

# 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

HAIKU GARDENS

Between Kahekili Highway and  
the Haiku Road, Kaneohe, City  
and County of Honolulu, Hawaii

REGISTRATION NO. 693

### 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 6, 1974

Expires: July 6, 1975

#### 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:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED MAY 30, 1974. THE DEVELOPER, BY NOTIFYING THE REAL ESTATE COMMISSION ("COMMISSION") OF ITS INTENTION TO SELL IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, HAWAII REVISED STATUTES, CHAPTER 514, ("The Act").

1. HAIKU GARDENS is a proposed leasehold condominium project ("Project") containing 115 apartments ("Apartments") located in 25 buildings. Two of the buildings (buildings 25 and 26, comprising, respectively, Apartments 25 and 26) have already been completed. These two buildings and Apartments are not being offered for sale by the Developer. The remaining 113 Apartments are located in 20 two-story buildings and in 3 three-story buildings. There are five (5) types of Apartments among the 113

Apartments. Each such Apartment has two parking stalls - one covered, the other open - appurtenant to it as a Limited Common Element. In addition there are 12 guest parking stalls.

The Project is subject to Ordinance 4196 ("The Ordinance") of the City and County of Honolulu, State of Hawaii. The Ordinance designates the land of the Project as Planned Development-Housing District No. R-33. The provisions of The Ordinance (including any amendments) shall (for the period of their effectiveness) constitute covenants running with the land of the Project, and, hence, shall be binding upon the owner or other holder of any interest in the Project, including an Apartment Owner.

2. The Developer of the Project has submitted to the Commission for examination all documents deemed necessary pursuant to The Act for the registration of the Condominium Project and issuance of this Preliminary Public Report.
3. Copies of the proposed Declaration, the Bylaws and the Condominium Map are on file with the Commission and may be inspected at the Commission's office by any prospective Apartment purchaser.
4. As of this date no advertising and promotional matters have been submitted to the Commission.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of The Act and the Rules and Regulations of the Commission which relate to Horizontal Property Regimes.
6. This Preliminary Public Report automatically expires thirteen (13) months after its date of issuance, June 6, 1974, unless a Final Public Report issues, or the Commission, upon review of the registration, issues an order extending the effective date of this Preliminary Public Report.
7. This Preliminary Public Report is made a part of the registration of HAIKU GARDENS Condominium Project. The Developer has the responsibility of placing a true copy of this Preliminary Public Report (yellow paper stock) in the hands of all purchasers and prospective purchasers.

NAME OF PROJECT: HAIKU GARDENS

LOCATION: The Project consists of approximately 21 acres of land situated on the southwesterly side of Kahekili Highway and on the southeasterly side of Haiku Road, Kaneohe, Oahu.

TAX KEY: First Division 4-6-12-2 and 4-6-12-3.

ZONING: Planned Development-Housing District No. R-33.

DEVELOPER: Robert H. Grant & Company, Inc., a Hawaii corporation, whose post office address is P. O. Box 7631, Honolulu, Hawaii 96825,

and whose principal place of business is 6650 Hawaii Kai Drive, Honolulu, Hawaii 96825. The principal officers of the corporation are:

Robert C. Kay President	6650 Hawaii Kai Drive Honolulu, Hawaii 96825
Robert H. Grant Executive Vice President	6650 Hawaii Kai Drive Honolulu, Hawaii 96825
P. K. MOORE Treasurer	6650 Hawaii Kai Drive Honolulu, Hawaii 96825
Jack J. Sisk Assistant Treasurer	6650 Hawaii Kai Drive Honolulu, Hawaii 96825
Herbert Murray Vice President	6650 Hawaii Kai Drive Honolulu, Hawaii 96825

ATTORNEY REPRESENTING DEVELOPER: Cades Schutte Fleming & Wright (Attention: Richard A. Hicks or William M. Swope), 16th Floor, First Hawaiian Bank Building, Honolulu, Hawaii 96813 or P. O. Box 939, Honolulu, Hawaii 96808. Telephone: 531-7232.

