

# 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

HOLANIKU HALE  
Kuahelani Avenue & Apapoi Street  
Mililani Town, Oahu, Hawaii

REGISTRATION NO. 697

### 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: July 17, 1974  
Expires: August 17, 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:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED JUNE 13, 1974, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED WITH THE COMMISSION AS OF JULY 17, 1974. THE DEVELOPER BY NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT SET FORTH IN CHAPTER 514, HAWAII REVISED STATUTES.

1. HOLANIKU HALE is a proposed fee simple condominium project containing 64 apartments located in 9 separate two-story buildings consisting of 22 three-bedroom apartments and 42 four-bedroom apartments. There will be a total of 140 parking stalls, 128 of which will be allocated to specific apartments and 12 of which will be used for guest parking.

2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of a condominium project and the issuance of this Preliminary Public Report.
3. The Developer reports that the Declaration of Horizontal Property Regime, the Bylaws and the Condominium Map will be filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii immediately prior to the application for a Final Public Report.
4. As of this date no advertising and promotional matters have been submitted to the Commission pursuant to its rules and regulations.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of the Hawaii Revised Statutes, Chapter 514, and the Rules and Regulations of the Hawaii Real Estate Commission which relate to Horizontal Property Regimes.
6. This Preliminary Public Report automatically expires thirteen (13) months after the date of issuance, July 17, 1974, unless a Final Public Report or a Supplementary Public Report issues, or the Commission, upon review of registration, issues an order extending the effective date of this report.
7. This Preliminary Public Report is made a part of the registration of HOLANIKU HALE 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 and securing a signed copy of the receipt for the Preliminary Public Report from each purchaser.

NAME OF PROJECT: HOLANIKU HALE

LOCATION: The project is located in Mililani Town, Oahu, Hawaii, and consists of approximately 6.928 acres of land.

TAX KEY: First Division 9-4-05 por. 26.

ZONING: A-1 Apartment District

DEVELOPER: Mililani Town, Inc. is the developer of the project and has its principal place of business at 130 Merchant Street, Honolulu, Hawaii 96813.

Officers

W. G. Haight	President
Wendell Brooks, Jr.	Vice President and General Manager
George Yim	Vice President and Secretary
R. A. Minckler	Treasurer
Stanley Lee	Controller

ATTORNEY REPRESENTING DEVELOPER: Cades Schutte Fleming & Wright (Attention: Bernice Littman), 16th Floor, First Hawaiian Bank Building, P. O. Box 939, Honolulu, Hawaii 96808; telephone 531-7232.

DESCRIPTION OF PROJECT: The project consists of nine 2-story buildings, containing a total of 64 apartments consisting of twenty-two (22) three-bedroom apartments (Type A) and forty-two (42) four-bedroom apartments (Type B). The buildings are wood frame structures with masonite siding and shake roofs. The ground floor is of concrete with carpets in all areas except the kitchen and bathroom which have vinyl asbestos tile floor covering. The second floor is of wood with carpet in areas except the bathroom which has a vinyl asbestos tile floor covering. Each apartment has two floors and are numbered 101 through 164 inclusive. The apartments are numbered consecutively; even-numbered apartments of each type are the mirror images of odd-numbered apartments of the same type. The distribution of the apartments within the buildings is as follows:

<u>Building No.</u>	<u>Apartment Type</u>	<u>Apartment Nos.</u>
1	B	101 through 108
2	B	109 through 116
3	B	117 through 120
4	B	121 through 128
5	B	129 through 136
6	A	137 through 144
7	A	145 through 152
8	A	153 through 158
9	B	159 through 164

The location of the sixty-four (64) apartments within the nine (9) buildings and the location of the buildings on the land are shown on the Condominium Map on file at the Real Estate Commission and at the Mililani Town Sales Information Center.

Each three-bedroom apartment, Type A, contains a living room, a dining room, a kitchen, a half bath and a lanai on the first floor, and three bedrooms, two baths and a lanai on the second floor, with an interior staircase between the two floors and has an interior living area of approximately 1,355.86 square feet.

