

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

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

SECOND SUPPLEMENTARY
HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)
PUBLIC REPORT
ON

MOKULEIA SHORES
68-041 Waialua Beach Road
Waialua, Oahu, Hawaii

REGISTRATION NO. 633

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

It was prepared as a supplement to an earlier Report dated July 12, 1974 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: September 19, 1975
Expires: May 12, 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 SUBMITTED NOVEMBER 9, 1973 AND ADDITIONAL INFORMATION SUBMITTED AS OF SEPTEMBER 12, 1975. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL AND REPORTING CHANGES TO THE PROJECT, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514, HAWAII REVISED STATUTES, AS AMENDED.

1. Since the issuance of the Commission's Final Public Report dated January 14, 1974, and Supplementary Public Report dated July 12, 1974, on Registration No. 633, the Developer has forwarded additional information reflecting

material changes which have been made in the documents for the project.

2. This Second Supplementary Public Report is made a part of the registration of THE MOKULEIA SHORES condominium project. The Developer is responsible for placing this Second Supplementary Public Report (pink paper stock) in the hands of all purchasers and prospective purchasers receiving the Final Public Report (white paper stock) and the Supplementary Public Report (pink paper stock). 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 filed all documents and materials deemed necessary by the Commission for the registration of this proposed condominium project and the issuance of this Second Supplementary Public Report.

4. The Commission, in its Final Public Report of January 14, 1974, noted that the basic documents (Declaration of Horizontal Property Regime, with By-Laws of Association of Apartment Owners attached, and Condominium Map No. 327) were filed of record in the Bureau of Conveyances of the State of Hawaii on December 28, 1973.

Said Declaration and said Condominium File Plan No. 327 were amended by Amendment to Declaration dated May 22, 1974, recorded in the Bureau of Conveyances in Liber 10014, Page 492.

Said Declaration was further amended by Second Amendment to Declaration dated December 6, 1974, recorded in the Bureau of Conveyances in Liber 10308, Page 121.

5. Advertising or promotional matter has been filed pursuant to the rules and regulations promulgated by the Commission.

6. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of the Horizontal Property Act, Chapter 514 of the Hawaii Revised Statutes and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.

7. This Second Supplementary Public Report automatically expires on May 12, 1976, unless the Commission upon review of the registration, issues an order extending the effective period of this report.

NOTE: The Developer has requested and the Commission has granted a second extension for six (6) months of the expiration date from November 13, 1975 to May 12, 1976, through the issuance of this Second Supplementary Public Report.

The information in the topical headings of the Final Public Report of January 14, 1974, as amended by the Supplementary Public Report of July 12, 1974, with the exception of DEVELOPER, OWNERSHIP OF TITLE, ENCUMBRANCES AGAINST TITLE, PURCHASE MONEY HANDLING, MANAGEMENT OF PROJECT and STATUS OF PROJECT, has not been disturbed.

DEVELOPER: The Developer of the Project is now HAWAIIAN FIRST FINANCIAL CORPORATION, a Hawaii corporation, whose principal place of business and post office address is Apt. 101, Mokuleia Shores, 68-041 Waialua Beach Road, Waialua, Hawaii 96791. The officers of the Developer are:

Warren F. Quan--President
Dougal C. MacDonald--Secretary/Treasurer
Fran Nomura--Vice-President

OWNERSHIP OF TITLE: The Developer is now the fee simple owner of all of the apartments of the Project, having received title thereto by way of deed dated August 29, 1975, recorded as aforesaid in Liber 10873, Page 336.

ENCUMBRANCES AGAINST TITLE: Policy of Title Insurance dated August 29, 1975, issued by First American Title Insurance Company, as filed with the Commission, indicates that the following are encumbrances against title:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent Grant No. 239.

2. A 20-foot Setback Line for road widening as delineated on File Plan No. 863.

3. Grant dated June 19, 1963, in favor of Hawaiian Electric Company, Inc. and Hawaiian Telephone Company, recorded as aforesaid in Liber 4571, Page 234, granting easement for utility purposes over and across Lot 96. (Also affects other property).

4. The covenant, condition and restriction set forth in that certain Sub-Agreement of Sale dated October 25, 1972, recorded as aforesaid in Liber 8696, Page 394, to which reference is hereby made.

5. The encumbrances, restrictions, covenants, agreements, obligations, conditions and other provisions set forth in said Declaration, as amended, the By-Laws attached thereto and the above-mentioned Condominium File Plan, as amended, to which reference is hereby made.

6. The obligation of the several mortgages, security agreements and financing statements (assigned as hereinafter set forth), each mortgage encumbering one of the apartments of the Project, as hereinafter set forth:

Mortgagor: Jack Dean Franks and Margaret Catherine Franks,
 husband and wife
Mortgagee: Kassler & Co., a Colorado corporation
Dated: December 7, 1974
Recorded: December 13, 1974
Liber: Set forth below for each apartment.
Page: Set forth below for each apartment.
To Secure: Set forth below for each apartment.