DESCRIPTION OF PROJECT: The proposed Declaration reflects that this is a leasehold condominium complex containing 115 Apartments in 25 buildings. Two of the buildings, Buildings 25 and 26, comprise Apartments 25 and 26, respectively. Apartment 25 is a single-story structure and Apartment 26 is a two-level structure; each is constituted principally of reinforced concrete throughout. The Developer has informed the Commission that these two structures have been built and that Apartment 25 is used, and during the continuance of the Project is intended to be used, as a public restaurant and bar. Apartment 26 is now used, and during the continuance of the Project is intended to be used, as a private residence.

The remaining 113 Apartments are contained in twenty (20) two-story residential buildings (designated as Buildings 1, 2, and 6 through 22, inclusive and 24) and three (3) three-story residential buildings (designated as Buildings 3, 4 and 23), constructed principally of reinforced concrete floor on the first level and wood floor on the second and any third levels, concrete tiles, wood walls and wood roof.

Each of the one hundred fifteen (115) Apartments is located and shown on the Condominium Map and Condominium File Plan and is further described as follows:

<u>Building #</u>	<u>Apartment</u>	<u>Level</u>
1	A through D inclusive	1st and 2nd
2	A through D inclusive	1st and 2nd
3	A-1st through D-1st inclusive	1st
	A-2nd through D-2nd inclusive	2nd
	A-3rd through D-3rd inclusive	3rd

<u>Building #</u>	<u>Apartment</u>	<u>Level</u>
4	A-1st through D-1st inclusive A-2nd through D-2nd inclusive A-3rd through D-3rd inclusive	1st 2nd 3rd
6	A through D inclusive	1st and 2nd
7	A through D inclusive	1st and 2nd
8	A through C inclusive	1st and 2nd
9	A through D inclusive	1st and 2nd
10	A and B	1st and 2nd
11	A-1st and D-1st B and C A-2nd and D-2nd	1st 1st and 2nd 2nd
12	A through C inclusive	1st and 2nd
13	A through D inclusive	1st and 2nd
14	A through D inclusive	1st and 2nd
15	A through D inclusive	1st and 2nd
16	A through D inclusive	1st and 2nd
17	A through D inclusive	1st and 2nd
18	A through D inclusive	1st and 2nd
19	A through D inclusive	1st and 2nd
20	A through D inclusive	1st and 2nd
21	A through D inclusive	1st and 2nd
22	A through D inclusive	1st and 2nd
23	A-1st through D-1st inclusive A-2nd through D-2nd inclusive A-3rd through D-3rd inclusive	1st 2nd 3rd
24	A through C inclusive	1st and 2nd
25	25	1st
26	26	1st and 2nd

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26 Buildings 115 Apartments

Each Apartment contains the number of rooms and the approximate gross covered floor area according to its respective plan as shown on the Condominium Map and the Condominium File Plan, such plans being designated as Plans #1 through #5, inclusive, Plan 25 and Plan 26.

There are forty (40) Plan #1 (first, second or third level) Apartments numbered 3-A-1st through 3-D-1st, inclusive, 3-A-2nd through 3-D-2nd, inclusive, 3-A-3rd through 3-D-3rd, inclusive, 4-A-1st through 4-D-1st, inclusive, 4-A-2nd through 4-D-2nd, inclusive, 4-A-3rd through 4-D-3rd, inclusive, 11-A-1st, 11-D-1st, 11-A-2nd, 11-D-2nd, 23-A-1st through 23-D-1st, inclusive, 23-A-2nd through 23-D-2nd, inclusive, and 23-A-3rd through 23-D-3rd, inclusive. Each contains eight (8) rooms, including two (2) bedrooms and two (2) baths, as well as a utility room. The total covered floor area of each is approximately 1,075 square feet. In addition, each such Apartment has a lanai of approximately 179 square feet.

There are thirty (30) Plan #2 (first and second level) Apartments numbered 4-A through 4-D, inclusive, 11-B, 11-C, 14-A through 14-D, inclusive, 16-A through 16-D, inclusive, 18-A through 18-D, inclusive, 19-A through 19-D, inclusive, 20-A through 20-D, inclusive, and 22-A through 22-D, inclusive. Each contains nine (9) rooms including three (3) bedrooms and two and one-half (2-1/2) baths, as well as a utility room. The total covered floor area of each is approximately 1,394 square feet. In addition, each such Apartment has lanais totaling approximately 168 square feet.

