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
DEVLAND HALE
45-079 Waikalua Road
Kaneohe, Oahu, Hawaii

REGISTRATION NO. 672

## 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 17, 1974
Expires: May 17, 1975

SPECIAL ATTENTION

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

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED MARCH 28, 1974, AND INFORMATION SUBSEQUENTLY FILED AS OF APRIL 16, 1974. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES LAW, CHAPTER 514, HAWAII REVISED STATUTES.

1. DEVLAND HALE is a fee simple condominium project consisting of eight (8) single-story duplex buildings containing a total of sixteen (16) three-bedroom apartments. The Developer intends to sell the 16 apartments together with an undivided interest in the common elements of the project. The project will have thirty-four (34) parking stalls. Each apartment will have appurtenant to it two (2) parking stalls as designated on the Condominium Map. The remaining two (2) stalls

will be aside as part of the common elements to be used as parking for guests.

2. The Developer of the project has submitted to the Commission for examination all documents and exhibits deemed necessary for the registration of the condominium project and issuance of this Final Public Report.

3. The Commission has determined that the basic documents (Declaration of Horizontal Property Regime, with By-Laws of Association of Apartment Owners attached, and a copy of the approved Floor Plans) have been filed in the office of the recording officer.

   The Declaration and By-Laws dated March 15, 1974 have been filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 673519.

   The Land Court has assigned Condominium Map No. 201 to the project.

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

5. 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.

6. The Final Public Report is made a part of the registration on Devland Hale condominium project. The Developer has the responsibility of placing a true copy of the Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers. Securing a signed copy of the Receipt for the Final Public Report from each purchaser and prospective purchaser is also the responsibility of the Developer.

7. This public report automatically expires thirteen months after the date of issuance, April 17, 1974, unless a supplementary report is published or the Commission, upon review of the registration, issues an order extending the effective period of this report.

NAME OF PROJECT: DEVLAND HALE

LOCATION: The project is located on land situate at 45-079 Waikalua Road, Kaneohe, Oahu, Hawaii, and containing an area of 86,776.0 square feet, or thereabouts. The description of the land and the reserved easements, rights, powers and privileges are more fully set forth in the Declaration.

TAX KEY: 4-5-05-11, 1st Division

ZONING: R-6

DEVELOPER: EDWARD KEIJI KAGEYAMA, P. O. Box 5146, Honolulu, Hawaii 96814, Telephone No. 955-6123.

ATTORNEY REPRESENTING DEVELOPER: Okumura and Takushi (Alfred M. K. Wong), 1022 Bethel Street, Suite 400, Honolulu, Hawaii 96813, Telephone No. 536-1791.

DESCRIPTION OF PROJECT: The Declaration of Horizontal Property Regime reflects that this is a fee simple condominium project. Sixteen (16) freehold estates are hereby designated in the spaces within the perimeter walls, floors and ceilings of each of the 16 three-bedroom apartment units of the project contained in eight (8) single-story wood frame duplex buildings, which spaces are herein called the "apartments" and designated on said plans and described and numbered as follows:

| Building No. | Apartment No. |
|---|---|
| 1 | A and B |
| 2 | O and P |
| 3 | C and D |
| 4 | E and F |
| 5 | K and L |
| 6 | G and H |
| 7 | I and J |
| 8 | M and N |

Each apartment contains a living room, dining room, kitchen, three bedrooms, each with a closet, a full bath and a half bath, and a linen closet for a gross floor area of approximately 912 square feet.

Each apartment has immediate access to front and rear entries appurtenant to such apartment and walkways connecting the buildings to the street entrances and parking areas of the project.

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 hereinafter provided. Each apartment shall be deemed to include all 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 the owners of apartments will have an undivided interest in the common elements, including specifically but not limited to:

a. Said land in fee simple.

b. All foundations, columns, girders, beams, supports, main walls, and roofs of said buildings.

c. All driveways, parking spaces, yards and gardens.

d. All central and appurtenant installations for common services, including power, light, water, telephone and trash disposal.

e. The coin-operated laundromat.

f. The recreation area, including the pavilion, barbecue fireplace, and children's play area.

LIMITED COMMON ELEMENTS: The Declaration reflects that certain parts of the common elements, 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:

a. The front and rear entries of each apartment shall be appurtenant to and for the exclusive use of such apartment.

b. There are thirty-four (34) parking spaces in the project. Each apartment shall have two (2) parking spaces appurtenant to such apartment, which spaces are identified by the letter identical to the apartment designation. Any parking space or spaces appurtenant to an apartment shall be for the exclusive use of such apartment. The remaining two (2) parking spaces, designated as Spaces 1 and 2, will not be assigned and shall remain as part of the common elements to be used as parking spaces for guests.

c. All other common elements of the project which are rationally related to less than all of said apartments or buildings shall be limited to the use of such apartments or buildings.

COMMON INTEREST: Each apartment shall have appurtenant thereto an undivided one-sixteenth (1/16) or 6.25 percentage interest in all common elements of the project, such interest being defined and referred to in the Declaration as the "common interest", and the same proportionate share in all common profits and expenses of the project and for all other purposes, including voting.

