

**REAL ESTATE COMMISSION**

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

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

**S E C O N D  
SUPPLEMENTARY**

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

on

WAIKALANI WOODLANDS  
(Valley Vista Phase)  
Waipio, Ewa  
Honolulu, Hawaii

REGISTRATION NO. 666

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

It was prepared as a supplement to an earlier Report dated September 25, 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: May 19, 1975  
Expires: June 19, 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:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED MARCH 5, 1974, AND INFORMATION SUBSEQUENTLY FILED AS OF MAY 9, 1975. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514, HAWAII REVISED STATUTES.

1. Since the issuance of the Commission's Preliminary Public Report dated March 25, 1974 and Supplementary Public Report dated September 25, 1974, the Developer reports that changes have been made in the information which was presented in the Preliminary and Supplementary Public Reports. This Second Supplementary Public Report is made a part of the registration on Waikalani Woodlands condominium project.

WAIKALANI WOODLANDS is a proposed fee simple condominium project with a total of one hundred forty-four (144) apartments (including a manager's apartment) consisting of ninety-six (96) 2-bedroom apartments and forty-eight (48) 3-bedroom apartments. There will be parking for two hundred ninety-one (291) cars, of which seven are tandem stalls, in a four-level concrete parking structure (211 covered and 80 uncovered stalls) and outside on-grade parking to accommodate an additional eleven (11) cars.

2. The Developer is held responsible for placing a true copy of this Second Supplementary Public Report (pink paper stock) in the hands of all purchasers and prospective purchasers. It is also the responsibility of the Developer to obtain a signed copy of the receipt for the Second Supplementary Public Report from each purchaser and prospective purchaser.
3. The Developer of the proposed project has submitted to the Commission for examination all documents deemed necessary for the registration of a condominium project and issuance of this Public Report.
4. The basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owners and a copy of the approved Floor Plans) have not been recorded as of this date.
5. No advertising or promotional matter has been submitted 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 Chapter 514, Hawaii Revised Statutes, and the Condominium Rules and Regulations which relate to Horizontal Property Regime.

7. This Supplementary Public Report automatically expires thirteen (13) months after date of issuance, May 19, 1975, unless an additional Supplementary Public Report issues or the Commission upon review of registration issues an order extending the effective period of this report.
8. This Supplementary Public Report supersedes in its entirety any and all information described in the Preliminary Public Report issued March 25, 1974 and Supplementary Public Report issued September 25, 1974.

NAME OF PROJECT: "WAIKALANI WOODLANDS (Valley Vista Phase)"

LOCATION: The parcel to be committed to the regime, as a fee simple condominium project, is situated at Waipio and Waikakalua, District of Ewa, City and County of Honolulu, State of Hawaii, and described as Lot 5809-C, containing an area of 13.721 acres, on Map 426 of Land Court Application 1000. Notice is hereby given, however, that a portion of said Lot is to be condemned by the State of Hawaii pursuant to an action filed in the Circuit Court of the First Circuit, State of Hawaii, entitled "State of Hawaii v. Headrick Development, Inc." (Civil No. 39075), and subsequent Stipulations bearing the same civil number filed August 28, 1973 and November 6, 1973. The condemned area of said Lot amounts to approximately 1.253 acres. It is anticipated that the condemnation and the consequent resubdivision of the Lot shall be completed prior to the issuance of the Final Public Report, but whether such resubdivision shall occur before or after issuance of the Final Public Report, no purchaser of any apartment in the project, other than Developer, shall have any interest in that portion of Lot 5809-C subject to condemnation nor be entitled to any share of the proceeds resulting from the aforementioned condemnation action. A copy of the Lis Pendens and Stipulations filed in said condemnation action have been filed with the Real Estate Commission and are available for public inspection.

Developer hereby represents that the condemnation and the necessity of having the property resubdivided has been fully considered in planning the project and will therefore have no adverse impact upon its design or operation.

TAX MAP KEY: FIRST DIVISION a portion of 9-5-13-1.

ZONING: Planned Development-Housing District No. R-27

This project is a part of an overall Planned Development-Housing (PD-H) project enacted by the City and County of Honolulu by Ordinance 4275, approved February 19, 1974. The PD-H Ordinance anticipates the construction of as many as five hundred seventy-six (576) residential apartments. Unless and until they are repealed or otherwise superseded or amended, the provisions

of said Ordinance shall constitute covenants running with the land which shall be binding upon all who may own or occupy any interest in the project; provided, however, that if any such provision is repealed or otherwise superseded, it shall automatically cease to operate as a covenant running with the land; and, provided further, that if any such provision is amended, it shall thereafter operate as a covenant running with the land in its amended form.