There are eighteen (18) Plan #3 (first and second level) Apartments numbered 2-A through 2-D, inclusive, 13-A through 13-D, inclusive, 15-C, 15-D, 17-A through 17-D, inclusive, and 21-A through 21-D, inclusive. Each contains ten (10) rooms, including three (3) bedrooms and two and one-half (2-1/2) baths, as well as a utility room. The total covered floor area of each is approximately 1,539 square feet. In addition, each such Apartment has lanais totaling approximately 247 square feet.

There are fourteen (14) Plan #4 (first and second level) Apartments numbered 1-A through 1-D, inclusive, 6-A through 6-D, inclusive, 7-A through 7-D, inclusive, 15-A and 15-B. Each contains eleven (11) rooms, including four (4) bedrooms and two and one-half (2-1/2) baths, as well as a utility room. The total covered floor area of each is approximately 1,590 square feet. In addition, each such Apartment has lanais totaling approximately 413 square feet.

There are eleven (11) Plan #5 (first and second level) Apartments numbered 8-A through 8-C, inclusive, 10-A and 10-B, 12-A through 12-C, inclusive, and 24-A through 24-C, inclusive. Each contains six (6) rooms, including one (1) bedroom and one and one-half (1-1/2) baths, as well as a utility room. The total covered floor area of each is approximately 944 square feet. In addition, each such Apartment has a lanai of 88 square feet.

There is one (1) Plan #25 (first level) Apartment numbered 25. Such Apartment contains five (5) rooms, including a kitchen, dining room and bar. The total covered floor area is approximately 6,330 square feet.

There is one (1) Plan #26 (first and second level) Apartment numbered 26. Such Apartment contains six (6) rooms, including two (2) bedrooms and two and one-half (2-1/2) baths, as well as a utility and storage area. The total covered floor area of the Apartment is approximately 1,876 square feet. In addition, such Apartment has a lanai of approximately 918 square feet.

Each bathroom contains a sink, toilet and bathtub/shower combination or a shower; each half-bath contains a sink and toilet. Each kitchen contains a four-burner range and oven with a hood, fan and light combination, a dishwasher, a garbage disposal and a hot water heater.

Each Apartment has immediate access through adjacent staircases to walkways and driveways which connect its building to the street entrance of the Project.

The Declaration states that:

"The respective Apartments (excluding Apartments 25 and 26) shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or interior loadbearing walls, the floors and ceilings surrounding each such Apartment or any pipes, wires, conduits or other utility or service lines running through Apartments which are utilized for or serve more than one Apartment, the same being deemed Common Elements as hereinafter provided. Each Apartment (excluding Apartments 25 and 26) shall be deemed to include any adjacent lanai or lanais shown on the Condominium File Plan and the Condominium Map and all the walls and partitions which are not loadbearing within its perimeter walls, the inner decorated or finished surfaces of all walls, floors and ceilings, and all fixtures originally installed therein. Apartments 25 and 26 shall be deemed to include all walls, ceilings, slabs, pipes, wires, conduits or other utility or service lines within such Apartment."

COMMON ELEMENTS: The proposed Declaration states that the Common Elements will include (a) the land in fee simple; (b) all foundations, floor slabs, columns, girders, beams, supports, unfinished perimeter walls and loadbearing walls and roofs of Building 1 through 24, inclusive; (c) all yards, recreation areas, grounds, landscaping and refuse facilities; (d) the single-level recreational building containing four (4) rooms (including a kitchen, men's and women's restrooms and an entertainment room) and having a total covered floor area of approximately 968 square feet and lanais totaling approximately 682 square feet; (e) the swimming pool, having a maximum length of 40 feet and a maximum width of 22 feet with a surface area of 801 square feet and surrounded by a deck of approximately 1,837 square feet; (f) all roads, parking areas, driveways and walkways which are rationally of common use by owners of more than one Apartment; (g) twelve (12) guest parking stalls; and (h) all ducts, electrical equipment, wiring, pipes and other central and appurtenant transmission facilities over, under and across the Project which serve more than one Apartment for services such as power, light, water, gas, sewer, telephone and radio and television signal distribution.