RESTRICTION AS TO USE: The purposes for which said buildings and other improvements and each of the apartments are intended and shall be restricted as to use are as follows:

a. The common interest and easements appurtenant to each apartment shall have a permanent character, shall not be altered without the consent of all owners of apartments affected thereby as expressed in an amendment to this Declaration duly recorded, shall not be separated from such apartment and shall be deemed to be conveyed or encumbered with such apartment even though not expressly mentioned or described in the conveyance or other instrument.

b. The common elements shall remain undivided, and no right shall exist to partition or divide any part thereof except as provided by said Horizontal Property Act.

c. The apartments shall be occupied and used only as private dwellings by the respective owners thereof, their tenants, families, domestic servants and social guests, and for no other purpose. The owners of the respective apartments shall have the absolute right to lease such apartments subject to all provisions of the Declaration or the By-Laws of the Association of Apartment Owners.

d. Administration of the project shall be vested in its Association of Apartment Owners, herein called the "Association", consisting of all apartment owners of the project in accordance with the By-Laws of the Association. The owner of each apartment upon acquiring title thereto automatically shall become a member of the Association and shall remain a member thereof until such time as his ownership of such apartment ceases for any reason, at which time his membership in the Association automatically shall cease; provided, however, that if and to the extent a lease of any apartment filed with the Board of Directors of the Association so provides, the lessee of such apartment shall be deemed to be the owner thereof.

OWNERSHIP OF TITLE: Title to the land is vested in Development, Inc., a Hawaii corporation, as General Partner of Devland Partners-Kaneohe, a Hawaii limited partnership. The Preliminary Report dated March 28, 1974 issued by Title Guaranty of Hawaii Incorporated confirms such ownership.

ENCUMBRANCES AGAINST TITLE: The Preliminary Report dated March 28, 1974 issued by Title Guaranty of Hawaii Incorporated reports that title to the land is subject to the following:

1. Real property taxes that may be due and owing.

2. Easement "A", four (4) feet wide, for foot path and for all utility purposes, as shown on Map 1 of Land Court Application No. 1657. (Easterly portion of Lot.)

3. Easement, (51 square feet), for sanitary sewer purposes affecting Land Court Application No. 1657, as shown on Map 2, as set forth by Land Court Order No. 23861, filed February 11, 1965. (Northerly portion of Lot.)

4. Grant Document No. 353824, dated August 26, 1964, in favor of the City and County of Honolulu, for sewer.

5. Building Loan Agreement Document No. 580505, dated May 5, 1972.

6. Mortgage made by and between Development, Inc., as Mortgagor, and Real Estate Finance Corporation, a Hawaii corporation, as Mortgagee, dated May 5, 1972, filed as Land Court Document No. 580506, which mortgage was assigned to Pacific Standard Life Insurance Company, an Arizona corporation, by instrument dated May 5, 1972, filed as Land Court Document No. 580507.

7. All rents, profits, etc. now due and which may hereafter become due under virtue of any leases, etc., as security to Mortgage Document No. 580506, in favor of Real Estate Finance Corporation, by Additional Security Document No. 580508, dated May 5, 1972.

8. Agreement of Sale made by and between Development, Inc., a Hawaii corporation, as General Partner of Devland

Partners-Kaneohe, a Hawaii limited partnership, as Vendor, and Edward Keiji Kageyama, husband of Jeanette Wo Sien Kageyama, as Vendee, dated January 1, 1974, filed as Land Court Document No. 663084.

9. Declaration of Horizontal Property Regime dated March 15, 1974, and filed as Document No. 673519 with the By-Laws attached thereto. (Project covered by Condominium Map No. 201)

In addition, the Developer is reserving a 20-foot wide easement over the subject property for vehicular and utility purposes as shown on the specimen apartment deed together with the right to petition the Land Court for a designation of such easement.

PURCHASE MONEY HANDLING: A copy of the specimen Sales Contract and the executed Escrow Agreement dated March 4, 1974 have been submitted as part of the registration. The Escrow Agreement identifies First American Title Company of Hawaii, Inc. as the Escrow. Upon examination, the specimen Sales Contract and the executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes.

Among other provisions, the Sales Contract provides that if less than 80% of the apartments in the project is sold prior to September 1, 1974, Seller at its option may terminate this Sales Contract and refund all payments made by Buyer without deduction or interest. Upon tender of such refund to Buyer, Seller and Buyer shall be released from all obligations to each other under the Sales Contract.

It is incumbent upon the purchaser and prospective purchaser that he reads with care the Sales Contract and the executed Escrow Agreement. The latter agreement establishes how the proceeds from the sale of apartments and all sums received from any source are placed in escrow, as well as the methods of disbursement of said funds.

MANAGEMENT AND OPERATIONS: The Declaration discloses that the administration of the project shall be vested in the Association of Apartment Owners. Operation of the project shall be conducted for the Association by a responsible corporate Managing Agent who shall be appointed by the Association in accordance with the By-Laws except that the initial Managing Agent shall be appointed by the Developer. The executed Management Agreement dated March 4, 1974, a copy of which has been submitted to the Commission, identifies J. V. Management Corporation, a Hawaii corporation, as the initial Managing Agent. The Management Agreement provides that the agreement shall be in effect for a minimum term of six (6) months from the date of execution.

ENGINEER: Carl Muroda

CONTRACTOR: Dick Sato, Inc.

STATUS OF PROJECT: The Notice of Completion reflects that seven (7) duplex buildings were completed and was filed with the First Circuit Court on October 13, 1972. The Developer has advised the Commission that the last duplex building has been completed on April 12, 1974.

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The purchaser or prospective purchaser shall be cognizant of the fact that this published report represents information disclosed

by the Developer in the required Notice of Intention submitted March 28, 1974 and additional information subsequently filed as of April 16, 1974.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 672 filed with the Commission on April 16, 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. SODETANI, Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII

Distribution:

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

Registration No. 672

April 17, 1974