

# 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  
CHATEAU NEWTOWN I  
Kilinoe Street  
Waimalu, Ewa, Oahu, Hawaii  
Registration No. 756

### 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: March 7, 1975  
Expires: April 7, 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 FEBRUARY 21, 1975 AND INFORMATION SUBSEQUENTLY FILED AS OF MARCH 3, 1975. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES LAW, CHAPTER 514, HAWAII REVISED STATUTES.

1. Chateau Newtown I is a condominium project consisting of nine (9) multi-family structures consisting of seventy-four (74) units. The Developer intends to sell the apartment units together with an undivided interest in the common elements of the project, including the land, in fee. There are 98 assigned uncovered parking spaces in the project. Each unit will have appurtenant to it at least one parking stall.

2. This Preliminary Public Report is made a part of the registration on Chateau Newtown I condominium project. The Developer is responsible for placing this Preliminary Public Report (yellow paper stock) in the hands of all purchasers and prospective purchasers and for securing a signed copy of the Receipt for Horizontal Property Regime Public Report from each purchaser and prospective purchaser.

3. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of the condominium project and the issuance of this Preliminary Public Report.

The Developer reports that the basic documents (Declaration of Horizontal Property Regime, with By-Laws of the Association of Apartment Owners attached, and a copy of the approved Floor Plans) have not as yet been filed in the office of the recording officer.

4. Advertising and promotional matter has not as yet 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 Preliminary Public Report automatically expires thirteen (13) months after the date of issuance, March 7, 1975 unless a Supplementary Public Report is issued or the Commission, upon the review of the registration, issues an order extending an effective period of this report.

NAME OF PROJECT: CHATEAU NEWTOWN I

LOCATION: The approximately 163,846 square feet of land, together with a remnant parcel of approximately 49,651 square feet committed to the regime.

TAX KEY: 9-8-02: Por. 9

ZONING: A-1 (Apartment)

DEVELOPER: Venture Fifteen, Inc. a Hawaii corporation whose principal place of business is 2024 North King Street, Honolulu, Hawaii, and whose telephone number is 847-4241. The officers of the corporation are:

SHIGERU HORITA - President

HERBERT K. HORITA - Vice President

MASAKAZU HORITA - Treasurer

KAZUAKI TANAKA - Assistant Treasurer

IWAO KISHIMOTO - Secretary

KINJI KANAZAWA - Assistant Secretary

ATTORNEY REPRESENTING DEVELOPER: KASHIWA & KANAZAWA (Attention: WILFRED K. IWAI), Suite 302 Town Tower at Harbor Square, 225 Queen Street, Honolulu, Hawaii 96813, Telephone: 521-4943.

DESCRIPTION: The proposed project consists of two parcels of land totalling 213,497 square feet situated at Waimalu, Ewa, Oahu, Hawaii, with improvements to be constructed thereon consisting of nine (9) multi-family structures, together with parking facilities. Said structures are constructed principally of wood.

There will be three types of apartment spaces which have been designated, for classification purposes only, as Models "A", "B" and "C". The floor area and number of rooms contained in each of said models are as follows:

Model "A": A two-story apartment unit with an area of 1193.93 square feet, more or less (including lanai and storage area), containing three bedrooms and two baths (one bedroom and one bath is located on the first floor while the other two bedrooms and bath are located on the second floor), a kitchen/utility room combination and a living/dining room combination.

Model "B": A two-story apartment unit with an area of 1263.23 square feet, more or less (including lanai and storage area) containing three bedrooms and two baths (two bedrooms and one bath are located on the first floor while the other bedroom and bath is located on the second floor), a kitchen/utility room combination and a living/dining room combination.

Model "2": A one-story apartment unit with an area of 1012.99 square feet, more or less (including lanai and storage area), containing two bedrooms, 1 1/2 baths, kitchen/utility room combination and a living/dining room combination.

There will be four (4) types of buildings which have been designated, for classification purposes only, as Types I, II, III, and V and are briefly described hereinbelow. (All references to a unit's position in the building are made starting from the left, facing the front of the building. Any arrangement wherein a Model 2 unit is located on the ground floor and a Model A or B unit is situated above it "piggyback" fashion so that the materials used in forming the ceiling of the ground-floor 2 unit also forms the floor of the A or B unit above it, shall be referred to hereinafter as a "2A" or "2B component").

The use of the letter "R" as a suffix after a building type designation indicates that the sequence in which apartment units in such building are arranged are the reverse of the typical sequence for such building types.