DEVELOPER: HEADRICK DEVELOPMENT, INC., a Hawaii corporation, whose mailing address is 2678 Kilihou Street, Honolulu, Hawaii 96819

The officers of Headrick Development, Inc. are as follows:

R. GEORGE HEADRICK - President  
HAROLD B. HEADRICK - Executive Vice President  
JAMES M. ARYOSHI - Vice-President  
THOMAS TERANISHI - Vice-President  
FLORENCE T. HIGA - Secretary

ATTORNEY REPRESENTING DEVELOPER: Ikazaki, Devens, Lo, Youth & Nakano (Attention: Christopher N. Visher), 1412 Amfac Building, 700 Bishop Street, Honolulu, Hawaii 96813; Telephone No. 521-1456.

DESCRIPTION: The proposed Declaration of Horizontal Property Regime reflects that the project is to consist of the fee simple land identified as Lot 5809-C on Map 426 of Land Court Application 1000 and two (2) buildings containing a total of one hundred forty-four (144) apartments. The buildings will be constructed basically of concrete, wood, steel, glass and allied building materials. There will be parking for two hundred ninety-one (291) cars in a 4-level parking structure and for an additional eleven (11) cars in outside on-grade parking stalls. The parking structure will have two hundred eleven (211) covered and eighty (80) uncovered stalls. The on-grade stalls are all uncovered. Each apartment shall have appurtenant thereto, for exclusive use of such apartment, two (2) numbered parking stalls.

Access to the apartments is directly from the grounds, walkways and driveways.

There will be two (2) separate twelve (12) story buildings, designated as Buildings "C" and "D". Each contains seventy-two (72) apartments, forty-eight (48) of which are 2-bedroom and twenty-four (24) of which are 3-bedroom. Each building will have two (2) elevators.

In total, there will be ninety-six (96) 2-bedroom apartments and forty-eight (48) 3-bedroom apartments.

The 2-bedroom apartments are similar in layout and in size and

are described as follows: Each apartment contains 889.96 square feet, more or less, including a lanai of 96.64 square feet, more or less, measuring from the inside surface of the party walls and the exterior edges of the lanai. There are 5 rooms with connecting hall, consisting of: A complete bathroom with tub-shower combination; 2 bedrooms with closets; a kitchen with appliances, including a refrigerator, a range with oven, and a hood ventillator; and a living room which is the largest room in the apartment. Included in the apartment's sales price is wall to wall carpeting in all rooms including the kitchen and bathroom.

The 3-bedroom apartments are similar in layout and in size and are described as follows: Each apartment contains 1,119.95 square feet, more or less, including a lanai of 96.64 square feet, more or less, measuring from the inside surface of the party walls and the exterior edges of the lanai. The 7 rooms in each apartment include two (2) complete bathrooms, one of which includes a walk-in closet; a kitchen similar to the 2-bedroom apartments; and a living room which is the largest room in the apartment. Included in the apartment's sales price is wall to wall carpeting in all rooms including the kitchen and bathrooms.

Each apartment shall include the space and improvements within its perimeter walls, floors and ceilings, including all interior walls and partitions which are not load-bearing within its perimeter walls, the inner decorated or finished surface of all walls, floors and ceilings, all doors, window glass and screens, all fixtures and all appliances originally installed as fixtures therein.

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, ducts, or other utility lines running through such apartment, the same being deemed common elements as hereinafter provided.

Each apartment has immediate access to the corridors on each floor leading to the elevator and/or stairway or directly to the grounds, if on ground level.

**COMMON ELEMENTS:** The proposed Declaration reflects that the common elements consist of:

- (1) Said land in fee simple.
- (2) All foundations, floor slabs, columns, girders, beams, supports, load-bearing walls, interior walls separating adjacent apartments in the same building, fences and roofs of the buildings.
- (3) All yards, grounds, landscaping, mail boxes and

refuse facilities.

- (4) All building walkways, building sidewalks, pathways, parking areas, driveways and private roads.
- (5) All ducts, electrical equipment, wiring and other central and appurtenant installations, including power, light, water, sewer, gas and telephone; all pipes, wires, conduits or other utility or service lines, including TV cables, which run through an apartment but which are utilized by or serve more than one apartment; and elevators, if installed.
- (6) All non-public recreational and managerial facilities.
- (7) Apartment No. C-201, which is reserved for the use of a manager.
- (8) All articles of personal property acquired for common use in the operation or maintenance of said buildings or common elements.
- (9) Any parking stall not specifically reserved for the use of an apartment.

LIMITED COMMON ELEMENTS: The proposed Declaration reflects that each apartment shall have the exclusive use of two (2) parking stalls numbered and assigned to it, as shown on Exhibit "C" to the Declaration.

