

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
WAIU GARDENS KAI, UNIT G-1
Hoohiki Street
Waiu, Ewa, Oahu, Hawaii

REGISTRATION NO. 717

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: August 1, 1975
Expires: September 1, 1976

SPECIAL ATTENTION

A comprehensive reading of the 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 SEPTEMBER 6, 1974 AND INFORMATION SUBSEQUENTLY FILED AS OF AUGUST 6, 1975. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL AND SUBMITTING INFORMATION ON MATERIAL CHANGES IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514, HAWAII REVISED STATUTES, AS AMENDED.

1. Since the issuance of the Commission's Preliminary Public Report of October 15, 1974 on Waiu Gardens Kai, Unit G-1, Registration No. 717, the Developer reports that changes have been made in the plan or setup as heretofore presented. The changes subsequently made are determined to be a material revision to the information disclosed earlier. This Final Public Report (white paper stock) amends the Preliminary Public

Report (yellow paper stock) of October 15, 1974, and becomes a part of the Waiiau Gardens Kai, Unit G-1, Registration No. 717. The Developer is responsible for placing a true copy of this Final Public Report in the hands of all purchasers and prospective purchasers, along with a copy of the Preliminary Public Report. The purchaser shall sign the required receipt signifying that he has had an opportunity to read both reports.

2. The Developer has submitted to the Commission for examination all documents deemed necessary for the registration of the project and updating information disclosed herein.
3. The Commission has determined that the basic documents (Declaration of Horizontal Property Regime, with By-Laws of Apartment Owners attached, and a copy of the approved Floor Plans) have been filed in the office of the recording officer.

The Declaration and By-Laws dated March 26, 1975 have been recorded in the Bureau of Conveyances of the State of Hawaii in Liber 10731 at Page 125, and has been amended by First Amendment to Declaration dated July 29, 1975, recorded in said Bureau in Liber 10823 at Page 84.

The Bureau of Conveyances has assigned Condominium Map No. 421 to the project.

4. No advertising and promotional matter has been submitted pursuant to the rules and regulations promulgated by the Commission.
5. The purchaser and prospective purchaser are advised to acquaint themselves with the provisions of Chapter 514, Hawaii Revised Statutes (as amended), and the Condominium Rules and Regulations promulgated thereunder which relate to Horizontal Property Regimes.
6. This Final Public Report expires thirteen months from the date of issuance, August 1, 1975, unless a supplementary report is published or the Commission, upon review of the registration, issues an order extending the effective period of this report.

DEVELOPER: The original developer of the project, Lear Siegler Properties, Inc., has sold all of the apartments together with appurtenant interests thereto constituting the whole of the Waiiau Gardens Kai, Unit G-1 condominium project to the Hawaii Housing Authority, a public body and a body corporate and politic of the State of Hawaii whose business and post office address is 1002 North School Street, Honolulu, Hawaii. Individual apartment leases covering each of the 105 apartments in the project have been issued to the Hawaii Housing Authority pursuant to such sale. The Hawaii Housing Authority intends to resell the apartments under Chapter 359-G of the Hawaii Revised Statutes to qualified purchasers and will assign the individual apartment leases to such purchasers.

ATTORNEY REPRESENTING DEVELOPER: Hiram Kamaka, 126 Queen Street, #301, Honolulu, Hawaii, Telephone No. 531-3588.

COMMON ELEMENTS: The section pertaining to Common Elements is hereby amended to reflect that there will be no swimming pool or individual recreation facilities as mentioned in subparagraph (c) and by adding a new subparagraph (f) thereto pursuant to the completion of the park facility on Lot 5 of File Plan 1305 and the incorporation of a non-profit corporation known as Waiiau Gardens Kai Recreation Association as Lessee of said Lot 5 as mentioned in the Preliminary Public Report of October 15, 1974 under the heading "Recreational Facilities". As amended, this section reads as follows:

(a) Said land in fee simple.

(b) All foundations, floor supports, columns, girders, beams, supportors, unfinished perimeter walls and loadbearing walls and roofs of the residential buildings.

(c) All yards, grounds and landscaping, roads, walkways, loading areas, parking areas, driveways, and all refuse facilities.

(d) All ducts, electrical equipment, wiring, pipes 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, water, gas, sewer, telephone and radio and television signal distribution.

(e) Any and all 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.

(f) An easement for park and recreational purposes in common with the owners of apartments in Waiiau Gardens Kai, Unit "A" situate on Lot 3 of File Plan 1305, Waiiau Gardens Kai, Unit "B", situate on Lot 2 of File Plan 1305, Waiiau Gardens Kai, Unit "D", situate on Lot 2 of File Plan 1317, Waiiau Gardens Kai, Unit "E", situate on Lot 1 of File Plan 1317, and all of the owners of apartments in the condominium projects proposed to be developed on Lot 3 of File Plan 1317, Lot 2 of File Plan 1366, and Lot 2 of File Plan 1415, in all recreational areas and facilities developed on Lot 5 of File Plan 1305; subject to and with the benefit of the Declaration of Protective Provisions for said Lot 5 dated December 5, 1974, which was recorded in the Bureau of Conveyances of the State of Hawaii in Liber 10299 at Page 1, and subject also to all reasonable rules and regulations from time to time made by the Trustees and Lessee or their lessee thereof.

