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

HALE WAIKAHE
Richards Lane, Kaliawa, Kalihi
Honolulu, Hawaii

REGISTRATION NO. 640

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: January 18, 1974
Expires: February 18, 1975

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:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED DECEMBER 12, 1973, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED WITH THE COMMISSION AS OF JANUARY 17, 1974. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT SET FORTH IN CHAPTER 514, HAWAII REVISED STATUTES.

1. HALE WAIKAHE JOINT VENTURE is a proposed fee simple condominium which will consist of three buildings having a total of 231 apartments, with a related parking structure having a total of 288 parking stalls.

2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the issuance of this Preliminary Public Report.

3. The Developer has submitted to the Commission for examination a proposed Declaration of Horizontal Property Regime, proposed By-Laws of the Association of Owners and preliminary floor plans. A Final Public Report will not be issued until these items have been executed, approved and recorded where applicable. In this Preliminary Public Report, the statements regarding the Declaration refer to the proposed Declaration submitted to the Commission.

4. No advertising or promotional matter has been submitted pursuant to the rules and regulations promulgated by the Commission.

5. The Developer advises the Commission that at such time as construction of the Project is commenced, it will have a recorded fee simple interest in the land.

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

7. This Preliminary Public Report automatically expires thirteen (13) months after the date of issuance, January 18, 1974, unless a final public report issues or the Commission, upon review of the registration, issues an order, extending the effective period of this report.

8. The Preliminary Public Report is made a part of the registration of HALE WAIKAHE condominium project. The Developer has the responsibility of placing a true copy of the 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 such purchaser. The paper stock used for the Preliminary Public Report shall be yellow in color.

NAME OF PROJECT: HALE WAIKAHE

LOCATION: The two acres to be committed to the Regime, as a fee simple apartment condominium project, is situate at the northeasterly end of Richard Lane and on the northeasterly side of Kalihi Stream at Kaliawa, Kalihi, City and County of Honolulu, State of Hawaii.

TAX KEY: First Division 1-3-39-2.

ZONING: A-2

DEVELOPER: Hale Waikahe Joint Venture, a joint venture registered as a general Hawaii partnership, composed of California-Hawaii Developments, Inc., as general partners of and for the use and benefit of three California limited partnerships, being California-Hawaii 72-5, California-Hawaii 72-4, and Waikahe Partners, and Ernest C. Hickson. The Developer has entered into a management contract whereby Ward & Associates, Inc., a Hawaii corporation, will manage the development, as Project Manager.

ATTORNEY REPRESENTING DEVELOPER: Paul, Margolis & Warner, Suite 1300, Pacific Trade Center, Honolulu, Hawaii 96813 (attention Robert E. Warner, Esq.) telephone number 524-1212.

DESCRIPTION OF IMPROVEMENTS AND GROUNDS: According to the Developer's plan and intention to sell, the land will be improved by constructing thereon three (3) separate building designated Buildings "A", "B", and "C", and a related three-level parking structure. Each building shall have five floors of apartments. Building "A" will contain 45 apartments, 9 on each floor; Building "B" will contain 30 apartments, 6 on each floor; and Building "C" will contain 156 apartments, 12 on the ground floor and 36 on each of the four upper floors. The three-tier parking structure is related to Building "C", the upper level being on the ground level of that building. The bottom level of the parking structure will contain 95 spaces, designated 1-1 through 1-95, the middle level will contain 110 spaces, designated 2-96 through 2-205, and the upper level will contain 83 spaces, designated 3-206 through 3-288. Each building will be constructed of reinforced concrete, wood, steel, glass and allied building materials and hot and cold water shall be centrally furnished. There shall be a swimming pool located between Buildings "A" and "B" on the ground level, and a loading area at ground level between Buildings "B" and "C". Buildings "A" and "B" each shall have one elevator and two stairways and Building "C" shall have two elevators and two stairways.

DESCRIPTION OF APARTMENTS: Each apartment will have the same gross area of 808 square feet approximately, except that apartments numbered B-115, B-215, B-315, B-415 and B-515 will have the gross area of 803 square feet approximately,

and will have the same configuration as or is the mirror immage of every other apartment. Each apartment will have two bedrooms, one bathroom and a half bathroom, kitchen with counters and shelving, living room, dining counter between the kitchen and living room, a lanai and hallway. Off the master bedroom will be a vanity area with two clothes closets. The second bedroom will contain one clothes closet.

Each apartment will be equipped with a range and oven, refrigerator, garbage disposal, washer and dryer (stacked), carpets throughout except in the kitchen and bathrooms, and drapes in the master bedroom and living room. As hot and cold water will be centrally furnished, no apartment shall have a hot water heater.

Each apartment has immediate access to walkways leading to the elevator(s) and stairway(s), and apartments on the ground level in each building have immediate access to the grounds.