INTEREST TO BE CONVEYED PURCHASER: The proposed Declaration states that the undivided interest in the common elements appertaining to each apartment will vary in accordance with the following schedule, depending on whether additional phases are added to the project:

Type of apartment	Phase I	If Phase I and II	If Phase I, II and III	If Phase I, II, III and IV
	% interest, each apartment			
Apartment C-202 (2-bedroom)	.6378	.3286	.2224	.1996
Remaining 94 2-bedroom apartments	.6373	.3186	.2124	.2024
All 48 3-bedroom apartments	.8220	.4110	.2740	.1609
TOTAL	100.00%	50.0050%	33.3400%	26.9484%

Each apartment's share of the common expense or profits and all other purposes including voting rights shall be in proportion to its undivided interest in the common elements.

PHASE DEVELOPMENT: The Lot hereby submitted to the Horizontal Property Regime is a part of Planned Development Housing District R-27. The general location of said project shall be as indicated on the site plan which constitutes the first page of the plans described in the Declaration as the Condominium Map. The proposed Declaration states that the Developer reserves the right, at its option, to add future phases to the Project. It is anticipated that three subsequent phases will be added to this Project, such that it will eventually consist of five hundred seventy-six (576) residential units with associated recreational and parking facilities. Purchasers are hereby specifically notified that the Developer is not obligated to construct any facilities other than those specifically set forth in the Declaration. The proposed Declaration further states that the construction of future phases provided for therein shall begin on or before December 31, 1983 and with respect to any phase for which construction has not commenced by that time, the right reserved herein shall lapse and be of no further force and effect. For further details regarding the possibility of phase development, purchasers are referred to paragraph 17 of the Declaration.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The proposed Declaration states that each apartment shall be used only as a private dwelling by the respective owners thereof, their tenants, families, domestic servants and guests. Each owner shall comply with the terms of the Declaration and By-Laws of the Association of Apartment Owners.

OWNERSHIP TO TITLE: The Preliminary Title Report dated March 20, 1975, issued by Hawaii Escrow & Title, Inc. reflects that ownership to fee title is vested in Headrick Development, Inc., a Hawaii corporation.

ENCUMBRANCES AGAINST TITLE: The said Preliminary Title Report as of March 20, 1975 certifies that title to the land is subject to the following:

1. LIS PENDENS dated April 13, 1973, filed April 13, 1973 in said Office of the Assistant Registrar as Document No. 626122, made in the matter entitled STATE OF HAWAII, Plaintiff, vs. HEADRICK DEVELOPMENT, INC., a Hawaii corporation, et al., Defendants, now pending in the Circuit Court of the First Circuit, State of Hawaii, under Civil No. 39075. RE: Suit to condemn portions of the within premises together with any and all abutter's rights of access appurtenant to the remainder of said lands and easements over said lands. (Affects portion of Lots 5807-B, 5808 and 5809-C, and other property.)

2. The covenants in Deeds dated May 27, 1955 and April 1, 1957, filed May 31, 1955 and April 10, 1957 as Land Court Documents Nos. 175108 and 200457, respectively. Reference is hereby made to the Documents for full particulars.

3. The reservation in Deed made by HAWAIIAN PINEAPPLE COMPANY, LIMITED, to the State of Hawaii, dated December 20, 1956 and filed January 30, 1957 as Land Court Document No. 197831. Reference is hereby made to the Document for full particulars.

4. AS TO SAID EASEMENT 127, the Reservations in Deed dated April 1, 1957 and filed April 10, 1957 as Land Court Document No. 200457.

5. DESIGNATION OF EASEMENT 126 across Lots 2006, 2007 and 2008 and Easement 127 affecting Lot 2008, as shown on Maps 68 and 230 as set forth by Land Court Order No. 15154, filed January 30, 1957. Quitclaim Deed terminated rights to Easement 126 recorded in Document No. 707586, dated February 19, 1974, recorded January 7, 1975.

6. AS TO LOT 2007 only, to the following:

(a) All rights in favor of HAWAIIAN PINEAPPLE COMPANY, LIMITED, its lessees, tenants and successors and assigns, as reserved in Deeds dated May 27, 1955 and filed May 31, 1955, and dated April 1, 1957 and filed April 10, 1957 as Land Court Documents Nos. 175108 and 200457, respectively; Land Court Orders Nos. 15154, filed January 30, 1957; and 17866, filed February 19, 1960; and Grant dated April 1, 1957 and filed April 10, 1957 as Land Court Document No. 200458.

(b) All rights for non-exclusive perpetual easement for road purposes and utilities, in favor of WAIPIO LAND COMPANY, LIMITED, its successors and assigns; said Easement for road purposes to cease upon conveyance as public roads, as set forth in Grant dated February 4, 1957 and filed April 12, 1957 as Land Court Document No. 200525.

(c) All rights-of-way in favor of Harold Thornton Stearns and Claudia Davis Stearns, owners of Lot 357 and Lots 1276 and 1278 as reserved in Land Court Orders Nos. 15154, filed January 30, 1957 and 17866, filed February 19, 1960, respectively.

