

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

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 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: June 7, 1974
Expires: July 7, 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 purchaser or prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION FILED MAY 20, 1974 AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF JUNE 6, 1974. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514, HAWAII REVISED STATUTES.

1. MOKULEIA SANDS is a proposed leasehold condominium project to consist of a five (5) story building without a basement, containing a total of seventy (70) residential apartment units. There shall be eighty-four (84) parking stalls contained in a separate two (2) story parking structure on the site of the project.

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 Preliminary Public Report.

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

4. The basic condominium documents (Declaration of Horizontal Property Regime, By-Laws of the Association of Apartment Owners and a copy of the approved Floor Plans) have not been filed in the office of the recording officer.

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

7. This Preliminary Public Report is made a part of MOKULEIA SANDS Condominium project. The Developer has the responsibility of placing a true copy of this Preliminary 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 each purchaser.

NAME OF PROJECT: MOKULEIA SANDS

LOCATION: Kaimananui, Waialua, Oahu, Hawaii, with approximately 38,249 square feet committed to the regime.

TAX MAP KEY: 6-8-11;26,32.

ZONING: A-2

DEVELOPER: Mokuleia Sands Joint Venture, a joint venture, comprised of: Nakakura Construction Co., Ltd., managing joint venturer, 2621 Waiwai Loop, Honolulu, Hawaii; Ralph S. Inouye Co., Ltd., 2831-B Awaawaloa Street, Honolulu, Hawaii; Jo Paul Rognstad and Associates, Architects, Inc., Royal Court Apt. 7-G, 920 Ward Avenue, Honolulu, Hawaii.

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 proposed Declaration of Horizontal Property Regime and plans submitted by the Developer indicate a 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 70 apartment units contained in the building, which spaces together with appurtenant lanais, if any, are referred to herein as "apartments", and are designated on said plans and described as follows:

1. The proposed 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 proposed Declaration states that seventy (70) apartments are thereby designated in the spaces within the perimeter walls, floors and ceilings of each of the 70 apartments of the project, which spaces together with appurtenant private yards or lanais, 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 105, 106, 107, 108, 109, 110 and 111 each contain one bedroom, a bathroom, a living room, kitchen, dining area and a private yard and a total area of approximately 848 square feet, including the 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 contain one bedroom, a bathroom, a living room, kitchen, dining area and a private yard and a total area of approximately 844 square feet, including the private yard. The layout of Apartment 103 is the reverse of Apartment 112.

(iii) Type III-a: Apartments 102 and 113 each contain one bedroom, a bathroom, a living room, kitchen, dining area and a private yard and a total area of approximately 808 square feet, including the private yard. The layout of Apartment 102 is the reverse of Apartment 113.

(iv) Type IV-a: Apartments 101 and 104 each contain one bedroom, a bathroom, a living room, kitchen, dining area and a private yard and a total area of approximately 896 square feet, including the private yard. The layout of Apartment 101 is the reverse of the layout of Apartment 104.

(v) Type I-b: Apartments 204, 205, 206, 207, 208, 209, 210 and 211 each contain one bedroom, a bathroom, a living room, kitchen, dining area and a lanai and a total area of approximately 773 square feet, including the lanai. The layout of the odd-numbered apartments is the reverse of the even-numbered apartments.

(vi) Type II-b: Apartments 203 and 212 each contain one bedroom, a bathroom, a living room, kitchen, dining area and a lanai, and each contains a total area of approximately 769 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 contain one bedroom, a bathroom, a living room, kitchen, dining area and a lanai and a total area of approximately 733 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 contain one bedroom, a bathroom, a living room, kitchen, dining area and a lanai and a total area of approximately 773 square feet, including the lanai. 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 contain one bedroom, a bathroom, a living room, kitchen, dining area and a lanai, and each contains a total area of approximately 736 square feet, including the lanai. 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 contain one bedroom, a bathroom, a living room, kitchen, dining area and a lanai and a total area of approximately 732 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 contain one bedroom, a living room, kitchen, dining area and a lanai and a total area of approximately 696 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 contain one bedroom, a living room, kitchen, dining area and a lanai and a total area of approximately 784 square feet, including the lanai. 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.

COMMON ELEMENTS: The proposed Declaration provides that one freehold estate is thereby designated in all of the remaining portions of the Project therein called "common elements", including specifically but not limited to:

- (a) Said land in fee simple;
- (b) All foundations, floor slabs, columns, girders, beams, supports, unfinished perimeter, party and load-bearing walls, roofs, chases, entries, stairways, elevators, walkways, entrances and exits of said building;
- (c) All yards, grounds, landscaping, planted areas, trash chutes and areas and storage areas;
- (d) All parking areas;
- (e) The recreation area on the roof of the residential building;
- (f) 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;
- (g) 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 proposed Declaration provides that certain parts of the common elements, therein called the "limited common elements", are thereby 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) One (1) or more parking stalls designated on said plans shall be appurtenant to and for the exclusive use of such apartment, as described and assigned in Exhibit "B" attached to said Declaration and incorporated therein by reference.