- Type I: A structure with three different floor elevations and composed of five apartment units with three Model "A" units and two Model "2" units. The apartment units are arranged in the following sequence: A, 2A component and 2A component. There is one "Type I" building in the project (Building 1).
- Type II: A structure with three different floor elevations and composed of six apartment units with four Model "A" units and two Model "2" units. The apartment units are arranged in the following sequence: A, 2A component, 2A component, and A. There are three "Type II" buildings in the project (Buildings 4, 5 and 7).
- Type III: A structure with three different floor elevations and composed of nine apartment units with three Model "A", two Model "B" units and four Model "2" units. The apartment units are arranged in the following sequence: 2B component, 2B component, 2A component, 2A component and A. There are three "Type III" buildings in the project (Buildings 2, 6, and 9).
- Type V: A structure with three different floor elevations and composed of twelve apartment units with three Model "A" units, three Model "B" units and six Model "2" units. The apartment units are arranged in the following sequence: 2B component, 2A component, 2A component, 2B component, 2B component and 2A component. There are two "Type V" buildings in the project (Building 3 and 8).

The apartment number of each apartment space, its location and model is shown on Exhibit "A" attached hereto and made a part hereof by reference, and on the plans of the project to be filed with the Assistant Registrar of the Land Court of the State of Hawaii.

Each of the apartments shall have immediate access to either the surrounding grounds or a stairway leading directly to the surrounding grounds, both of which are common elements.

COMMON ELEMENTS: A freehold estate consisting of all remaining portions of the project being described and referred to in the Declaration as "Common Elements" which definition includes, but is not limited to: (a) the land in fee simple; (b) all foundations, columns, girders, beams, supports, perimeter walls, the enclosed space between party walls, load-bearing walls, roofs, walkways, boardwalks, ducts, pumps, pipes, wires, conduits, and generally all equipment, apparatus, installations and personal property existing for common use in the buildings or located on the land; (c) all roads and other common ways, landscaping, yards, tot lots, recreational facilities, fences, refuse collection areas, mail box areas and loading zones situate on the land and existing for common use; (d) community facilities and all utility installations; (e) all portions of the building not deemed to be included as an apartment space.

COMMON EXPENSES: Each family unit owner shall be liable for and pay a proportionate share of the common expenses.

LIMITED COMMON ELEMENTS: Portions of the common elements are hereby set aside and designated as "limited common elements". Each apartment space will have as an appurtenance thereto, where applicable: assigned uncovered parking space or spaces bearing the same designation as the apartment space; storage areas; entry lanais and the fences, if any, enclosing or separating such entry lanais; all for the exclusive use of such apartment space.

In the case of units which share a common entry lanai, such entry lanai will be a limited common element of the two units to which it is appurtenant and its use and maintenance shall be governed as set forth in the Covenants of Family Unit Owners.

The parking spaces are shown on the plot plan of the project to be filed with the Assistant Registrar of the Land Court of the State of Hawaii.

Except for the items hereinabove set forth as an appurtenance to the restrictive apartment spaces, there are no other restricted or limited common elements.

The ownership of each apartment space shall include the respective undivided interest in the common elements, and each apartment space, together with an undivided interest in the common elements, is defined and hereinafter referred to as "family unit".

INTEREST TO BE CONVEYED PURCHASER: Each unit shall have appurtenant thereto an undivided 0.0135+ percentage interest (1/74th fractional interest) called the "common interest", in the common elements for all purposes, including voting.

PURPOSE AND USE OF THE APARTMENT SPACES. The purpose for which the apartment spaces are intended and restricted as to use is residential; provided, that this shall not be construed to prohibit the renting or leasing of said apartment spaces for profit, individually or otherwise, so long as the ultimate tenant thereof uses the apartment space as a place in which to reside as distinguished from a place in which to carry on a trade or business; provided further, that no apartment space shall be rented by the owner or owners thereof for transient or hotel purposes.

OWNERSHIP TO TITLE: Land Court Letters dated February 10, 1975 and February 13, 1975, prepared by Long & Melone, Ltd., and submitted to the Commission state that present fee simple ownership of the two parcels of land committed to the project is vested in Shigeru Horita and Iwao Kishimoto, Authorized General Partners as joint tenants for, on behalf of and in the name of Oceanview Ventures, a Limited Partnership.

Oceanview Ventures entered into that certain unrecorded Agreement of Sale with Venture Six, a Hawaii Limited Partnership, dated August 31, 1972, wherein and whereby Oceanview Ventures sold all of its right title and interest in and to the land committed to this horizontal property regime to Venture Six, a Hawaii Limited Partnership.

Venture Fifteen, Inc., a Hawaii corporation, acquired title to the aforesaid land in and by that certain unrecorded Assignment of Agreement of Sale dated February 12, 1973, from Shigeru Horita, husband of Mitsue Horita, and Iwao Kishimoto, husband of Yaeko Kishimoto, joint tenants as Trustees in the Dissolution of Venture Six, a Limited Partnership, to Venture Fifteen, Inc., a Hawaii corporation.

ENCUMBRANCES AGAINST TITLE: The Land Court Letters also report that title to the land is subject to the following encumbrances:

Parcel One: (Lot 597-A)

1. Easement 101 (10 feet wide) area 100 square feet, for drainage purposes, as shown on Map 31 of Land Court Application No. 950 (amended).

