which were paid by such purchaser under such contract if (a) (i) the Final Public Report is not issued by the Real Estate Commission within one year from the date of issuance of the Preliminary Public Report, or (ii) there is any change in the condominium building plans subsequent to the execution of said contract to purchase and prior to the issuance of said Final Public Report requiring approval of the Building Department of the City and County of Honolulu and Seller fails to obtain the purchaser's written approval or acceptance of the specific change, or (iii) the Final Public Report differs in any material respect from the Preliminary Public Report, and (b) the purchaser delivers notice in writing to Seller and Escrow prior to the expiration of two (2) days after receipt by the purchaser, or any one of them if the purchaser is more than one person, of a copy of said Final Public Report, cancelling such contract and requesting such refund.

A prospective purchaser should carefully examine the form of Sales Contract and Escrow Agreement to determine the time for and the amount of installation payments on the purchase price, the estimated common monthly expenses and the sharing of the closing costs.

MANAGEMENT AND OPERATION: Article III, Section 3, of the Bylaws states that the Board of Directors shall at all times employ a responsible managing agent to manage and control the property, subject at all times to direction by the Board of Directors.

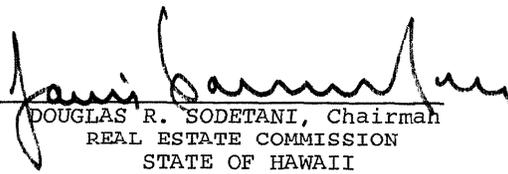
STATUS OF PROJECT: The Developer advises that construction of the project will commence about December 1, 1973, and will be completed about March 1, 1974.

The specimen Sales Contract provides that if Developer has not entered into contracts for sale of at least 70% of the apartments by the issuance of the Final Public Report, or if Developer has entered into said contracts by said date but the purchasers who have agreed to obtain mortgage loans have not secured commitments therefor satisfactory to Developer, Developer may cancel the Sales Contracts and refund all monies paid by the purchasers without interest.

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The purchaser or prospective purchaser should be cognizant of the fact that this Public Report represents information disclosed by the Developer in the required Notice of Intention submitted October 5, 1973, and information subsequently filed on October 26, 1973.

This PRELIMINARY HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 626 filed with the Commission on October 5, 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 yellow.

  
(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  
November 6, 1973  
REGISTRATION NO. 626