ENCUMBRANCES AGAINST TITLE: The Preliminary Report prepared by Security Title Corporation certifies that the records reveal no liens or encumbrances against said title, save and except the following:

1. Condominium Map No. 421, filed in the Bureau of Conveyances of the State of Hawaii on June 26, 1975.
2. The covenants, agreements, obligations, conditions, and other provisions set forth in that certain Declaration of Horizontal Property Regime of "WAI'IAU GARDENS KAI, UNIT G-1", dated March 26, 1975, recorded on June 26, 1975 in the Bureau of Conveyances of the State of Hawaii in Book 10731 Page 125, and the By-Laws attached thereto, to which reference is hereby made.
3. The terms and provisions of Apartment Leases Nos. 23,390-1 through 23,390-105, inclusive, covering Apartment Nos. 1 through 105, inclusive, respectively, dated May 15, 1975, made by and between THE TRUSTEES OF THE ESTATE OF BERNICE PAUAHI BISHOP, "Owners", and CENTRAL-TROUSDALE, a joint venture consisting solely of Central Oahu Land Corporation, a Hawaii corporation, and Lear Siegler Properties, Inc., a Delaware corporation authorized to do business in Hawaii, successor in interest to Trousdale Construction Company, "Tenants", as Lessors, and HAWAII HOUSING AUTHORITY, a public body and a body corporate and politic of the State of Hawaii, as Lessee, for a term commencing on the 1st day of July, 1975 and ending on the 31st day of August, 2030.
4. Any and all easements encumbering the Apartments herein identified and described, and/or the common interest appurtenant thereto, as created by or mentioned in said Declaration, and/or said Apartment Leases, and/or as delineated on said Condominium Map No. 421.
5. "...easements shown on said File Plan 1415, or as hereafter required by Lessors to serve the project, and excepting and reserving from this demise all rights-of-way now or hereafter granted or required by Lessors to construct, install, operate, maintain, repair and replace lines and other transmission facilities and appurtenances for electricity, gas, telephone, water, sewer, drainage, radio and television signal distribution easements according to the respective designations thereof, the right to enter for such purposes, and to trim any trees in the way of such lines and the right to grant to any public utility or governmental authority such easements, rights and rights-of-way.", as reserved in said Apartment Leases herein referred to.

AS TO THE COMMON ELEMENTS ONLY:

6. Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent No. 4475.

7. Existing Easement F, for utility purposes, over and across Lot 1, as delineated on File Plan No. 1415.
8. Existing Easement 2, for utility purposes, over and across Lot 1, as shown on said File Plan No. 1415.
9. Easement 1 (6 feet wide) for sanitary sewer purposes affecting Lot 1, as shown on said File Plan No. 1415.
10. Easement 2 (10 feet wide) for drainage purposes affecting Lot 1, as shown on said File Plan No. 1415.
11. Restrictive Access Rights along Interstate Highway (FAD No. I-HI-1 (40) along Lot 1, as delineated on said File Plan No. 1415.
12. Lis Pendens dated April 14, 1969, recorded on April 14, 1969 in said Bureau of Conveyances in Book 6478 Page 306, made in the matter entitled "STATE OF HAWAII, by its Attorney General, Plaintiff, vs. FRANK ELBERT MIDKIFF, et al, Defendants.", now pending in the Circuit Court of the First Circuit, State of Hawaii, under Civil No. 27687. Affects abutter's rights of access appurtenant to Lot 1 (also affects other property).
13. Amended Lis Pendens dated July 30, 1969, recorded on August 1, 1969, in said Bureau of Conveyances in Book 6623 Page 15, made in the matter entitled "STATE OF HAWAII, by its Attorney General, Plaintiff, vs. FRANK ELBERT MIDKIFF, et al, Defendants.", now pending in the Circuit Court of the First Circuit, State of Hawaii under Civil No. 27687. Affects abutter's rights of access appurtenant to Lot 1 (also affects other property).
14. Grant dated February 28, 1972, recorded on June 28, 1972 in said Bureau of Conveyances in Book 8397 Page 192, in favor of the CITY AND COUNTY OF HONOLULU, a municipal corporation of the State of Hawaii, granting an easement to construct, etc., drainage and sewer structure or structures, as part of a drainage and sewer system, through, under and across Easement 2 affecting Lot 1.
15. Grant dated July 7, 1972, recorded on July 26, 1972 in said Bureau of Conveyances in Book 8462 Page 15, in favor of the City and County of Honolulu, a municipal corporation of the State of Hawaii, and the Board of Water Supply, granting the right, in the nature of an easement, to construct, etc., underground water pipeline or pipelines, etc., over, under, across and through Easement F, affecting Lot 1.
16. Grant dated July 7, 1972, recorded on March 2, 1973 in said Bureau of Conveyances in Book 8973 Page 69, in favor of the CITY AND COUNTY OF HONOLULU, a municipal corporation of the State of Hawaii, granting an easement to construct, etc., underground sewer and drainage pipelines, with manholes and other equipment, as part of a sewer and drainage system, through, under and across Easement F, over and across Lot 1.

