

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

MOKULEIA SANDS
Akule Street
Kaimananui, Waialua, Oahu, Hawaii

REGISTRATION NO. 689

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: July 7, 1975
Expires: August 7, 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 and prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED MAY 20, 1974 AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF JULY 3, 1975. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL AND SUBMITTING ADDITIONAL INFORMATION, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES LAWS, CHAPTER 514, HAWAII REVISED STATUTES.

1. The Developer has complied with Chapter 514, Hawaii Revised Statutes and has fulfilled the requirements for the issuance of a Final Public Report.

2. Since the issuance of the Commission's Preliminary Public Report on Registration No. 689, dated June 7, 1974, the Developer has forwarded additional information reflecting the fact that material changes have been made in the documents and plans for the project.

This Final Public Report is made a part of the registration on the Mokuleia Sands condominium project. The Developer is responsible for placing this Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers along with the Preliminary Public Report (yellow 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 submitted to the Commission for examination all documents deemed necessary for the registration of the condominium project and the issuance of this Final Public Report.

The Developer 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 recorded in the Bureau of Conveyances of the State of Hawaii.

The Declaration of Horizontal Property Regime, executed with By-Laws attached, was recorded in said Bureau of Conveyances in Liber 10708, Page 203.

The approved Floor Plans showing the layout, location, apartment numbers, etc. have been designated Condominium File Plan No. 420 in said Bureau of Conveyances.

4. No advertising or 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 Regimes.

6. This Final Public Report expires thirteen months from the date of issuance, July 7, 1975, unless a Supplementary Public Report is published or the Commission, upon review of the registration, issues an order extending the effective period of this report.

The information contained under the topical headings in the Preliminary Public Report of June 7, 1974, with the exception of DESCRIPTION, OWNERSHIP OF TITLE, ENCUMBRANCES AGAINST TITLE, PURCHASE MONEY HANDLING, MANAGEMENT OF THE PROJECT and STATUS OF THE PROJECT has not been disturbed.

DESCRIPTION: The Declaration of Horizontal Property Regime and plans submitted by the Developer indicate a fee simple-leasehold condominium project consisting of a five (5) story concrete and concrete block building, with a two (2) story parking structure. There will be seventy (70) freehold estates designated in the spaces within the perimeter walls of each of the seventy (70) apartment units contained in the building, which spaces together with the appurtenant lanais and private yards, if any, are referred to herein as "apartments", and are designated on said plans and described as follows:

1. The Declaration states that the project consists of one (1) five-story building, without a basement, containing a total of seventy (70) apartments, and a parking structure containing a lower (basement) level and an upper level. The buildings are constructed principally of concrete and concrete block.

A. Apartments. The Declaration states that seventy (70) apartments are thereby designated in the spaces within the perimeter walls, floors and ceilings of each of the seventy (70) apartments of the project, which spaces together with the appurtenant lanais and private yards, if any, are referred to therein as "apartments", and are designated on said plans and described as follows:

(i) The 70 apartments are contained in the five (5) story building of the project, with fourteen (14) apartment units being located on each of the floors of the building.

(ii) Apartments 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113 and 114, are located on the first floor; Apartments 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213 and 214, are located on the second floor; Apartments 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313 and 314, are located on the third floor; Apartments 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413 and 414, are located on the fourth floor; Apartments 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513 and 514, are located on the fifth floor.

(a) A description of each of the apartments, designating the layout, number of rooms and approximate floor areas thereof is as follows:

(i) Type I-a: Apartments 104, 105, 106, 107, 108, 109, 110 and 111 each contains one bedroom, a bathroom, a living room, kitchen, dining area, lanai and a private yard and a total area of approximately 852 square feet, including the lanai and private yard, except that Apartment 107 contains an area of approximately 1,018.5 square feet, including the lanai and private yard, and Apartment 108 contains an area of approximately 1,020 square feet, including the lanai and private yard. The

layout of the odd-numbered apartments is the reverse of the even-numbered apartments.

(ii) Type II-a: Apartments 103 and 112 each contains one bedroom, a bathroom, a living room, kitchen, dining area, lanai and a private yard and a total area of approximately 811.5 square feet, including the lanai and private yard. The layout of Apartment 103 is the reverse of Apartment 112.

(iii) Type III-a: Apartments 102 and 113 each contains one bedroom, a bathroom, a living room, kitchen, dining area, lanai and a private yard and a total area of approximately 811.5 square feet, including the lanai and private yard. The layout of Apartment 102 is the reverse of Apartment 113.