Each four-bedroom apartment, Type B, contains a combination living room - dining room area, a kitchen, a utility room, a half bath, a bedroom and a lanai on the first floor and three bedrooms two baths and a lanai on the second floor, with an interior staircase between the two floors and has an interior living area of approximately 1,457.22 square feet.

The purchaser of any apartment has the option of enlarging the ground floor lanai to more than twice its normal size as shown on the plans of the project on file at the Real Estate Commission and at the Mililani Town Sales Information Center, at an additional cost. Adjacent to each apartment are fenced front and rear yards; the front yard contains the carport appurtenant to the apartment. Each apartment has access to a parking and driveway area adjacent to the carport.

The project also contains the parking and driveway areas and landscaping areas.

Each apartment will be carpeted throughout except for the bathrooms and kitchen which will have vinyl floors. The specifications for the Condominium Development state that each apartment shall include a range, oven, hood vent, water heater, refuse disposal and, at the option of the Purchaser, refrigerator, washer/dryer and dishwasher.

Each apartment shall have a CATV outlet providing connection to a cable television system at the election of the owner upon payment of the monthly charge imposed by the Mililani Cablevision, Inc.

COMMON ELEMENTS: The common elements will include all of the project except the apartments, specifically, but not limited to the following:

- (a) The land in fee simple;
- (b) All foundations, bearing walls, walkways, and landscaped areas;
- (c) The roofs;
- (d) All driveway areas as well as those unnumbered parking stalls, if any, designated on the Condominium Map (and any amendments thereto) which shall be used as determined by the Board of Directors;
- (e) All ducts, electrical equipment, wiring and other central appurtenant and installations for services including power, light, cold and hot water, refuse and telephone;
- (f) All other devices or installations upon the land existing for or rationally of common use to all the owners of apartments within the project.

LIMITED COMMON ELEMENTS: Each of the sixty-four (64) covered parking stalls will be a limited common element reserved for the exclusive use of the apartment to which it is adjacent and which bears the same number as shown on the Condominium Map; each of the sixty-four uncovered, numbered, parking stalls will be a limited common element reserved for the exclusive use of the apartment bearing the same number, as shown on the Condominium Map. Each of the fenced front and rear yards shown on the Condominium Map shall be limited common elements reserved for the exclusive use of the apartment to which they are adjacent. The common elements of each building, including the land below but excluding utility lines which serve other buildings, shall be limited common elements for the exclusive use of the apartments in the building.

PERCENTAGE OF UNDIVIDED INTEREST TO BE CONVEYED: The percentage of undivided interest in all of the common elements appertaining to each apartment will be 1.4894 for three-bedroom apartments, except for Apartment 145 which will have 1.4932, and 1.6007 for

four-bedroom apartments. The voting rights of apartment owners, as well as their share of the common expenses shall be in proportion to the common interest.

PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE: The apartments hereinabove described shall at all times be used only for a private dwelling for the owner, his family, tenants and social guests and such other purposes as are permitted by the Declaration of Horizontal Property Regime and the Bylaws of HOLANIKU HALE as well as the Declaration of Covenants, Conditions and Restrictions for Mililani Town more fully described below in the item captioned "Encumbrances". The Declaration of Horizontal Property Regime provides that no apartment shall be leased for less than three (3) months, except that appropriate provisions may be inserted in rental agreements for earlier terminations for hardship or military transfers. The Bylaws provide that a maximum of one dog and one cat may be kept in an apartment, except that the Board may permit additional pets. However, if the occupants of at least three (3) apartments complain about a pet, or if the Board on its own initiative deems it desirable, the Board may decide that a pet is a nuisance and direct the occupant of the apartment to remove the pet from the Project.

OWNERSHIP OF TITLE: The Developer has filed with the Commission a Preliminary Report dated July 5, 1974, prepared by Title Guaranty of Hawaii, Inc., which states that title to the land committed to this regime is vested in Mililani Town, Inc.