NUMBER AND LOCATION OF APARTMENTS: The Declaration reflects that the property shall be divided into 231 separate condominium apartments, located in the three (3) separate buildings as follows:

Building "A"

Numbers	Floor
A-101 through A-109, inclusive	Ground
A-201 through A-209, inclusive	Second
A-301 through A-309, inclusive	Third
A-401 through A-409, inclusive	Fourth
A-501 through A-509, inclusive	Fifth

Building "B"

B-110 through B-115, inclusive	Ground
B-210 through B-215, inclusive	Second
B-310 through B-315, inclusive	Third
B-410 through B-415, inclusive	Fourth
B-510 through B-515, inclusive	Fifth

Building "C"

C-116 through C-127, inclusive	Ground
C-216 through C-251, inclusive	Second
C-316 through C-351, inclusive	Third
C-416 through C-451, inclusive	Fourth
C-516 through C-551, inclusive	Fifth

COMMON ELEMENTS: The Declaration reflects that the common elements will include the limited common elements described below and all other portions of the land and improvements other than the apartments, including the apartment buildings, the land on which they are located, and all elements mentioned in the Horizontal Property Act, which are actually constructed on the land, and specifically shall include, but shall not be limited to:

(a) The property in fee simple;

(b) All foundations, columns, girders, beams, floor slabs, or supports, load-bearing walls, roofs, stairways, hallways, elevators, walkways, entrances and exists of each building, except the inner decorated surfaces within each apartment;

(c) All yards, grounds, landscaping, mailbox and refuse facilities;

(d) All ducts, electrical equipment, wiring and other essential and appurtenant installations including power, light, hot and cold water, hot water heaters (hot and cold water being centrally furnished), sewer, refuse, telephone;

(e) Swimming pool and loading area;

(f) All floor space, ramps, driveways, facilities located within the parking structure; and

(g) All other parts of the Project necessary or convenient to its existence, maintenance, and safety or normally common use.

LIMITED COMMON ELEMENTS: The limited common elements will include (a) not less than one nor more than two parking spaces appurtenant to and for the exclusive use of each apartment (the particular apartment stall(s) and the number of stall(s) shall be assigned by the Developer as set forth under the heading "PARKING".); (b) the entrance area to each apartment appurtenant to and for the exclusive use of that apartment; (c) all load-bearing walls within the perimeter of the apartment, the entirety of perimeter non-party walls, and the interior one-half of all perimeter party walls, whether or not load bearing, appurtenant to the apartment in which they are located; provided, however, that the interior painted or decorated surfaces of each such wall shall be a part of such apartment and not a limited common element; (d) the hallways and walkways on each floor of each building appurtenant to and for the exclusive use of the apartments on such floor, excepting entrances and exits to elevator(s) and stairway(s) on the ground floor of each building; (e) all other common elements of each building not listed above appurtenant to and for the exclusive use of those apartments in such building, excepting installations for the central furnishing of hot and cold water.

PARKING: The Developer will assign one or more (but at least one) parking stall(s) to each apartment upon the original conveyance. Each "piggyback" parking stall large enough for two cars, end to end, shall be considered two parking spaces. The Declaration provides that apartment owners may transfer parking stalls among each other provided that there is at all times immediately after such transfer at least one parking stall appurtenant to each apartment.

PURPOSES FOR WHICH EACH APARTMENT MAY BE USED: The Declaration reflects that the apartments may be occupied and used only as a single family residence, but the owner may sublease or rent

the apartments. The Declaration provides that each apartment owner shall not use his apartment for any purpose which will injure the reputation of the Project, or suffer anything to be done or kept in his apartment or elsewhere in the Project which will (a) jeopardize the soundness of any building or of the premises, (b) interfere with or unreasonably disturb the rights of others, (c) obstruct the roadways, walkways or common driveways in the Project, (d) increase the rate of fire insurance on any building or the contents thereof, or (e) reduce the value of the premises. The use of each apartment is subject also to the By-Laws attached to the Declaration and to the House Rules, all of which are filed with the Commission.

INTEREST TO BE CONVEYED TO PURCHASER: Each apartment will have the undivided fractional interest in the common elements and in the common profits and expenses and for all other purposes including voting. The Declaration provides that each apartment have one-two hundred and thirty first (1/231) undivided fractional interest in the common elements.

OWNERSHIP TO TITLE: The notice of intention reflects that Title to the land is vested in KAM YORK YEE and ALICE LIANG YEE, subject to an Agreement of Sale in favor of DEISSEROTH ENTERPRISES, LTD., dated December 15, 1972, recorded December 20, 1972, in Liber 8814, Page 167, consideration $350,000.00 (affects premises and other property), and to a Subagreement of Sale in favor of EUGENE TATSUO YOSHIOKA, and FRANKLIN MAKOTO TOKIOKA, dated July 19, 1973, recorded August 23, 1973, in Liber 9435, Page 388, consideration $471,666.00 (affects premises and other property), consent thereto by KAM YORK YEE and ALICE LIANG YEE, dated August 10, 1973, recorded August 23, 1973, Liber 9435, Page 402, and to a Sub-Subagreement of Sale in favor of the Developer, dated January 2, 1974, recorded January 2, 1974 in Liber 9676, Page 239, consideration $690,000.00, consent thereto by KAM YORK YEE and ALICE LIANG YEE, dated December 24, 1973, recorded on January 2, 1974, in Liber 9676, Page 255. The preliminary report dated November 1, 1973, and the certification to said Sub-Subagreement of Sale (and the consent thereto) by Hawaii Escrow & Title, Inc., verify the foregoing. The Developer states its intention to acquire the fee simple interest in the land at such time as construction of the improvements is commenced.