LIMITED COMMON ELEMENTS: The proposed Declaration states that certain parts of the Common Elements (hereinafter called the "Limited Common Elements") are designated and set aside for the uses hereinafter described of certain Apartments, and that such Apartments shall have appurtenant thereto easements for the use of such Common Elements. The Limited Common Elements shall consist of: (a) one or more automobile parking spaces designated

on the Condominium File Plan and Condominium Map by a number corresponding to the number of an Apartment, which shall be appurtenant to and for the exclusive use of the Apartment having such number. The proposed Condominium Map and Condominium File Plan show that each Apartment, except Apartments 25 and 26, has been assigned two parking stalls - one covered, the other uncovered. Each Apartment, except Apartments 25 and 26, shall always have at least one parking space appurtenant to it; but otherwise any automobile parking space easement may be transferred from an Apartment to an Apartment in the Project, but shall always be appurtenant to one of the Apartments in the Project; (b) all of that area shown on the Condominium Map and Condominium File Plan as "Area A" (approximately 4.704 acres) which contains ponds, landscaped areas and parking for patrons of the restaurant and bar, shall be a Limited Common Element appurtenant to and for the exclusive use of Apartment 25, the public restaurant and bar; provided, however, that all of "Area A" (excluding walkways, roadways and the parking areas immediately adjacent to Apartment 25) may be used by any owner of an Apartment in the Project, his tenants, family, domestic servants and guests for "passive" recreation purposes at any time except such times as the owner or lessee of Apartment 25 is using the area for receptions, ceremonies or similar activities integrally related to the uses and operations of Apartment 25 and permitted by the use restrictions of the Declaration or is undertaking maintenance and repairs of "Area A" of a nature which, for safety reasons, requires exclusion of persons not engaged in such maintenance and repair. "Passive" recreation includes garden viewing and appreciation, strolling through and sitting on the landscaped areas, but excludes landscape alteration, fishing, camping, ballplaying or similar recreational activities using sporting equipment; and (c) all of that area contiguous to and surrounding Apartment 26 and shown as "Area B" on the Condominium File Plan and Condominium Map (approximately 14,647 square feet) shall be a Limited Common Element appurtenant to and for the exclusive use of Apartment 26.

PERCENTAGE OF UNDIVIDED OWNERSHIP TO BE CONVEYED: The proposed Declaration states that each of the one hundred fifteen (115) Apartments other than Apartments 25 and 26 shall have appurtenant thereto an 0.884 undivided percentage interest, and each of the two (2) Apartments 25 and 26 shall have an 0.054 undivided percentage interest, in all of the Common Elements of the Project and the same proportionate share in all common profits and expenses of the Project and for all other purposes including voting.

PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE: The use and operation of the Project is subject to (i) each condition and restriction set forth in The Act and The Ordinance including any amendments thereto for the period of the effectiveness of such condition and restriction, (ii) the provisions of the Declaration, and (iii) the provisions of the Bylaws; and the Apartments in Buildings 1 through 24 and Apartment 26 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. Such Apartments shall not be rented for transient or hotel purposes which are defined as (y) rental for any period less than thirty (30) days, or (z) any rental in which the occupants of the Apartment 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 Apartments in Buildings 1 through 24, inclusive, and

Apartment 26 shall have the absolute right to lease such Apartments subject to all provisions of the Declaration. Apartment 25 shall be occupied and used only as a restaurant and bar and for no other purpose.

OWNERSHIP OF TITLE: The Developer has filed with the Commission a Policy of Title Insurance, dated May 6, 1974, issued by Security Title Corporation which certifies that the Developer is the lessee of the property to be submitted to the Project, pursuant to two leases - one dated April 23, 1974, naming THE TRUSTEES OF THE ESTATE OF BERNICE PAUAAHI BISHOP ("The Trustees") and KIIHALANI INVESTMENT, INC. ("Kihalani"), as lessors, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 678337 and recorded in the Bureau of Conveyances, State of Hawaii, in Book 9773, Page 351, and the second dated April 24, 1974, naming HAIKU REALTY, LTD. ("Haiku"), as lessor, filed as Document No. 678338 and also recorded in Book 9873, Page 379. The first lease is a sublease issued pursuant to a "Master Lease", dated April 22, 1974, between The Trustees, as lessor, and Kihalani, as lessee, filed as Document No. 677215 and recorded in Book 9856, Page 440.

