

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

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

## SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on

HAIKU GARDENS  
46-318 Haiku Road  
Kaneohe, Hawaii

REGISTRATION NO. 693

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

It was prepared as a supplement to an earlier Report dated September 9, 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 : June 16, 1978  
Expires: June 16, 1979

### SPECIAL ATTENTION

A comprehensive reading of this report is urged in order that the 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 MAY 30, 1974, AND INFORMATION SUBSEQUENTLY FILED AS OF JUNE 9, 1978. DEVELOPER IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES ACT, CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. Since the issuance of the Commission's Final Public Report of September 9, 1974, on HAIKU GARDENS, Registration No. 693, the Developer reports that certain changes have been made in the project. The changes made are determined to be a material revision of the information disclosed earlier. This Supplementary Public Report (pink paper stock) amends the Preliminary Public Report (yellow paper stock)

and Final Public Report (white paper stock), becoming a part of HAIKU GARDENS registration. The Developer is responsible for placing a true copy of this Supplementary Public Report in the hands of all purchasers and prospective purchasers, along with a copy of the Preliminary and Final Public Reports. The Developer is responsible for securing from each purchaser or prospective purchaser a signed receipt signifying that he has had an opportunity to read all Reports.

2. The Developer has submitted to the Commission for examination all documents deemed necessary for the registration of the condominium project and the issuance of this Supplementary Public Report.
3. The Developer advises that the Declaration of Horizontal Property Regime and attached Bylaws are filed in the Office of the Assistant Registrar of the Land Court, State of Hawaii, as Document No. 690449 and recorded in the Bureau of Conveyances in Book 10045, Page 283. The Condominium Map has been filed with the Assistant Registrar as Map No. 224 and recorded in the Bureau as Map No. 372.
4. Advertising and promotional materials have 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 514A, Hawaii Revised Statutes, as amended, and the condominium rules and regulations which relate to Horizontal Property Regimes.
6. This Supplementary Public Report automatically expires June 16, 1979, unless a further Supplementary Public Report issues, or the Commission, upon review of the registration, issues an order extending the effective period of this report.

The information in the Preliminary Public Report of June 6, 1974 and Final Public Report of September 9, 1974, with the exception of that information contained under the topical headings DEVELOPER, ENCUMBRANCES, PURCHASE MONEY HANDLING, MANAGEMENT AND OPERATION, and STATUS OF PROJECT has not been changed. Robert H. Grant & Company remains the Developer; however, the post office address and the principal officers of Robert H. Grant & Company have been changed. Encumbrances against title to the land existing as of the filing of the Final Report have been removed and since that time new encumbrances have been placed against title to the land. A new Escrow Agreement has been executed and a new Escrowee named. A new Managing Agent of the project has been named. The expected date of completion of the project has been extended to July 1, 1978. These amendments are recited in their entirety as the Commission is of the opinion that all purchasers and prospective purchasers should be cognizant of the changes:

NAME OF PROJECT: HAIKU GARDENS

DEVELOPER: Robert H. Grant & Company, Inc., a Hawaii corporation whose post office address is P. O. Box 25310, Honolulu, Hawaii 96825, and whose principal place of business is 1091 Kamoku Street, Honolulu, Hawaii. The principal officers of the corporation are:

Glenn L. Carpenter  
President

Gerald W. Nicholas  
Vice President

Royce McKinley  
Secretary-Treasurer

ENCUMBRANCES: An updated Preliminary Report, filed by the Developer and issued by Security Title Corporation, states that as of the date of the search, March 13, 1978, title to the land is subject to:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent Numbers 1003, 1006, 3629 and 1664;
2. Abutter's rights of access into and from Kahekili Highway and Slope Easement designated as Parcel E21 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 under Civil No. 12502, a certified copy of which was recorded on June 14, 1966 in said Bureau of Conveyances in Book 5354 Page 106;
3. That certain grant dated December 18, 1963, in favor of 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;
4. 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;
5. 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;
6. 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;

7. 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;
8. 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;
9. Right of Way across Easement 327 in favor of Lots 1044 and 1045, as granted by that certain Deed dated December 15, 1970, filed in said Office of the Assistant Registrar as Document No. 526296;
10. Designation of Easements 553 through 561, inclusive, over Lot 1046A, as shown on Map 164, as set forth by Land Court Order No. 44909, filed July 12, 1976;
11. Designation of Easements 562 through 569, inclusive, affecting Lot 1044, as shown on Map 165, as set forth by Land Court Order No. 44190, filed July 12, 1976;
12. Designation of Easement 570, affecting Lot 1045, as shown on Map 166, as set forth by Land Court Order No. 44911, filed July 12, 1976;
13. That certain grant dated November 12, 1976, in favor of the City and County of Honolulu and the Board of Water Supply, filed in said Office of the Assistant Registrar as Document No. 807310, and also recorded on March 4, 1977 in said Bureau of Conveyances in Book 12051 Page 228, granting forever, the right, in the nature of an easement, etc., an underground water pipeline or pipelines, etc., over, under, across and through Easements 562 through 566 (Lot 1044), 553, 554, 557, 558 and 561 (Lot 1046-A), 4-A (Lot A) and 1 and 2 (Lot B), (also affects other property). Consent thereto filed as Document No. 807311, and also recorded in Book 12051 Page 238;
14. That certain grant dated November 12, 1976, in favor of the City and County of Honolulu, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 826827, and also recorded on July 20, 1977 in said Bureau of Conveyances in Book 12333 Page 529, granting forever, an easement to construct, etc., an underground sewer pipeline or pipelines, etc., as part of a sewer system, etc., through, under and across a portion of the land herein described. Consents thereto filed as