FINANCING OF PROJECT: The Hawaii Housing Authority has paid for the completed project in cash and the project is not encumbered by any mortgage.

RESTRICTIONS ON TRANSFER AND USE OF APARTMENTS: The Hawaii Housing Authority ("authority") intends to sell the apartments under Chapter 359-G of the Hawaii Revised Statutes which imposes certain restrictions on the transfer and use of apartments, as it may be amended from time to time, and which reads in part as follows:

"Section 359G-9.1 Restriction on transfer and use of dwelling units. For a period of ten years after the dwelling unit is purchased from the authority, or an agreement of sale is executed, whether on fee simple or leasehold property the following restrictions shall apply to the use and transfer of the unit and the property:

"(1) Any such dwelling unit shall be owner occupied. Violation of this provision is sufficient for the authority, at its option, to repurchase the dwelling unit as provided for in paragraph (2);

"(2) In the event that the purchaser wishes to transfer title to the dwelling unit and the property or the lease, the authority shall have the right of first refusal, at a price which shall not exceed the amount of the original cost to the purchaser together with the cost of any improvements added by the purchaser together with simple interest on all of the purchaser's equity in the property at the rate of seven per cent a year; provided, however, that title to a dwelling unit and the property or lease may pass to a family member by devise or through the laws of descent, who would otherwise qualify under the rules and regulations established by the authority.

"(3) Any deed, lease, agreement of sale, mortgage, or other instrument of conveyance issued by the authority shall expressly contain the restriction on transfer and use of the dwelling unit as prescribed in this section.

"(b) For a period from the tenth year until the twentieth after a dwelling unit is purchased or an agreement of sale is executed, whether on fee simple or leasehold property the following restrictions shall apply to the use and transfer of the unit and the property:

"(1) Any such dwelling unit shall be owner occupied. Violation of this provision is sufficient for the authority, at its option, to repurchase the dwelling unit as provided for in paragraph (2);

"(2) In the event that the purchaser wishes to transfer title to the dwelling unit and the property or the lease, the authority shall have the right to first refusal, at a price which shall not exceed the

greater amount of the original cost to the purchaser together with the cost of any improvements added by the purchaser together with simple interest on all of the purchaser's equity in the property at the rate of seven per cent a year, or the fair market value of the premises less any amount subsidized by the State, as determined by the authority, and less also interest thereon at the same rate as that paid by the purchaser on his mortgage or other security agreement, provided, that title to a dwelling unit and the property or lease may pass to a family member by devise or through the laws of descent, who would otherwise qualify under the rules and regulations established by the authority.

"(3) Any deed, lease, agreement of sale, mortgage or other instrument of conveyance issued by the authority shall expressly contain the restriction on transfer and use of the dwelling unit as prescribed in this section."

PURCHASE MONEY HANDLING: The Developer has submitted a copy of its amended Sales Contract and an executed copy of Escrow Agreement entered into with National Escrow & Title Corporation on April 8, 1975. Upon examination, the amended Sales Contract and the executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes.

It is incumbent upon the purchaser and prospective purchaser that he reads with care the amended Sales Contract and the newly executed Escrow Agreement. The latter agreement establishes how the proceeds from the sale of apartments and all sums received from any source are placed in escrow, as well as the methods of disbursement of said funds.

MANAGING AGENT: The Developer has named AARON M. CHANEY, INC., Davies Pacific Center, 841 Bishop Street, Honolulu, Hawaii, as the initial Managing Agent of the project.

MANAGER'S UNIT: The Developer intends to sell 104 of the 105 units and will convey 1 unit to the Association of Apartment Owners for the use of the resident manager of the project.

STATUS OF PROJECT: The Developer has advised the Commission that the project was completed on May 17, 1975, as shown by Notice of Completion filed with the First Circuit Court of the State of Hawaii on May 28, 1975.

The purchaser or prospective purchaser shall be cognizant of the fact that this report represents information disclosed by the Developer in the required Notice of Intention submitted September 6, 1974 and information subsequently filed as of July 15, 1975.

This FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 717 filed with the Commission on September 6, 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 white in color.

Ah Kan Young

(for) DOUGLAS R. SODETANI, 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

Registration No. 717

August 1, 1975