(iv) Type IV-a: Apartments 101 and 114 each contains one bedroom, a bathroom, a living room, kitchen, dining area, two (2) lanais and a private yard and a total area of approximately 909 square feet, including the lanais and private yard. The layout of Apartment 101 is the reverse of the layout of Apartment 114.

(v) Type I-b: Apartments 204, 205, 206, 207, 208, 209, 210 and 211 each contains one bedroom, a bathroom, a living room, kitchen, dining area and a lanai. Apartments 208, 209, 210 and 211 each contains a total area of approximately 777.4 square feet; Apartment 204 contains a total area of approximately 773 square feet; Apartment 205 contains a total area of approximately 763.3 square feet; Apartment 206 contains a total area of approximately 754 square feet; and Apartment 207 contains an area of approximately 775.9 square feet, all including the respective lanais. The layout of the odd-numbered apartments is the reverse of the even-numbered apartments.

(vi) Type II-b: Apartments 203 and 212 each contains one bedroom, a bathroom, a living room, kitchen, dining area and a lanai, and each contains a total area of approximately 736.9 square feet, including the lanai. The layout of Apartment 203 is the reverse of the layout of Apartment 212.

(vii) Type III-b: Apartments 202 and 213 each contains one bedroom, a bathroom, a living room, kitchen, dining area and a lanai and a total area of approximately 736.9 square feet, including the lanai. The layout of Apartment 202 is the reverse of the layout of Apartment 213.

(viii) Type IV-b: Apartments 201 and 214 each contains one bedroom, a bathroom, a living room, kitchen, dining area and two (2) lanais and a total area of approximately 836.6 square feet, including the lanais. The layout of Apartment 201 is the reverse of the layout of Apartment 214.

(ix) Type I: Apartments 304, 305, 306, 307, 308, 309, 310, 311, ~~404~~, 405, 406, 407, 408, 409, 410, 411, 504, 505, 506, 507, 508, 509, 510 and 511 each contains one bedroom, a bathroom, a living room, kitchen, dining area and a lanai, and each contains a total area of approximately 740 square feet, including the lanai, except that Apartments 307, 407 and 507 each contains a total area of approximately 738.5 square feet, including the lanai appurtenant to each. The layout of the odd-numbered apartments is the reverse of the layout of the even-numbered apartments.

(x) Type II: Apartments 303, 312, 403, 412, 503 and 512 each contains one bedroom, a bathroom, a living room, kitchen, dining area and a lanai and a total area of approximately 699.5 square feet, including the lanai. The layout of the odd-numbered apartments is the reverse of the layout of the even-numbered apartments.

(xi) Type III: Apartments 302, 313, 402, 413, 502 and 513 each contains one bedroom, a living room, kitchen, dining area and a lanai and a total area of approximately 699.5 square feet, including the lanai. The layout of the odd-numbered apartments is the reverse of the layout of the even-numbered apartments.

(xii) Type IV: Apartments 301, 314, 401, 414, 501 and 514 each contains one bedroom, a living room, kitchen, dining area and two (2) lanais and a total area of approximately 798 square feet, including the lanais. The layout of the odd-numbered apartments is the reverse of the layout of the even-numbered apartments.

(b) The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or interior load-bearing walls, the floor plans 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 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. Except as otherwise herein specified, no owner shall penetrate, deface or otherwise materially alter any load-bearing wall within his apartment, provided, however, that any owner may paint, wallpaper, hang pictures upon or otherwise cover any such wall in any usual or ordinary manner. Each ground (first) floor apartment of the project shall be deemed to include the private yard enclosed by fencing, herein and on said plans referred to as "Private Yards" abutting on such apartment.

NOTE: A private sewage collection, treatment plant and disposal system is not operated or maintained by the County.

OWNERSHIP OF TITLE: The Developer has informed the Commission that it is the owner of the fee simple title to the property committed to the Regime, said property having been conveyed to it by Alii Land, Inc., by Deed dated April 30, 1975, recorded in the Bureau of Conveyances of the State of Hawaii, in Liber 10693, Page 434.

