

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

MAHINUI GARDEN
Kaneohe, Hawaii

REGISTRATION NO. 732

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: November 19, 1974
Expires: December 19, 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 NOVEMBER 1, 1974, AND INFORMATION SUBSEQUENTLY FILED AS OF NOVEMBER 6, 1974. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT AND AMENDMENTS THERETO, CHAPTER 514, HAWAII REVISED STATUTES.

1. MAHINUI GARDEN is a proposed leasehold condominium project consisting of 20 condominium apartments contained in 19 one-story buildings. Each apartment will have its own carport.

2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of a condominium and issuance of this Final Public Report.
3. The basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owners and a copy of the approved floor plan) have been filed in the office of the recording officer.
4. No advertising or promotional matter has 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 514, Hawaii Revised Statutes, and the condominium Rules and Regulations which relate to Horizontal Property Regimes.
6. This Final Public Report automatically expires thirteen months after date of issuance, November 19, 1974, unless a Supplementary Public Report is issued or the Commission, upon review of the registration, issues an order extending the effective period of this report.
7. This Final Public Report is made a part of the registration of Mahinui Garden. The Developer is responsible for placing a true copy of this Final Public Report in the hands of all purchasers and prospective purchasers. Each purchaser shall sign the required receipt signifying that he has had an opportunity to read this report.

NAME OF PROJECT: MAHINUI GARDEN

LOCATION: The 119,000 square feet of fee simple land committed to the Horizontal Property Regime is situate in Kaneohe, Hawaii.

TAX KEY: FIRST DIVISION 4-5-36-23

ZONING: R-5

DEVELOPER: Ela-Flo-May, Inc., a Hawaii corporation, whose principal place of business is 164 North Judd Street, Honolulu, Hawaii 96817. The officers of the corporation are: Samuro Ichinose, President; Albert Y. F. Chun, Vice-President and Florence Y. Ichinose, Secretary-Treasurer.

ATTORNEY REPRESENTING DEVELOPER: Ashford & Wriston (Attention: Galen C. K. Leong), 235 Queen Street, Honolulu, Hawaii. Telephone: 524-4787.

DESCRIPTION: The Declaration of Horizontal Property Regime

reflects that the project is divided as follows:

1. Apartments. Each of the separate buildings shown on the Condominium Map and designated as Units 1 through 8, inclusive, and 11 through 20, inclusive, is designated as an apartment; and, each of the spaces within the perimeter walls, floors and ceilings of the building designated as Unit 9 and 10 on said Condominium Map is designated as an apartment. Each such apartment is designated as a separate estate, there being twenty (20) such estates in said project.

(a) Each apartment is numbered and located as shown on the Condominium Map and contains the number of rooms and approximate gross floor area as indicated in Exhibit "A" attached hereto and made a part hereof.

(b) Each apartment has immediate access to yards, walkways, driveways and roads which connect the apartment to the entrances to the project and public streets.

(c) Except for Apartments 9 and 10, each building shall be deemed to be an apartment. As to Apartments 9 and 10, each apartment shall be deemed to include all of the areas or spaces enclosed by the walls, floors and ceilings surrounding the apartment, all the walls and partitions which are not load-bearing within the perimeter walls of the apartment, all perimeter walls, floors and ceilings of the apartment and all doors, window frames, and windows. An apartment shall include all fixtures and appliances originally installed therein but shall not be deemed to include the pipes, wires, conduits or other public utility lines running through the apartment which are utilized for or serve more than one apartment.

COMMON ELEMENTS: The Declaration reflects that the remaining portions of the project are designated as and called the "common elements", including specifically but not limited to: the land described above; the driveways shown on said Condominium Map; central facilities and appurtenant installations for utility and other common services such as power, light, gas and water; 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 Declaration reflects that portions of the common elements are set aside and allocated as "limited common elements" for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto exclusive

easements for the use of such limited common elements and shall be charged with the expenses relating thereto as follows:

1. Each "lot", the perimeter of which is delineated on the Condominium Map and within which each apartment is contained, each lot bearing the same number assigned to the apartment contained within such lot, is hereby designated a limited common element appurtenant to and for the exclusive use of the respective apartment contained within such lot; provided, however, that the areas within Lots 1 through 6, inclusive, which are colored blue on the Condominium Map and which are roadways and driveways serving said Lots 1 through 6, shall be subject to easements for ingress and egress in favor of the lots requiring the same, and the areas within Lots 7 through 15, inclusive, which are colored blue on the Condominium Map and which are roadways and driveways serving said Lots 7 through 15, inclusive, shall be subject to easements for ingress and egress in favor of the lots requiring the same.

2. As to Apartments 9 and 10, those parts of the building (within which Apartments 9 and 10 are contained) which are not included within either Apartments 9 and 10 shall be limited common elements appurtenant to and for the exclusive use of said apartments.

INTEREST TO BE CONVEYED TO PURCHASER: Each apartment shall have appurtenant thereto an undivided percentage interest in all common elements of the project (herein called the "common interest"), and the same proportionate share in the common expenses of the project and for all other purposes as shown on said Exhibit "A" attached hereto.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The apartments shall be occupied and used only for residential purposes, except that the owners of the respective apartments shall have the absolute right to rent such apartments, subject to all provisions of the Declaration.