Parcel Two: (Lot 593-B)

1. An easement upon, over and across Waimalu Valley Road within said Lot, as shown on Maps 1 and 8 of Land Court Application No. 950 (amended), said easement being 16 feet wide commencing at Exclusion 11 (the main government road) and running to the Westerly boundary of Exclusion No. 5, and thereafter 10 feet wide commencing at the Easterly boundary of said Exclusion No. 5, and running thence mauka as shown on said maps.

2. Easement M (56 feet wide), for roadway purposes, as shown on Map 31 of Land Court Application No. 950 (amended).

3. Easement 100 (10 feet wide), for drainage purposes, as shown on Map No. 31 of Land Court Application No. 950 (amended).

4. Easement 115 (10 feet wide), for drainage purposes, as shown on Map No. 31 of Land Court Application No. 950 (amended).

5. Easement 39 for slope purposes, as shown on Map No. 24 of Land Court Application No. 950 (amended).

6. Reservations in Deeds dated November 24, 1970, November 17, 1970, November 24, 1970, November 18, 1970 and December 1, 1970, filed as Land Court Documents Nos. 520690, 520691, 520692, 520693, 520694, respectively.

7. Lease of Right-of-Way in favor of Hawaiian Electric Company, Inc., and Hawaiian Telephone Company, dated March 9, 1956, filed as Land Court Document No. 190860, for utility purposes, expiring December 31, 1965 and thereafter from year to year until terminated.

8. Lis Pendens dated November 18, 1968, filed in the Circuit Court, First Circuit, with Civil No. 26609 and also filed as Land Court Document No. 459085, and amended by Document No. 465058, in favor of the State of Hawaii. Suit to condemn abutters rights of access and temporary easement being portion of Easement 23 for construction purposes.

As to both parcels:

1. Master Declaration of Covenants, Conditions and Restrictions for the Newtown Estates, dated May 26, 1972, filed as Land Court Document No. 582929.

2. Real property taxes for fiscal year 1974-1975 which may be due and owing. First installment, due November 20, 1974 has been paid.

PURCHASE MONEY HANDLING: An Escrow Agreement dated February 6, 1975 has been executed and a copy of same has been filed with the Commission. The Escrow Agent is Developers Escrow Services, Inc., a Hawaii corporation. Upon examination the Specimen Sales Contract and the executed Escrow Agreement are found to be in consonance with Chapter 514-15(6), Hawaii Revised Statutes, and particularly Section 514-15(6) and 514-36 through 514-40.

It is incumbent upon the purchaser and prospective purchaser that he reads with care the Sales Contract and the executed Escrow Agreement. The latter Agreement established how the proceeds from the sale of condominium units are placed in trust, as well as the retention and disbursement of said funds.

MANAGEMENT AND OPERATIONS: Operation and administration of the project shall be conducted for the Association by a responsible Managing Agent who shall be appointed by the Association in accordance with the By-Laws. The Managing Agent is hereby authorized to receive service of legal process in all cases provided in the Horizontal Property Act. The initial Managing Agent shall be Herbert K. Horita Realty, Inc. dba Island Management and Leasing Service, 2024 N. King Street, Honolulu, Hawaii. A specimen Management Contract with Island Management and Leasing Service has been submitted.

STATUS OF PROJECT: The Developer reports that construction of the project has not yet commenced. Completion of the project is estimated to be November 1975.

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The purchaser or prospective purchaser should be cognizant of the fact that this report represents information disclosed by the Developer in the required Notice of Intention submitted February 21, 1975, and information subsequently filed as of March 3, 1975.

This PRELIMINARY HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 756 filed with the Commission on February 21, 1975.

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.

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

Distribution:

DEPARTMENT OF TAXATION  
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PLANNING COMMISSION, CITY AND COUNTY OF HONOLULU  
FEDERAL HOUSING ADMINISTRATION  
ESCROW AGENT

REGISTRATION NO. 756

March 7, 1975

EXHIBIT "A"

<u>BUILDING NO.</u>	<u>BUILDING TYPE</u>	<u>APARTMENT NO.</u>	<u>MODEL NO.</u>
1	I	101A 103.102A 105.104A	A 2A 2A
2	III	209.208B 207.206B 205.204A 203.202A 201A	2B 2B 2A 2A A
3	V	301.302B 303.304A 305.306A 307.308B 309.310B 311.312A	2B 2A 2A 2B 2B 2A
4	II	407A 405.404A 403.402A 401A	A 2A 2A A
5	II	507A 505.504A 503.502A 501A	A 2A 2A A
6	IIIR	601A 603.602A 605.604A 607.606B 609.608B	A 2A 2A 2B 2B
7	II	701A 703.702A 705.704A 707A	A 2A 2A A
8	V	801.802B 803.804A 805.806A 807.808B 809.810B 811.812A	2B 2A 2A 2B 2B 2A
9	IIIR	901A 903.902A 905.904A 907.906B 909.908B	A 2A 2A 2B 2B