ENCUMBRANCES AGAINST TITLE: A Preliminary Public Report issued by Title Guaranty of Hawaii, Incorporated, dated June 27, 1975, and submitted to the Commission, provides that the following are encumbrances against title to the property:

1. Real property taxes for the fiscal year July 1, 1974 - June 30, 1975 have been paid in full.
2. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
3. The restrictive covenant set forth in that certain deed dated April 30, 1975, recorded in Liber 10693 at Page 434, to-wit:

"The Grantee, in consideration of the premises and as a part of the transaction under which Grantee is purchasing said property, does hereby promise, covenant and agree to and with Grantor and to and with Purchaser and Sub-Purchaser, that during the period commencing with the date of this instrument and ending on December 31, 1992, the Grantee will not place any used or second-hand buildings on the property described in said Exhibit "A" or use or incorporate any used or second-hand materials into any buildings placed thereon prior to December 31, 1992. Grantee covenants and agrees with Grantor, Purchaser and Sub-Purchaser that the foregoing covenant shall run with the land described in said Exhibit "A" and shall inure to the benefit of Lots 56-60 inclusive, Lots 65-71 inclusive, Lots 79, 80, and 87, Lots 90-94 inclusive, Lots 96, 99, 100, 104, 105, 108, 109, 111, 112 and 120, all as shown on File Plan No. 863 filed at the said Bureau of Conveyances."

4. Mortgage dated April 30, 1975, recorded in Liber 10693 at Page 447, made by Nakakura Construction Co., Ltd., a Hawaii corporation, Jo Paul Rognstad and Associates, Architects, Inc., a Hawaii corporation, and Ralph S. Inouye Co., Ltd., doing business as Mokuleia Sands Joint Venture, a joint venture registered to do business in the State of Hawaii, to First Hawaiian Bank, a Hawaii corporation, to secure the repayment of the sum of \$2,557,500.00 together with interest thereon all according to the terms of that certain promissory note of the mortgagors of even date.

5. Covenants, conditions, restrictions, easements, reservations and all other provisions set forth in Declaration of Horizontal Property Regime dated June 13, 1975,

recorded in the Bureau of Conveyances in Liber 10708 at Page 203 and by the By-Laws attached thereto as the same are or may hereafter be amended in accordance with law, said Declaration or By-Laws. (Project covered by Condominium Map No. 420.)

PURCHASE MONEY HANDLING: Since the issuance of the Commission's Preliminary Public Report, the Developer and the escrow agent have executed an Amended Escrow Agreement dated March 12, 1974, which Agreement supersedes the original Escrow Agreement in its entirety. A copy thereof has been filed with the Commission. Upon examination, the Amended Escrow Agreement, as well as the Specimen Condominium Reservation Agreement, Deposit Receipt and Contract and Addenda thereto, all are found to be in compliance with Chapter 514, Hawaii Revised Statutes, as amended. Among other provisions, the executed Amended Escrow Agreement states that a purchaser shall be entitled to a refund of his funds, and Escrow shall pay said funds to said purchaser, without interest and less Escrow's cancellation fee, if purchaser shall in writing request refund of his funds and any one of the following shall have occurred: (1) Escrow receives a written request from the Developer to return to purchaser the funds of such purchaser then held thereunder; or (2) if the Purchasers' 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 Purchasers' 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; or (3) if the request is prior to the time the Final Public Report is issued, or if after such time, the Final Report differs in any material respect from the Preliminary Report, unless the purchaser has given written approval or acceptance of the differences; or (4) if the Final Report is not issued within one year from the date of issuance of the Preliminary Report.

NOTE: Prospective purchasers 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 Buyers intentionally waive and subordinate the priority of lien under the sales contract or reservation agreement in favor of the mortgage loan.

It is incumbent on the purchaser and prospective purchaser to read and understand the Amended Escrow Agreement before signing the Condominium Reservation Agreement, Deposit Receipt and Contract, and Addenda thereto, since the Amended Escrow Agreement prescribes the procedure for receiving and disbursing purchasers' funds. The specimen sales agreement specifically provides that the purchaser approve said Amended Escrow Agreement and assume the benefits and obligations therein provided.

MANAGEMENT OF THE PROJECT: The initial managing agent for the project will be Pacific Islands Management, Ltd., the

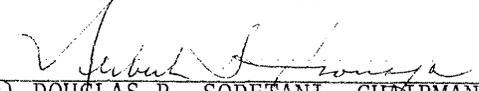
address of which is 49 South Hotel Street, Room 315, Honolulu, Hawaii, with whom the Developer has entered into a Property Management Agreement, dated September 1, 1974. A copy of that Agreement has been submitted to the Commission.

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

STATUS OF THE PROJECT: Complete and final plans and specifications have been prepared. The Developer advises that construction of the project was commenced on April 15, 1975, and that it estimates that completion will occur on or about April 15, 1976.

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 May 20, 1974, and additional material subsequently filed as of July 3, 1975.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 689 filed with the Commission on May 20, 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. 689
JULY 7, 1975