ENCUMBERANCES AGAINST TITLE: In addition to the agreements of sale set forth above, the preliminary report of the property reflects that the property is subject to the reservation in favor of the State of Hawaii of all mineral and metallic mines of every description and to a license dated May 17, 1972, recorded June 18, 1972, in Liber 4297, Page 449, in favor of the City and County of Honolulu for underground sewer pipe lines, and to a Lis Pendis recorded on August 11, 1971, in Liber 7728, Page 325, made in the matter entitled "State of Hawaii, Plaintiff, vs. KAM YORK YEE and ALICE LIANG YEE, Defendants", filed in the Circuit Court of the First Circuit, of the State of Hawaii in Civil No. 34480.

NOTE: The Developer advises that said Lis Pendis will be released and the City and County of Honolulu will be granted a easement (6.00 feet wide) for pedestrian overpass purposes over the property and an easement appurtenant to the property will be granted for access purposes over land adjacent to the proposed project at a point where the entrance to the parking garage will be located. A description of both of said easements is set forth in the description to the property attached to the Declaration. The notice of intention states the Developer's intent to subject the property to a mortgage or mortgage(s) at the time of the Developer's acquisition of the fee simple interest, in order to finance the acquisition and to finance the construction which mortgage(s) would be released prior to and simultaneously with the conveyance to purchasers.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated, November 27, 1973, between Hawaii Escrow & Title Company, Inc., as Escrow, and the Developer and its manager, has been filed with the Commission. On examination, the sales contract and the executed escrow agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes, and particularly Section 514-15(6).

The Escrow Agreement provides that if at the time of execution of the sales contract, a Final Public Report has not been issued by the Real Estate Commission with respect to the project, then the Escrow shall, upon receipt of written request from the Seller or any purchaser, pay to such purchaser the purchaser's funds obtained prior to the issuance of a Final Report, without interest or without deduction, together with such sales contract, marked "cancelled", if: (a) there is any change in the condominium building plans subsequent to the execution of the sales contract, which change requires the approval of a county officer having jurisdiction over the issuance of permits for construction of buildings, unless purchaser's written approval or acceptance of the specific change is obtained; (b) the Final Report differs in any material respect from the Preliminary Report, and the purchaser's written approval of such change has not been obtained; or (c) the Final Public Report is not issued within one year from the date of the issuance of said Preliminary Report; provided Escrow shall give to Seller written notice of any purchaser's request over written objection of Seller delivered within three (3) business days after receipt of such notice.

It is incumbent upon the purchaser and the prospective purchaser that he reads with care the sales contract and the executed escrow agreement. The latter establishes how the proceeds from the sale of apartments are placed in trust, as well as the retention and disbursement of said trust fund.

MANAGEMENT OF THE PROJECT: The By-Laws of the Association of Apartment Owners vest in the Board of Directors the power and duties necessary for the administration of the overall affairs of the Project, and that the Board of Directors has the responsibility for employing, at all times, a Hawaii corporation as a managing agent to manage and control the property. The Specimen Sales Contract provides that the Developer acting on the behalf of the Association has the authority to appoint an initial managing agent for a term not exceeding two (2) years, commencing with the date of completion as that term is defined in Section 507-43 of the Hawaii Revised Statutes, as amended.

STATUS OF PROJECT: The Developer in this Notice of Intention to sell states that construction of the buildings has not commenced, nor has the contractor been selected as yet, and that construction of the Project will start upon 80% of the apartments being presold.

The sales contract states that if less than eighty percent (80%) of all such apartments are not presold prior to June 30, 1974, Developer may at its option cancel all sales contracts, refund all amounts paid by buyers and terminate the Project. The Developer estimates that construction on the Project will start on March 1, 1974, and it is estimated that the Project will be completed for occupancy by March 31, 1975.

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 December 12, 1973, and information subsequently filed on January 17, 1974.

THIS PRELIMINARY HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 640 filed with the Commission on December 12, 1973.

The report, when repoduced, shall be a true copy of the Commission's Public Report. The paper stock used in making facsimiles must be yellow.

(for) DOUGLAS R. SODETANI, Chairman

REAL ESTATE COMMISSION,
STATE OF HAWAII

DISTRIBUTION:

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

Registration No. 640

January 18, 1974