INTEREST TO BE CONVEYED TO PURCHASERS: The proposed Declaration states that each apartment shall have appurtenant thereto an undivided 1/70th fractional interest in all common elements of the project (therein 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. Each purchaser will secure a Condominium Conveyance Document conveying an apartment together with an undivided 1/70th fractional interest in the common elements of the buildings of the project and demising the same undivided fractional interest in the lands of the project.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The proposed Declaration states that the residential apartments shall be occupied and used only as private dwellings by the respective owners thereof, their tenants, families and social guests, and for no other purpose. The owners of the respective residential apartments shall have the absolute right to lease such apartments subject to all provisions of the Declaration.

OWNERSHIP OF TITLE: The Developer in its Notice of Intention represents that the owner of the fee simple title to the property committed to the project is Alii Land, Inc. By Agreement of Sale dated December 30, 1971, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 8037, Page 463, said owner agreed to sell the property committed to the project to Tropical Contracting, Inc. By Sub-Agreement of Sale, dated September 19, 1972, recorded as aforesaid in Liber 8605, Page 280, Tropical Contracting, Inc. agreed to sell its interest in a portion of said property (Lot 65) to Kenneth M. Sakurai and Nancy C. Sakurai, husband and wife, and John Richard Jorgensen and Frances Noelani Jorgensen, husband and wife, hereinafter called the "Sub-Vendors". Said Sub-Vendors have agreed to sell all of their interest in the property to the Developer by Sub-Agreement of Sale dated December 4, 1973, recorded as aforesaid in Liber 9689, Page 519. The remainder of the property committed to the project (Lot 66 & 71) is subject to the following: Agreement of Sale dated December 31, 1971, recorded as aforesaid in Liber 8037, Page 463, by and between Alii Land, Inc., as Vendor and Tropical Contracting, Inc. as Purchaser by Sub-Agreement of Sale dated October 27, 1972, recorded as aforesaid in Liber 8749, Page 458, by and between Tropical Contracting, Inc. as Seller and Harold B. Guerin, unmarried, as Purchaser; Sub-Agreement of Sale by and between said Harold B. Guerin as Seller and the Developer as Purchaser.

ENCUMBRANCES AGAINST TITLE: The Preliminary Reports issued by Hawaii Escrow & Title, Inc., dated May 7, 1974, as submitted to the Commission, provides that, in addition to the above described Agreements of Sale and Sub-Agreements of Sale, the following are encumbrances against title to the property:

AS TO LOTS 66 & 71:

- a. Assignment of sub-agreement of sale interest of Tropical Contracting Inc. to Hawaii Thrift & Loan Inc. and recorded in Liber 8749, Page 458.

b. Consents to sub-subagreement of sale to Developer by Tropical Contracting Inc. and recorded in Liber 9735, Page 109 and Alii Land Inc., as recorded in Liber 9735, Page 111.

c. Reservation in favor of the State of Hawaii to all mineral and metallic mines.

AS TO LOT 65:

a. Assignment of sub-agreement of sale interest of Tropical Contracting Inc. to Hawaii Thrift and Loan Inc., as recorded in Liber 8605, Page 280.

b. Consents to sub-subagreement of sale by Tropical Contracting Inc., as recorded in Liber 9689, Page 541 and Alii Land Inc., as recorded in Liber 9689, Page 543.

c. Reservation in favor of the State of Hawaii to all mineral and metallic mines.

REAL PROPERTY TAXES as to Lots 66,71 & 65:

1st installment (1973-1974) has been paid. 2nd installment (1973-1974) due and delinquent after May 30, 1974.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated March 12, 1974, between Hawaii Escrow & Title, Inc., as "Escrow", and Mokuleia Sands Joint Venture, 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 executed 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. 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 approve said Escrow Agreement and assume the benefits and obligations therein provided.

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 has not as yet been selected.

STATUS OF PROJECT: Complete and final plans and specifications are in the process of preparation. The Developer has entered into a contract for construction of the project, dated March 7, 1974 with Ralph S. Inouye Co., Ltd.

The purchaser should be cognizant of the fact that the Developer by its sales agreement has reserved the right to cancel the sales agreement if it shall have sold less than 45 Units on or before March 15, 1975, or in any event, if it is prevented by law from proceeding with construction of the project.

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 information subsequently filed as of June 6, 1974.

This is a PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT which 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 yellow.


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

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BUREAU OF CONVEYANCES
PLANNING COMMISSION, COUNTY OF HONOLULU
FEDERAL HOUSING ADMINISTRATION
ESCROW AGENT

REGISTRATION NO. 689
June 7, 1974