The Developer has informed the Commission that pursuant to the terms of the leases of which it is a lessee, the Developer will surrender such leases prior to the issuance of a Final Public Report and obtain leases for 113 Apartments (i.e., all Apartments except Apartments 25 and 26), each naming the Developer as "Lessee". The Developer will obtain 65 apartment leases from Haiku and 48 apartment subleases from The Trustees. The Master Lease between The Trustees and Kihalani will be a lease of the apartments covered by the 48 individual subleases. All leases and subleases will be identical in their terms and conditions.

The Developer has informed the Commission that it will convey its interest in an Apartment by assigning the apartment lease or apartment sublease to the purchaser pursuant to an instrument - "Assignment of Lease" - copies of which are filed with the Commission.

ENCUMBRANCES: The Policy of Title Insurance states that as of the date of the search, May 6, 1974, title to the land is subject to:

1. Real Property Taxes for the second half of the fiscal year 1973-1974;
2. The reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patents Numbered 1003, 1006, 3629 and 1664;
3. Abutter's rights of access into and from Kahekili Highway and Slope Easement designated as Parcel E-21 in favor of the City and County of Honolulu, as condemned by Final Order of Condemnation dated June 1, 1966, filed in the Circuit Court of the First Circuit in Civil No. 12502, a certified copy of which was recorded in the Bureau of Conveyances of the State of Hawaii in Book 5354, Page 106;
4. The terms and provisions of that certain Agreement dated November 1, 1965, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 380523, made by and between the Trustees under the Will and of the Estate of Bernice Pauahi Bishop,

Deceased, George Mitsuju Hasegawa and Mitsuyuki Kido,  
affecting Lot 1046;

5. That certain Grant dated December 18, 1963, in favor of the Hawaiian Electric Company, Inc. and Hawaiian Telephone Company, filed in said Office of the Assistant Registrar as Document No. 406557, granting an easement for utility purposes under Lots 1045 and 1046;
6. Designation of Easement 327 for roadway purposes over and across Lot 1046; Easements 328 and 329 for underground cable purposes over and across Lot 1046, all as shown on Map 67, as set forth by Land Court Order No. 28505, filed May 14, 1968;
7. Restriction of Access Rights affecting Lot 1044, as shown on Maps 37 and 67, as set forth by Land Court Order No. 21891, filed November 4, 1963;
8. Abutter's rights of vehicle access into and from Kahaluu Cutoff Road which may accrue and become appurtenant to Lot 1044, in favor of the City and County of Honolulu, as set forth in Deed dated August 1, 1963, filed in said Office of the Assistant Registrar as Document No. 318993;
9. Designation of Easements 328 and 329 for underground cable purposes over and across Lot 1045, as shown on Map 67, as set forth by Land Court Order No. 28505, filed May 14, 1968;
10. That certain Grant dated September 18, 1968, in favor of the City and County of Honolulu, recorded in said Bureau of Conveyances in Book 7246, Page 60, granting a perpetual easement to discharge storm and surface waters upon and across a portion of the land herein described;
11. Leasehold Mortgage dated April 22, 1974, filed in said Office of the Assistant Registrar as Document No. 678339, and also recorded in said Bureau of Conveyances in Book 9873, Page 410, made by Robert H. Grant & Company, Inc., a Hawaii corporation, as Mortgagor, to Union Bank, a California corporation, as Mortgagee;
12. Undated Financing Statement recorded in said Bureau of Conveyances in Book 9878, Page 562;
13. Leasehold Mortgage, dated April 22, 1974, filed in said Office of the Assistant Registrar as Document No. 678340, and also recorded in said Bureau of Conveyances in Book 9873, Page 419 on May 2, 1974, made by Robert H. Grant & Company, Inc., a Hawaii corporation, as Mortgagor, to Union Bank, a California corporation, as Mortgagee.