ASSIGNMENT OF MORTGAGE, SECURITY AGREEMENT AND FINANCING STATEMENT

Assignor: Kassler & Co., a Colorado corporation
 Assignee: Home Federal Savings and Loan Association, a California corporation
 Dated: December 10, 1974
 Recorded: December 13, 1974
 Liber: Set forth below for each apartment.
 Page: Set forth below for each apartment.
 Re: Assigns the foregoing mortgage.

Liber and Page references and amounts of individual mortgages are as follows:

<u>Apartment No.</u>		<u>Liber</u>	<u>Page</u>	<u>Amount</u>
101	Mortgage Assignment	10308 10308	146 160	\$ 32,800.00
201	Mortgage Assignment	10308 10308	206 220	34,400.00
301	Mortgage Assignment	10308 10308	266 280	34,400.00
102	Mortgage Assignment	10308 10308	161 175	33,600.00
103	Mortgage Assignment	10308 10308	176 190	33,600.00
202	Mortgage Assignment	10308 10308	221 235	34,400.00
203	Mortgage Assignment	10308 10308	236 250	34,400.00
302	Mortgage Assignment	10308 10308	281 295	34,400.00
303	Mortgage Assignment	10308 10308	296 310	34,400.00
204	Mortgage Assignment	10308 10308	251 265	37,600.00
304	Mortgage Assignment	10308 10308	311 325	38,400.00
104	Mortgage Assignment	10308 10308	191 205	33,600.00

7. Real Property Taxes for the fiscal year 1974-1975 have been paid in full. For any taxes that may be due and owing and a lien on the individual apartments, reference is

hereby made to the Office of the Tax Assessor of the First Division, on the Island of Oahu.

8. Improvement District No. 168 - MOKULEIA BEACH
SUBDIVISION
Assessment Lot No. 96 - BALANCE: \$3,239.15

Interest (6% for 20 years)	\$ 194.35
13th Installment	404.89
Balance of 12th Installment	<u>.06</u>
TOTAL WAS DUE JULY 5, 1975	\$ 599.30
Penalty	<u>17.98</u>
CALCULATED UP TO OCTOBER 5, 1975	\$ 617.28

9. Terms and provisions of deed dated August 29, 1975, recorded as aforesaid in Liber 10873, Page 336.

PURCHASE MONEY HANDLING: The Developer advises that it has entered into a new Escrow Agreement dated September 11, 1974, with First American Title Company of Hawaii, Inc., as Escrow. A copy of the Escrow Agreement has been filed with the Commission. On examination, the executed Escrow Agreement, as well as the specimen Sales Contract, are found to be in compliance with Chapter 514, Hawaii Revised Statutes, and particularly Sections 514-36 through 514-40 thereof.

The specimen Sales Contract filed with the Commission contains the following provisions:

1. Buyer hereby agrees that until Seller has closed out the sale of all the apartments in the condominium project or until September 30, 1977, whichever shall first occur, that Buyer will not enter into an agreement with any purchaser, lessee or owner of another apartment in the condominium project and/or any third party under which Buyer agrees to share expenses and/or rentals of apartments in the condominium project.

2. It is expressly understood that Buyer's apartment will be conveyed to Buyer as is and that there are no warranties, including any implied warranty of merchantability or fitness of the apartment for a particular purpose.

It is incumbent upon the purchaser and the prospective purchaser that he read with care the sales contract and the executed Escrow Agreement. The latter establishes how the proceeds from the sale of residential apartments are placed in trust, as well as the retention and disbursement of said trust funds. The specimen Sales Agreement specifically provides that the purchaser approves said Escrow Agreement and assumes the benefits and obligations therein provided.

MANAGEMENT OF PROJECT: The form of sales contract filed with the Commission indicates that the Developer will act as Managing Agent for the project.

NOTE: The Developer advises that it is not offering to provide services relating to the sale or rental of apartments of the project and that no representation or reference to that effect has been made or will be made by or on behalf of the Developer. Rental of the apartments with the provision of management services in connection therewith is and shall be the sole responsibility of the purchaser.

STATUS OF PROJECT: As indicated by Second Amendment to Declaration dated December 6, 1974, recorded as aforesaid in Liber 10308, Page 121, the project has been completed.

The purchaser or prospective purchaser should be cognizant of the fact that this report represents information disclosed by the required Notice of Intention submitted November 9, 1973 and additional information subsequently filed as of September 12, 1975.

This SECOND SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 633 filed with the Commission on November 9, 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 in color.


(for) DOUGLAS R. SODETANI, 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

September 19, 1975

REGISTRATION NO. 633