7. AS TO LOT 2007, the Covenants in Declaration dated January 2, 1967 and filed August 28, 1967 as Land Court Document No. 425140.

8. A non-exclusive easement 20-feet wide in favor of Lot 537, Map 68, Land Court Application 1000, across said Lot 2008 for roadway, pipeline and utility purposes along that certain roadway and bridge now existing on said Lot 2008 connecting said Road Lot 2007 with Easement 127, as shown on

Map 230, Land Court Application 1000 as set forth in Deed dated March 24, 1971 and filed March 25, 1971 as Land Court Document No. 531643.

9. MORTGAGE executed by HEADRICK DEVELOPMENT, INC., a Hawaii corporation, in favor of CITY BANK, a Hawaii corporation, and REALTY MORTGAGE CORPORATION, a Hawaii corporation, in the amount of \$4,000,000.00, dated March 12, 1975 and filed March 20, 1975 as Land Court Document No. 714589.

Said Preliminary Title Report contains the following notes relating to the property:

UNDATED FINANCING STATEMENT recorded on October 10, 1972 in Liber 8653, Page 289, executed by HEADRICK DEVELOPMENT, INC., called Debtor and THE TRUSTEES OF C.I. MORTGAGE GROUP called Secured Party. RE: fixtures, fittings, apparatus, etc.

UNDATED FINANCING STATEMENT recorded March 20, 1975 in Liber 10523, Page 59, executed by HEADRICK DEVELOPMENT, INC. called Debtor and CITY BANK and REALTY MORTGAGE CORPORATION called Secured Party. RE: all fixtures, machinery, equipment, etc. on Lot 5809-C, etc.

LOTS 5809-A, B & C formerly Lot 2008, Lot 5808 formerly Lot 2007 and Lots 5807-A & B formerly Lot 2006.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated April 10, 1975 identifies Hawaii Escrow & Title, Inc. as "Escrow". On examination, the specimen Sales Contract and executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes and particularly Sec. 514-35 and Sec. 514-36 through 514-40.

Among other provisions, the Escrow Agreement reflects that a purchaser shall be entitled to a refund of his funds if any one of the following shall have occurred:

- (1) Escrow receives a written request from Seller to return to Purchaser the funds of such Purchaser then held hereunder by Escrow.
- (2) If Purchaser's funds were obtained prior to the issuance of a Final Public Report and if there is any change in the building plans, subsequent to the execution of Purchaser's contract, requiring the approval of a county officer having jurisdiction over the issuance of permits for construction, unless the Purchaser has given written approval or acceptance of

the change.

- (3) If the Purchaser's funds were obtained prior to the issuance of a Final Public Report and the request is prior to the time the Final Public Report is issued.
- (4) If the Final Public Report differs in any material respect from the Preliminary Public Report, unless the Purchaser is given written approval of acceptance of the difference.
- (5) If the Final Public Report is not issued within one year from the date of issuance of the Preliminary Public Report.

Among other provisions, the specimen Sales Contract provides that the purchaser should be aware that the Seller's mortgage loan (interim, renewals and extensions) used for the construction of the Project shall be and remain at all times a superior lien on the Project, and the purchasers intentionally waives and subordinates the priority of any lien under the sales contract in favor of the mortgage loan.

It is incumbent upon the purchasers or prospective purchasers to read with care the executed Escrow Agreement and the specimen Sales Contract. The executed Escrow Agreement establishes how the proceeds from the apartments and all sums received from any source are placed in trust, as well as the retention and disbursement of said trust funds. Further, the provisions contained in the specimen Sales Contract have been changed since the issuance of the Commission's Preliminary Public Report dated March 25, 1974.

MANAGEMENT AND OPERATIONS: The By-Laws of this project state that the Board of Directors may employ for the Association of Apartment Owners, a management agent to perform such duties as the Board shall authorize, including the collection of all assessments from the owners. The Developer has filed with the Commission an executed Management Agreement naming Melemanu Realty & Finance, Inc. as the initial managing agent.

HOUSE RULES: The purchasers and prospective purchasers are advised to read with care the proposed House Rules. Said proposed Houses Rules provide in part

1. No water beds are permitted in the Project; and
2. Dogs, cats, parrots, reptiles or other animals are not allowed in the premises.

STATUS OF PROJECT: The Developer advises the Real Estate Commission that the construction of the project has commenced

and it is anticipated that construction will be completed on or about June, 1975.

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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 March 5, 1974, and information subsequently filed as of May 9, 1975.

This SECOND SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 666, filed with the Commission on March 4, 1974.

The report when reproduced shall be a true copy of the Commission's Second Supplementary Public Report. The paper stock used in making facsimiles must be pink.

  
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(for) DOUGLAS R. SODETANT, 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

Registration No. 666

May 19, 1975