

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

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

**FINAL
HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)
PUBLIC REPORT
ON**

WOODWINDS
1600 Wilikina Drive
Wahiawa, Hawaii

REGISTRATION NO. 656

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 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: April 1, 1974
Expires: May 1, 1975

SPECIAL ATTENTION

A comprehensive reading by the prospective purchaser is urged in order that personal requirements and expectations to be derived from the property can be ascertained. The attention of the prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED FEBRUARY 1, 1974, AND ADDITIONAL INFORMATION FILED AS OF MARCH 25, 1974. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514, HAWAII REVISED STATUTES.

1. WOODWINDS is a fee simple condominium project consisting of three five-story buildings having a total of one hundred fifty (150) apartment units. Two hundred four (204) parking stalls will be available on the project site.

2. 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 Final Public Report.

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

4. The Developer of the project reports that the basic documents (Declaration of Horizontal Property Regime, with By-Laws of the Association of Apartment Owners attached, and a copy of the approved Floor Plans) have been filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii.

The Declaration of Horizontal Property Regime, dated March 18, 1974, with the By-Laws attached, was recorded in the Bureau of Conveyances of the State of Hawaii in Liber 9792, Page 59.

The approved Floor Plans showing the layout, location, etc. have been designated Condominium File Plan No. 343 by the Assistant Registrar.

5. 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.

6. This Final Public Report automatically expires thirteen (13) months after the date of issuance, April 1, 1974, unless a Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the period of this report.

NAME OF PROJECT: WOODWINDS

LOCATION: The 2.539 acre parcel of fee simple land committed to the Horizontal Property Regime is situated at 1600 Wilikina Drive, Wahiawa, Hawaii.

TAX MAP KEY: First Division: 7-3-11: 4, 5, 8, 9, 11, 12, 13 & 14.

ZONING: Planned Development-Housing District No. R-24.

DEVELOPER: THE McCORMACK LAND COMPANY, LTD., the principal place of business and post office address of which is Suite 1212, Davies Pacific Center, 841 Bishop Street, Honolulu, Hawaii, 96813. The officers of the Corporation are: Michael T. McCormack, President; Rex W. Sorenson, Vice President and Secretary-Treasurer; and Duncan MacNaughton, Vice President.

ATTORNEY REPRESENTING DEVELOPER: Conroy, Hamilton, Gibson, Nickelsen & Rush (Attention: Dwight M. Rush and Ken Harimoto), 20th Floor Hawaii Building, 745 Fort Street, Honolulu, Hawaii, 96813, Phone: 521-2611.

DESCRIPTION: The Declaration of Horizontal Property Regime and plans submitted by the Developer indicate a fee simple condominium project consisting of three five-story concrete buildings. There will be one hundred fifty (150) freehold estates designated in the spaces within the perimeter walls of each of the one hundred fifty (150) apartment units contained in the buildings, which spaces, together with appurtenant lanais, referred to herein as "apartments", are designated on said plans and described as follows:

1. The one hundred fifty apartments of the project are located within three five-story buildings, designated Buildings A, B and C, respectively, each containing fifty (50) apartments.

2. Building A:

(a) Ten (10) apartments are located on the Third Floor of Building A, being Apartment Nos. A301, A302, A303, A304, A305, A306, A307, A308, A309 and A311.

(b) Ten (10) apartments are located on the Fourth Floor of Building A, being Apartment Nos. A401, A402, A403, A404, A405, A406, A407, A408, A409 and A411.

(c) Ten (10) apartments are located on the Fifth Floor of Building A, being Apartment Nos. A501, A502, A503, A504, A505, A506, A507, A508, A509 and A511.

(d) Ten (10) apartments are located on the Sixth Floor of Building A, being Apartment Nos. A601, A602, A603, A604, A605, A606, A607, A608, A609 and A611.

(e) Ten (10) apartments are located on the Seventh Floor of Building A, being Apartment Nos. A701, A702, A703, A704, A705, A706, A707, A708, A709 and A711.

