

# 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  
WAIAMU GARDENS KAI, UNIT G-II  
Noelani Street  
Waiau, Ewa, Oahu, Hawaii

REGISTRATION NO. 770

### 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 7, 1975  
Expires: September 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:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED APRIL 29, 1975 AND INFORMATION SUBSEQUENTLY FILED AS OF AUGUST 4, 1975. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL AND SUBMITTING INFORMATION OF MATERIAL CHANGES IN THE PROJECT, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES LAW, CHAPTER 514, HAWAII REVISED STATUTES, AS AMENDED.

1. This Final Public Report (white paper stock) amends the Preliminary Public Report (yellow paper stock), becoming a part of Waiau Gardens Kai, Unit G-II registration. 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 buyer shall sign the required receipt signifying that he has had an opportunity to read both reports.

2. The Commission has determined that the basic documents (Declaration of Horizontal Property Regime, with By-Laws of Association 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 April 24, 1975 have been recorded in the Bureau of Conveyances of the State of Hawaii in Liber 10648 at Page 274.

The Bureau of Conveyances has assigned Condominium Map No. 411 to the project.

3. No advertising and promotional matter has been filed pursuant to the rules and regulations promulgated by the Commission.
4. The purchaser and prospective purchaser is advised to acquaint himself with the provisions of Chapter 514, Hawaii Revised Statutes, as amended, and the rules and regulations promulgated thereunder which relate to the Horizontal Property Act.
5. This public report automatically expires thirteen months after the issuance, August 7, 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.

The information in the topical headings of the Preliminary Public Report of May 9, 1975 with the exception of ENCUMBRANCES AGAINST TITLE has not been disturbed.

NAME OF PROJECT: WAI'AU GARDENS KAI, UNIT G-II

ENCUMBRANCES AGAINST TITLE: The Developer has filed an updated Preliminary Report dated June 16, 1975, issued by Security Title Corporation. Said report states that the land submitted to the Horizontal Property Regime is encumbered by the following:

1. Real property taxes that may be due and owing.
2. Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent No. 4475.
3. Restrictive Access Rights along Interstate Highway (FAP No. I-h1-1 (40)) along Lot 2, as delineated on File Plan 1415.
4. The terms and provisions of that certain Lease dated March 26, 1975, between THE TRUSTEES OF THE ESTATE OF BERNICE PAU'AHII BISHOP, as Lessors, and CENTRAL OAHU LAND CORPORATION, a Hawaii corporation, and LEAR SIEGLER PROPERTIES, INC., a Delaware corporation authorized to do business in Hawaii, which corporations are associated in a joint venture known as CENTRAL-TROUSDALE, as Lessee, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 10550 at Page 130.

5. The terms and provisions of that certain unrecorded Development Agreement dated August 29, 1960, made between the TRUSTEES OF THE ESTATE OF BERNICE PAUANI BISHOP and AMERICAN FACTORS LIMITED (now AMFAC, INC.), as amended by unrecorded Agreements dated November 23, 1960, March 14, 1963, June 23, 1964 and September 5, 1967; said Development Agreement having been assigned to Waiahole Water Company, Limited, by mesne assignment dated December 27, 1967, recorded in Liber 5915 at Page 395 (as to an undivided one-half interest) and to Lear Siegler Properties, Inc., by mesne assignment dated December 30, 1969, recorded in Liber 6976 at Page 334 (as to an undivided one-half interest). (Note: By Certificate of Merger dated December 21, 1972, recorded in Liber 8220 at Page 356, Waiahole Water Company, Limited merged with and into Lear Siegler Properties, Inc.)

Said Development Agreement is encumbered by the following:

a. Mortgage dated December 27, 1967, recorded in Liber 5916 at Page 20, made by TROUSDALE CONSTRUCTION COMPANY, as Mortgagor, to BANK OF HAWAII, as Mortgagee.

b. Undated Financing Statement recorded on December 28, 1967, in Liber 5916 at Page 44, made by TROUSDALE CONSTRUCTION COMPANY, as Debtor, and BANK OF HAWAII, as secured party.

c. Additional Charge Mortgage and Financing Statement dated January 30, 1967, recorded on February 4, 1969, in Liber 6397 at Page 94, made by TROUSDALE CONSTRUCTION COMPANY, as Mortgagor, and BANK OF HAWAII, as Mortgagee.

d. Second Additional Charge Mortgage and Financing Statement dated July 20, 1970, recorded in Liber 7515 at Page 36, made by LEAR SIEGLER PROPERTIES, INC., as Mortgagor, and BANK OF HAWAII, as Mortgagee.

e. Mortgage and Financing Statement dated March 11, 1971, recorded in Liber 7515 at Page 49, made by WAIHOLE WATER COMPANY, LIMITED, as Mortgagor, and BANK OF HAWAII, as Mortgagee.

6. Lis Pendens dated April 14, 1969, recorded in Liber 6478 at 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 2 (also affects other property).

Amended Lis Pendens dated July 30, 1969, recorded in Liber 6623 at Page 15, now pending in the Circuit Court of the First Circuit, State of Hawaii, under the aforesaid Civil No. 27687.

7. Condominium Map No. 411 filed in said Bureau of Conveyances on May 16, 1975.

8. The covenants, agreements, obligations and other provisions as contained in that certain Declaration of Horizontal Property Regime of Waiiau Gardens Kai, Unit G-II, dated April 24, 1975, recorded in Liber 10648 at Page 274, and the By-Laws attached thereto, to which reference is hereby made.

9. Grant dated February 28, 1972, recorded in Liber 8397 at Page 192, in favor of the CITY AND COUNTY OF HONOLULU, a municipal corporation of the State of Hawaii, granting forever, an easement to construct, etc., a drainage and sewer structure, etc., as part of a drainage sewer system, through, under and across a portion of the land herein described (also affects other property).

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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 April 29, 1975 and information subsequently filed as of August 4, 1975.

This FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 770 filed with the Commission on April 29, 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 white in color.

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

Distribution:

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

Registration No. 770

August 7, 1975