OWNERSHIP TO TITLE: The owner of the fee simple title to the lands is the Developer, Ela-Flo-May, Inc. The Preliminary Report dated October 10, 1974 furnished by Long & Melone, Ltd. confirms that title is vested as described herein.

ENCUMBRANCES AGAINST TITLE:

1. Real property taxes now a lien but not yet due and payable.
2. Mortgage dated December 15, 1972, recorded in said

Bureau in Liber 8811, at Page 114.

3. General Plan setback line along Kamehameha Highway.
4. Grant of Easement dated July 8, 1974, in favor of the City and County of Honolulu, recorded in said Bureau in Liber 10181, at Page 466.
5. Declaration of Horizontal Property Regime of Mahinui Garden, dated October 25, 1974, filed in Liber 10220, at Page 375, together with the By-Laws of the Association of Apartment Owners of Mahinui Garden. Plans filed as Condominium Map No. 385.

PURCHASE MONEY HANDLING: A copy of the Escrow Agreement dated October 30, 1974, by and between Hawaiian Trust Company, Limited, a Hawaii corporation, as Escrow, and Ela-Flo-May, Inc., as Seller, has been submitted to the Commission as part of this registration. On examination the Escrow Agreement and Sales Contract are found to be in compliance with Chapter 514, Hawaii Revised Statutes. The provisions of the Sales Contract should be carefully read by the purchasers. The specimen document filed as a part of the registration recites the conditions under which the purchaser acknowledges receipt of the Public Report.

Among other provisions the Escrow Agreement provides that a Purchaser shall be entitled to a refund of his funds, and Escrow shall pay said funds to said Purchaser, without interest and without any escrow fee for cancellation, if Purchaser shall in writing request refund of his funds and Seller has requested Escrow in writing to return to Purchaser the funds of such Purchaser then held hereunder by Escrow.

It is incumbent upon the Purchaser that he read with care the Sales Contract and Escrow Agreement. The Escrow Agreement establishes how the proceeds and the sale of the apartments and all sums of any source are placed in trust as well as the retention, disbursement and refund of said trust fund.

MANAGEMENT AND OPERATION: The Declaration of Horizontal Property Regime provides that the operation of the project shall be conducted for the Association of Apartment Owners by a responsible corporate Managing Agent. The initial Managing Agent will be Benhersam, Inc., a Hawaii corporation, whose principal place of business and post office address is 164 North Judd Street, Honolulu, Hawaii.

STATUS OF THE PROJECT: The project is comprised of 19 existing one-story buildings. The Developer has obtained repair permits for repairs to each one of said buildings and repairs to the majority of the buildings have been completed. All repairs to an apartment will be completed before the apartment is sold.

Purchaser should note that the apartment is a nonconforming structure as defined under Section 21-110, Revised Ordinances. The term nonconforming structure is defined as "any structure which was previously lawful but which does not comply with the bulk, yard, setback or height regulations of the district in which it is located, either on the effective date of this Chapter [Chapter 21, Revised Ordinances] or as a result of any subsequent amendment thereto."

The purchaser or prospective purchaser shall be cognizant of the fact that this published report represents information disclosed by the Developer in the required Notice of Intention submitted November 1, 1974, and information subsequently filed as of November 6, 1974.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM PUBLIC REPORT) is made a part of REGISTRATION NO. 732 filed with the Commission on November 1, 1974.

The report, when reproduced, shall be a true copy of the Commission's public report. The paper stock must be white in color.


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

Distribution:
Department of Taxation
Bureau of Conveyances
Planning Department, City & County of Honolulu
Federal Housing Administration
Escrow Agent

Registration No. 732
November 19, 1974

EXHIBIT "A"

<u>Apartment and Lot No.</u>	<u>Mailing Address</u>	<u>Number of Bedrooms</u>	<u>Number of Rooms</u>	<u>Approximate Floor Area</u>	<u>Approximate Lot Area</u>	<u>Percentage Interest</u>
1	45-422 Kamehameha Highway	3	8	1312	10776	5.0
2	45-422A Kamehameha Highway	3	7	819	6641	5.0
3	45-422B Kamehameha Highway	3	7	1027	5653	5.0
4	45-422C Kamehameha Highway	3	7	960	7556	5.0
5	45-422D Kamehameha Highway	3	7	800	6816	5.0
6	45-422E Kamehameha Highway	3	7	832	4183	5.0
7	45-510E Mahinui Road	3	7	1080	6630	5.0
8	45-510F Mahinui Road	3	7	991	5874	5.0
9	45-510G Mahinui Road	1	3	510	4000	5.0
10	45-510H Mahinui Road	1	4	764	4203	5.0
11	45-510I Mahinui Road	3	7	1024	3588	5.0
12	45-510A Mahinui Road	3	7	833	4118	5.0
13	45-510B Mahinui Road	3	7	986	5982	5.0
14	45-510C Mahinui Road	3	9	996	5594	5.0
15	45-510D Mahinui Road	3	7	1007	5930	5.0
16	45-518 Mahinui Road	3	8	1200	4896	5.0
17	45-522 Mahinui Road	3	8	1056	4978	5.0
18	45-524 Mahinui Road	3	7	990	4646	5.0
19	45-526 Mahinui Road	3	7	972	5130	5.0
20	45-530 Mahinui Road	3	7	957	5346	5.0
	Parking Area				6460	