3. Building B:

(a) Ten (10) apartments are located on the Third Floor of Building B, being Apartment Nos. B301, B302, B303, B304, B305, B306, B307, B308, B309 and B311.

(b) Ten (10) apartments are located on the Fourth Floor of Building B, being Apartment Nos. B401, B402, B403, B404, B405, B406, B407, B408, B409 and B411.

(c) Ten (10) apartments are located on the Fifth Floor of Building B, being Apartment Nos. B501, B502, B503, B504, B505, B506, B507, B508, B509 and B511.

(d) Ten (10) apartments are located on the Sixth Floor of Building B, being Apartment Nos. B601, B602, B603, B604, B605, B606, B607, B608, B609 and B611.

(e) Ten (10) apartments are located on the Seventh Floor of Building B, being Apartment Nos. B701, B702, B703, B704, B705, B706, B707, B708, B709 and B711.

4. Building C:

(a) Ten (10) apartments are located on the Third Floor of Building C, being Apartment Nos. C301, C302, C303, C304, C305, C306, C307, C308, C309 and C311.

(b) Ten (10) apartments are located on the Fourth Floor of Building C, being Apartment Nos. C401, C402, C403, C404, C405, C406, C407, C408, C409 and C411.

(c) Ten (10) apartments are located on the Fifth Floor of Building C, being Apartment Nos. C501, C502, C503, C504, C505, C506, C507, C508, C509 and C511.

(d) Ten (10) apartments are located on the Sixth Floor of Building C, being Apartment Nos. C601, C602, C603, C604, C605, C606, C607, C608, C609 and C611.

(e) Ten (10) apartments are located on the Seventh Floor of Building C, being Apartment Nos. C701, C702, C703, C704, C705, C706, C707, C708, C709 and C711.

5. A description of each of the apartments designating the layout, numbers of rooms and approximate area thereof is as follows:

(a) UNIT "A" - ONE BEDROOM: Ninety (90) apartments, being Nos. A301, A303, A305, A309, A311, A401, A403, A405, A407, A409, A411, A501, A503, A505, A507, A509, A511, A601, A603, A605, A607, A609, A611, A701, A703, A705, A707, A709, A711, B301, B303, B305, B307, B309, B311, B401, B405, B407, B409, B411, B501, B503, B505, B507, B509, B511, B601, B603, B605, B607, B609, B611, B701, B703, B705, B707, B709, B711, C301, C303, C305, C307, C309, C311, C401, C403, C405, C407, C409, C411, C501, C503, C505, C507, C509, C511, C601, C603, C605, C607, C609, C611, C701, C703, C705, C707, C709 and C711 each consisting of four (4) rooms, including a bedroom, living room - dining area, kitchen, bathroom and a lanai; each of these apartments contains a floor area of approximately 581 square feet, including the lanai of approximately 75 square feet.

(b) UNIT "B" - TWO BEDROOM: Sixty (60) apartments, being Nos. A302, A304, A306, A308, A402, A404, A406, A408, A502, A504, A506, A508, A602, A604, A606, A608, A702, A704, A706, A708, B302, B304, B306, B308, B402, B404, B406, B408, B502, B504, B506, B508, B602, B604, B606, B608, B702, B704, B706, B708, C302, C304, C306, C308, C402, C404, C406, C408, C502, C504, C506, C508, C602, C604, C606, C608, C702, C704, C706 and C708 each consisting of five (5) rooms, including two (2) bedrooms, living room - dining area, kitchen, bathroom and a lanai; each of these apartments contain a floor area of approximately 909 square feet, including a lanai of approximately 144 square feet.

6. In each building, each apartment has immediate access to an interior central corridor which leads to two (2) stairways and one (1) elevator, each stairway and the elevator leading to the grounds of the project.