The Developer has advised the Commission that the lien of the mortgages and the Financing Statement identified in items 11, 12 and 13 above upon an Apartment will be released prior to the conveyance of such Apartment.

PURCHASE MONEY HANDLING: Copies of the specimen Sales Contract and the Escrow Agreement have been submitted as part of the registration. The Escrow Agreement, dated May 23, 1974, identifies Mariner's Escrow Corporation as the Escrowee. Upon examination, the specimen Sales Contract and the executed Escrow Agreement are found to be in compliance with The Act and particularly with Section 514-35 and Section 514-36 through Section 514-40 of The Act.

A prospective purchaser should carefully examine the form of Sales Contract and the executed Escrow Agreement to determine the time for and the amount of installment payments on the purchase price, the estimated common monthly expense and the sharing of the closing costs.

MANAGEMENT AND OPERATION: The proposed Declaration provides that the administration of the Project shall be vested in its Association of Apartment Owners. The proposed Declaration further provides that the operation of the Project shall be conducted for the Association by a Managing Agent. The initial Managing Agent is Reliance Realty & Management, a division of Reliance Industries, Inc., 1661 Kapiolani Boulevard, Honolulu, Hawaii. The Developer, on behalf of the Association, has concluded a contract, dated April 3, 1974, with the Managing Agent. The contract may be terminated by either party after six months from April 3, 1974, by thirty days' prior written notice by the Association or ninety days' prior written notice by the Managing Agent.

STATUS OF PROJECT: The Developer advises that construction of the Project commenced in the fall of 1973 and will be completed in mid-1975.

COMMON EXPENSES: The proposed Declaration provides that all charges, costs and expenses whatsoever incurred by the Association for or in connection with the administration of the Project, including without limitation the operation thereof, any maintenance, repair, replacement and restoration of the Common Elements and the Limited Common Elements (excluding "Area A" and "Area B") and any additions and alterations thereto, any labor, services, materials, supplies and equipment therefor, any liability whatsoever for loss or damage arising out of or in connection with the Common Elements or any accident, fire or nuisance thereon, any premiums for hazard and liability insurance herein required with respect to the Project, and the cost of all utility services, including water, electricity and gas, garbage disposal and any other similar services unless separately metered shall constitute common expenses of the Project for which all Apartment owners shall be severally liable in proportion to their respective common interests. The Board shall from time to time assess the common expenses against all the Apartments in their respective proportionate shares, and the unpaid amount of such assessments against any Apartment shall constitute a lien against such Apartment which may be foreclosed by the Board or Managing Agent as provided by The Act, provided that thirty (30) days' prior written notice of intention to foreclose shall be mailed, postage prepaid, to The Trustees and Haiku and all other persons having any interest in such Apartment as shown in the Association's record of ownership.

The owners of Apartment 25 and 26 shall be solely responsible for the repair, maintenance and restoration of the Limited Common Elements appurtenant to their respective Apartments. All such Limited Common Elements shall be kept planted and landscaped in a

neat and attractive condition. Major changes in the landscape design of such areas shall require the prior written consent of The Trustees and Haiku. In the event such Limited Common Elements are not so maintained, repaired and restored by the owners of such Apartments, the Association shall repair, etc., at the sole cost and expense of the Apartment owner and repayment of the Association by the owner shall be secured by a lien against such Apartment, which lien shall be deemed a lien for common expenses against such Apartment in respect of which the Association shall have all rights and remedies provided to it in the Declaration and The Act.

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The purchaser or prospective purchaser should be cognizant of the fact that this Public Report represents information disclosed by the Developer in the required Notice of Intention submitted May 30, 1974.

This PRELIMINARY HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 693 filed with the Commission on May 30, 1974.

The Report, when reproduced, shall be a true copy of the Commission's Public Report. The paper stock used in making facsimiles must be yellow.

*Douglas R. Sodevani*  
(For) DOUGLAS R. SODEVANI, Chairman  
Real Estate Commission  
State of Hawaii

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MARINER'S ESCROW CORPORATION

REGISTRATION NO. 693  
June 6, 1974