Documents Numbered 826828 and 826828A, and also recorded in Book 12333 Pages 537 and 538;

15. That certain grant dated November 12, 1976, in favor of the City and County of Honolulu, filed in said Office of the Assistant Registrar as Document No. 826829, and also recorded on July 20, 1977 in said Bureau of Conveyances in Book 12333 Page 542, granting forever, an easement to construct, etc., a drainage system, through, under and across a portion of the land herein described. Consent thereto filed as Documents Numbered 826830 and 826830A, and also recorded in Book 12333 Page 549;
16. Condominium Map No. 224, filed in said Office of the Assistant Registrar on July 23, 1974. Condominium Map No. 372, filed in said Bureau of Conveyances on July 23, 1974;
17. The covenants, agreements, obligations, conditions and other provisions as set forth in that certain Declaration of Horizontal Property Regime dated July 5, 1974, filed in said Office of the Assistant Registrar as Document No. 690449, and also recorded on July 23, 1974 in said Bureau of Conveyances in Book 10045 Page 283, and the Bylaws attached thereto, to which reference is hereby made;
18. Power of Attorney dated July 5, 1974, filed in said Office of the Assistant Registrar as Document No. 690450, and also recorded on July 23, 1974 in said Bureau of Conveyances in Book 10045 Page 299, made by The Trustees of the Estate of Bernice Pauahi Bishop, to Haiku Realty, Ltd., granting special powers;
19. Power of Attorney dated July 5, 1974, filed in said Office of the Assistant Registrar as Document No. 690451, and also recorded on July 23, 1974 in said Bureau of Conveyances in Book 10045 Page 299, made by Haiku Realty, Ltd., to The Trustees of the Estate of Bernice Pauahi Bishop, granting special powers; and
20. Power of Attorney dated August 29, 1974, filed in said Office of the Assistant Registrar as Document No. 701317, and also recorded on November 11, 1974 in said Bureau of Conveyances in Book 10234 Page 145, made by Union Bank, a corporation duly organized and existing under and by virtue of the laws of the State of California, to Bank of Hawaii, a Hawaii corporation, granting special powers.
21. For any taxes that may be due and owing, reference is made to the Office of the Tax Assessor, First Division.

NOTE: The encumbrances listed above does not disclose the existence of individual apartment leases

demising portions of the premises described herein, or any encumbrances affecting the same.

PURCHASE MONEY HANDLING: The Developer has filed a copy of an updated Escrow Agreement, dated April 19, 1978. The Escrow Agreement identifies the Escrowee as Bank of Hawaii. The Developer has filed a copy of the specimen Sales Contract to be used for the purchase of apartment units in the Project. Upon examination, the specimen Sales Contract and the executed Escrow Agreement are found to be in compliance with The Horizontal Property Regimes Act.

Among other provisions, the executed Escrow Agreement provides:

A Buyer shall be entitled to a return of his funds, and Escrowee shall pay such funds to such Buyer, without interest, promptly after request for return by Buyer if one of the following has occurred:

(a) Seller requests Escrowee to return to Buyer the funds of Buyer then being held hereunder by Escrowee; or

(b) Seller notifies Escrowee of Seller's exercise of the option to rescind the Sales Contract pursuant to any right of rescission stated therein or otherwise available to Seller; or

(c) Buyer's funds were obtained prior to the issuance of a Supplementary Public Report by the Hawaii Real Estate Commission and either (i) such Supplementary Public Report differs in any material respect from the Final Public Report issued by the Hawaii Real Estate Commission or (ii) there is any change in the condominium building plans subsequent to the execution of the Sales Contract requiring approval of a county officer having jurisdiction over issuance of permits for construction of buildings, unless in either case the Buyer has given written approval of acceptance of the specific change; or

(d) Seller has not delivered to Escrowee a Final Public Report issued within one (1) year of the date of the issuance of the Preliminary Public Report.

MANAGEMENT AND OPERATION: The Developer has informed the Commission that the administration of the Project has been undertaken by its Association of Apartment Owners. The Association has concluded a contract, dated October 1, 1977, with Dillingham Land Corporation, to conduct the operation of the Project for the Association, as Managing Agent. The contract is for a term of one (1) year, after which it is subject to renegotiation.

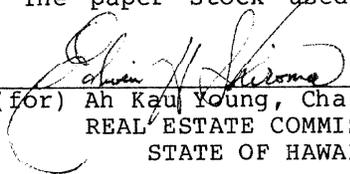
STATUS OF PROJECT: The Developer reports that ninety-five apartment units have been completed. Completion of the remaining twenty units is expected by July 1, 1978.

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A 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, and additional information filed as late as June 9, 1978.

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

  
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(for) Ah Kau Young, Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII

Distribution:  
DEPARTMENT OF TAXATION  
BUREAU OF CONVEYANCES  
PLANNING DEPARTMENT, CITY  
AND COUNTY OF HONOLULU  
FEDERAL HOUSING ADMINISTRATION  
BANK OF HAWAII

June 16, 1978

REGISTRATION NO. 693