7. The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or interior load-bearing walls, the floors and ceilings surrounding each apartment or any pipes, wires, conduits or other utility or service lines running through

such apartment which are utilized for or serve any other apartment, the same being deemed common elements as herein-after provided. Each apartment shall be deemed to include all the walls and partitions which are not load-bearing within its perimeter walls, the inner decorated or finished surfaces of all walls, floors and ceilings and all fixtures originally installed therein.

COMMON ELEMENTS: The Declaration states that one freehold estate is designated in all remaining portions of the project, herein called the "common elements", including specifically but not limited to:

- (1) Said land in fee simple;
- (2) All foundations, columns, beams, supports, load-bearing walls, roofs, chases, entry halls, stairs, walkways, entrances and exits of said buildings;
- (3) All yards, grounds, landscaping and trash areas and storage areas;
- (4) All parking areas;
- (5) All pipes, cables, conduits, ducts, electrical equipment, wiring and other central and appurtenant transmission facilities and installations over, under and across the project which serve more than one apartment for services such as power, light, gas, water, sewer, telephone and television signal distribution, if any;
- (6) All laundry areas designated on said plans.
- (7) Any and all other apparatus and installations of common use and all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

LIMITED COMMON ELEMENTS: The Declaration states that certain parts of the common elements, therein called the "limited common elements", are designated and set aside for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto easements for the use of such limited common elements as follows: One or more parking stalls designated on said plans by the number of an apartment, shall be appurtenant to and for the exclusive use of such apartment.

INTEREST TO BE CONVEYED TO PURCHASERS: The Declaration states that each apartment shall have appurtenant thereto an undivided percentage interest in all common elements of the project (herein called the "common interest"), and the same proportionate share in all common profits and expenses of the project and for all other purposes including voting, as follows: Unit "A", One Bedroom - 0.54381%; and Unit "B", Two Bedroom - 0.85095%.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The Declaration provides that the apartments shall be occupied and used only as private dwellings by the respective owners thereof, their tenants, families, domestic servants and personal guests. The apartments shall not be rented for transient or hotel purposes, which are defined as (1) rental for any period less than 30 days, or (2) any rental in which the occupants of the apartments are provided customary hotel services, such as room service for food and beverage, maid service, laundry and linen, or bellboy service. Except for such transient or hotel purposes, the owners of the respective apartments shall have the absolute right to lease the same subject to the limitations, restrictions, covenants and conditions of the Declaration. Each owner shall comply with the terms of the Declaration and By-Laws of the Association of Apartment Owners.

OWNERSHIP OF TITLE: The Developer in its Notice of Intention, represents that it is the owner of the fee simple title to the property committed to the project, said property having been conveyed to the Developer by M. Harold Goodman, husband of Betty Goodman, by Deed dated April 2, 1973, recorded as aforesaid in Liber 9055, Page 328.

ENCUMBRANCES AGAINST TITLE: A Preliminary Report dated January 17, 1974, issued by Title Guaranty of Hawaii, Incorporated, submitted to the Commission, provides that the following are encumbrances against title to the property:

1. As to Lot 13 only:

Easement "B" (20 feet wide) for ingress and egress over and across said Lot 13.

2. As to Lot 15 (30-foot roadway):

The rights of ingress and egress of Lots 6, 7, 8, 9, 10, 11, 12, 13, 14 and 16 of the Kemoo Farm Lots.

3. Reservation in favor of Castle & Cooke, Inc., its successors and assigns, as owner from time to time of adjacent lands, the following rights and easements, as reserved in that certain Deed dated December 21, 1964, recorded in Liber 4913 on Page 442, as follows:

"1. A perpetual right and easement for all road and utility purposes and for the operation and maintenance of a reservoir and dam in adjoining lands over, across, along, upon and under Easement "B" within said Lot 13 and over, across, along, upon and under said Lot 15,"

"2. A perpetual right and easement to flood those portions of Lots 7, 8, 9, 10, 11, 12, 13 and 14" *** "which lie below the level of the 860 foot contour above mean sea level. (U. S. G. S. datum)."

