

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

NOB HILL III
Mililani Town
Oahu, Hawaii

REGISTRATION NO. 629

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 21, 1973

Expires: December 21, 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 24, 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. NOB HILL III is a proposed fee simple condominium project containing 182 apartments located in 31 separate two-story buildings consisting of 62 two-bedroom apartments and 120 three-bedroom apartments. There will be a total of 321 parking stalls, 302 of which will be allocated to specific apartments and 19 of which will be used for guest parking.

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 21, 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 NOB HILL III 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: NOB HILL III

LOCATION: The project is located in Mililani Town, Oahu, Hawaii, and consists of approximately 15.640 acres of land.

TAX KEY: First Division 9-4-05 por. 26

ZONING: A-2 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: The project will consist of thirty-one 2-story buildings, containing a total of 182 apartments consisting of sixty-two (62) two-bedroom apartments and one hundred twenty (120) three-bedroom apartments. Each apartment will have two floors and are numbered 301 through 482, inclusive. The location of the one hundred eighty two (182) apartments within the 31 buildings and the location of the buildings on the land are shown on the plans of the project on file at the Real Estate Commission and at the Mililani Town Sales Information Center.

Each two-bedroom apartment will contain seven (7) rooms and will have an interior living area of approximately 812.99 square feet, a ground floor lanai of 84 square feet, and a storage area of 14.76 square feet, for a total apartment of 911.75 square feet. Each three-bedroom apartment will contain nine (9) rooms and will have an interior living area of approximately 1158.20 square feet, a ground floor lanai of 110.64 square feet, and a storage area of 14.76 square feet, for a total apartment area of 1283.60 square feet.

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 as well as those unnumbered 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 appurtenant and 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: Three Hundred Twenty One (321) parking stalls will be limited common elements reserved for exclusive use of the apartments to which they are appurtenant, as set forth in the Declaration of Horizontal Property Regime. The remaining nineteen (19) stalls will be used as designated by the Board of Directors of the Association of Apartment Owners. The back yard area adjacent to and at the rear of each apartment and completely enclosed by a wood fence as shown on the Condominium Map will be a limited common element reserved for the exclusive use of the apartment which it adjoins.

PERCENTAGE OF UNDIVIDED OWNERSHIP TO BE CONVEYED: The percentage of undivided interest in all of the common elements appertaining to each apartment will be .4330 for two-bedroom apartments and .6096 for three-bedroom apartments. The voting rights of apartment owners, as well as their share of the common expenses shall be in proportion to the 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 NOB HILL III as well as the Declaration of Covenants, Conditions and Restrictions for

Mililani Town more fully described below in the item captioned "Encumbrances". The Declaration of Horizontal Property Regime provides that no apartment shall be leased for less than three (3) months, except that appropriate provisions may be inserted in rental agreements for earlier terminations for hardship or military transfers. The Bylaws provide that a maximum of one dog and one cat may be kept in an apartment, except that the Board may permit additional pets. However, if the occupants of at least three (3) apartments complain about a pet, or if the Board on its own initiative deems it desirable, the Board may decide that a pet is a nuisance and direct the occupant of the apartment to remove the pet from the Project.

OWNERSHIP OF TITLE: The developer has filed with the Commission a Preliminary Report dated September 21, 1973, prepared by Title Guaranty of Hawaii, Inc., which states that title to the land committed to this regime is vested in Mililani Town, Inc.

ENCUMBRANCES: The Preliminary Report prepared by Title Guaranty of Hawaii, Inc. states that as of the date of the search (September 21, 1973) title to the land is subject to:

1. Easement No. 840 for roadway and water pipeline purposes shown on Maps 331 and 354 of Land Court Application No. 1000 granted by Document No. 627348 and Land Court Order No. 626628 to City and County of Honolulu, Board of Water Supply;
2. Easements 995 and 996 for electrical purposes shown on Map 354 as set forth by Land Court Order No. 35166 granted to Hawaiian Electric Co., Inc. by Document No. 601725;
3. Mortgage dated June 16, 1972, filed as Document No. 585049, made by Mililani Town, Inc. to Aetna Life Insurance Company;
4. Mortgage dated June 16, 1972, filed as Document No. 585051, made by Mililani Town, Inc., to Castle & Cooke, Inc.;
5. Real property taxes for the fiscal year July 1, 1973 - June 30, 1974.

The developer has advised the Commission that the above mortgages will be released prior to the completion of construction of the project.

Prior to the conveyance of any apartment in the project, 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 for Mililani Town, a copy of which has been filed with, and which is available for public inspection at, the Office 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 an increase in the cost of living, or in case 66-2/3% of the members of the Community Association approve an increase. Also, a special assessment of

\$100.00 is imposed at the time each purchaser closes the initial purchase of his apartment.

Prior to the issuance of the Final Public Report, the project will be made subject to a Declaration as to Merger of Increments in a Condominium Project (filed in the Office of the Assistant Registrar of the Land Court as Document No. 652191), by the filing of a Certificate of Compliance as provided in said Declaration as to Merger. The Declaration as to Merger provides that property adjacent to the project may be developed as condominium projects and if it is these additional projects may be merged with this project so that all the projects will be administered as a single condominium project with a single Board of Directors, one maintenance fund to which the owners in each merged project will contribute, and the reciprocal right of each owner to use the common areas in each of the merged projects. The property known as the Nob Hill I condominium project is already subject to the Declaration as to Merger.

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 September 17, 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.

A prospective purchaser should carefully examine the form of sales contract and escrow agreement to determine the time for and the amount of installment 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.

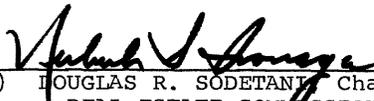
STATUS OF PROJECT: The Developer advises that construction of the project will commence about December 1, 1973, and will be completed about April 1, 1974.

The specimen sales contract provides that if Developer has not entered into contracts for the sale of at least seventy percent (70%) of the apartments by the time the Final Public Report for the project is issued, 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.

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 24, 1973.

This PRELIMINARY HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 629 filed with the Commission on October 24, 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. SODETANT, Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII

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November 21, 1973
REGISTRATION NO. 629