ENCUMBRANCES: The Preliminary Report prepared by Title Guaranty of Hawaii, Inc. states that as of the date of the search (July 5, 1974) title to the land of which the project is a portion is subject to:

1. Easement 57 for fuel pipeline and electric power purposes as shown on Maps 33 and 404 of Land Court Application No. 1000 as set forth by Land Court Order No. 11366 filed July 11, 1952, and granted to the United States of America by instrument dated April 1, 1963, filed as Land Court Document No. 308187;
2. Mortgage dated December 29, 1971, made by Mililani Town, Inc. to Aetna Life Insurance Company filed as Land Court Document No. 564455, as amended by instrument dated January 14, 1972, filed as Land Court Document No. 566680 and May 29, 1973, filed as Land Court Document No. 633441;
3. Mortgage dated December 29, 1971, filed as Land Court Document No. 564456 made by Mililani Town, Inc. to Castle & Cooke, Inc.;
4. Real property taxes for the fiscal year July 1, 1973 to June 30, 1974;
5. Amended Notice of Mechanic's and Materialman's Lien and Demand No. 2889 filed as Land Court Document No. 680621, and Mechanic's Lien No. 2885, 2758, 2763, 2772 and 2872.

The Developer has advised the Commission that the above mortgages and Mechanic's Liens will be released prior to the completion of construction of the project.

Prior to the conveyance of any apartment in the project, the property will be annexed to Mililani Town pursuant to, and so as to become subject to the provisions of, the Declaration of Covenants, Conditions and Restrictions for Mililani Town, a copy of which has been filed with, and which is available for public inspection at, the Office of the Real Estate Commission and which, additionally, has been filed with, and is available for public inspection at the Office of the Assistant Registrar of the Land Court as Document No. 441561 as amended.

This Declaration provides for certain monthly maintenance assessments to pay the expenses of the Mililani Town Community Association, and reserves a lien upon each apartment to secure the payment of these assessments. The amount of the current monthly assessment is \$5.75, subject to increase in case of an increase in the cost of living, or in case 66-2/3% of the members of the Community Association approve an increase. Also, a special assessment of \$100.00 is imposed at the time each purchaser closes the initial purchase of his apartment.

PURCHASE MONEY HANDLING: A copy of the specimen Sales Contract and the Escrow Agreement has been submitted as part of the registration. The Escrow Agreement dated April 1, 1974, identifies Bank of Hawaii as the escrow agent. Upon examination, the specimen Sales Contract and the executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes, and particularly with Section 514-35 and Section 514-36 through Section 514-40, Hawaii Revised Statutes.

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

MANAGEMENT AND OPERATION: Article III, Section 3, of the Bylaws states that the Board of Directors shall at all times employ a responsible managing agent to manage and control the property, subject at all times to direction by the Board of Directors. Developer has filed with the Commission a form of Property Management Agreement and Property Management Proposal by which Mililani Town, Inc. will provide fiscal and management services to the Association of Apartment Owner for a fee of \$7.00 per apartment per month. These agreements will be terminable by either party on thirty (30) days written notice.

STATUS OF PROJECT: The Developer advises that construction of the project will commence about June 1, 1974, with respect to site work and September 15, 1974, with respect to buildings and will be completed about February 1, 1975.

The specimen Sales Contract provides that if Developer has not entered into contracts for the sale of at least seventy percent (70%) of the apartments by the time the Final Public Report for the project is issued, or if Developer has entered into said

contracts by said date but the purchasers who have agreed to obtain mortgage loans have not secured commitment therefor satisfactory to Developer, Developer may cancel the Sales Contracts and refund all monies paid by the purchasers without interest.

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 June 13, 1974 and information subsequently filed on July 17, 1974.

This PRELIMINARY HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 697 filed with the Commission on June 13, 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.

  
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(For) DOUGLAS R. SODEHANI, Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII

Distribution:

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

July 17, 1974  
REGISTRATION NO. 697