4. Covenant as set forth in that certain Deed dated April 2, 1973, recorded in Liber 9055 on Page 328, to wit:

"And the Grantee, for itself, its successors and assigns, by the acceptance of delivery of this Deed, does hereby covenant and agree to and with the Grantor that it will not operate a hotel approved by the Armed Forces of the United States of America for temporary living allowance ("TLA") purposes at any time prior to the expiration of fifteen (15) years from the date hereof, or the death of the survivor of M. Harold Goodman and Betty Goodman, whichever shall first occur, it being understood and agreed that the foregoing covenant shall be deemed to be a covenant running with the land."

5. Mortgage, dated March 30, 1973 recorded as aforesaid in Liber 9055, Page 355, executed by The McCormack Land Company, Ltd., as Mortgagor, in favor of M. Harold Goodman, husband of Betty Goodman, as Mortgagee.

6. Mortgage, dated July 31, 1973, recorded as aforesaid in Liber 9400, Page 91, executed by The McCormack Land Company, Ltd., as Mortgagor, in favor of Realty and Mortgage Investors of the Pacific, a California real estate investment trust, and U. S. Leasing Real Estate Investors, a California real estate investment trust, as Mortgagee.

NOTE: By Subordination Agreement dated July 31, 1973 and recorded in Liber 9400 at Page 121, the lien of the Mortgage dated March 30, 1973 and recorded in Liber 9055 at Page 355 is made subject and subordinate to the above Mortgage.

7. Real property taxes as may be due for the fiscal year 1973 - 1974.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated February 25, 1974, between Escrow Hawaii, Ltd. as "Escrow", and The McCormack Land Company, Ltd., as "Seller", has been filed with the Commission. On examination, the executed Escrow Agreement, as well as the specimen Condominium Reservation Agreement, Deposit, Receipt and Contract, filed with the Commission is found to be in compliance with Chapter 514, Hawaii Revised Statutes. Among other provisions, the Sales Contract provides that in the event less than 75 apartment units are sold prior to June 15, 1974, Seller may at its option cancel this Agreement, in which event Seller will cause Escrow to refund to Buyer all monies paid, without interest, and Seller shall be relieved and released of all further liability hereunder. It is incumbent on the purchaser and prospective purchaser to read and understand the Escrow Agreement before signing the Condominium Reservation Agreement, Deposit, Receipt and Contract, since the Escrow Agreement prescribes the procedure for receiving and disbursing purchasers' funds. The specimen sales agreement specifically provides that the purchaser approves said Escrow Agreement and assume the benefits and obligations therein provided.

PROGRAM OF FINANCING: A firm commitment for permanent mortgage financing has been arranged with Honolulu Federal Savings & Loan Association for individual apartments. The commitment period is good until May 1, 1976.

MANAGEMENT OF THE PROJECT: The By-Laws which are incorporated in the Declaration provide that the operation of the project shall be conducted for the Association of Apartment Owners under the direction of the Board of Directors by a responsible managing agent. The initial managing agent will be The McCormack Land Company, Ltd., a Hawaii corporation, the address of which is Suite 1212, 841 Bishop Street, Honolulu, Hawaii.

STATUS OF PROJECT: Construction of the project commenced in June, 1973. The Developer entered into a contract for construction, dated April 9, 1973, with Nordic Construction, Ltd. The Developer estimates that the project will be completed in July, 1974.

The purchaser or prospective purchaser should be cognizant of the fact that this published report represents information disclosed by the Developer in the required Notice of Intention submitted February 1, 1974, and additional information filed as of March 25, 1974.

This is a FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT which is made a part of REGISTRATION NO. 656 filed with the Commission on February 1, 1974. This report when reproduced shall be a true copy of the Commission's Public Report. The paper stock used in making facsimiles must be white.


(for) DOUGLAS R. SODEVANI, CHAIRMAN
REAL ESTATE COMMISSION
STATE OF HAWAII

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ESCROW AGENT

April 1, 1974

REGISTRATION NO. 656