

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

WAIKALANI WOODLANDS
(Buildings "A" and "B")
Waipio, Ewa
Honolulu, Hawaii

REGISTRATION NO. 811

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: October 23, 1975
Expires: November 23, 1976

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 SEPTEMBER 29, 1975, AND INFORMATION SUBSEQUENTLY FILED AS OF OCTOBER 3, 1975. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514, HAWAII REVISED STATUTES.

1. This Preliminary Public Report is made a part of the registration of the Waikalani Woodlands Condominium Project.

WAIKALANI WOODLANDS is a fee simple condominium project subject to development in up to four (4) phases. Phase I (Buildings "C" and "D") has been completed and is the subject of the Final Public Report attached hereto as Exhibit "A" and incorporated herein by reference. Phase II (Buildings "A" and "B") is the subject of the present Report. Upon the filing of the Amendment to the Declaration for Phase II, Phase I and Phase II shall comprise a single condominium project. This Preliminary Public Report should therefore be read in conjunction with the Final Public Report contained in Exhibit "A".

Phase II contains a total of one hundred forty-four (144) apartments consisting of ninety-six (96) 2-bedroom apartments and forty-eight (48) 3-bedroom apartments. There will be two parking structures (Numbers "1" and "2") containing one hundred seventy-five (175) and one hundred four (104) parking stalls, respectively.

2. The Developer is responsible for placing this Preliminary Public Report (yellow paper stock) in the hands of all purchasers and prospective purchasers and for obtaining a signed copy of the receipt for said Report from each such purchaser and prospective purchaser. The Developer of the proposed 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 basic documents (Declaration of Horizontal Property Regime, By-Laws of the Association of Apartment Owners, and a copy of the approved floor plans) for the Phase I of the project have been filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii. The Declaration of Horizontal Property Regime executed on August 12, 1975, with the By-Laws attached ("Declaration"), was filed on August 19, 1975, in said Office of the Assistant Registrar as Document No. 731956. The proposed Amendment to Declaration Submitting Property to Horizontal Property Regime ("Proposed Amendment") adding Phase II to the project has not been filed as of this date.

4. Advertising material 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 Regime.
6. This Preliminary Public Report expires thirteen (13) months from the date of issuance October 23, 1975, unless a Supplementary Public Report is published or the Commission, upon review of the registration, issues an order extending the effective period of this Preliminary Public Report.

NAME OF PROJECT: "WAIKALANI WOODLANDS (Buildings "A" and "B")"

LOCATION: The parcel to be committed to the regime, as a fee simple condominium project, is situated at Waipio and Waikakalua, District of Ewa, City and County of Honolulu, State of Hawaii, and described as Lots 5809-A and 5809-B, containing areas of 11.570 and 2.330 acres, respectively, as shown on Map 426 of Land Court Application 1000.

TAX MAP KEY: FIRST DIVISION a portion of 9-5-13-1.

ZONING: Planned Development-Housing District No. R-27

This project is a part of an overall Planned Development-Housing (PD-H) project enacted by the City and County of Honolulu by Ordinance 4275, approved February 19, 1974. The PD-H Ordinance anticipates the construction of as many as five hundred seventy-six (576) residential apartments. Unless and until they are repealed or otherwise superseded or amended, the provisions of said Ordinance shall constitute covenants running with the land which shall be binding upon all who may own or occupy any interest in the project; provided, however, that if any such provision is repealed or otherwise superseded, it shall automatically cease to operate as a covenant running with the land; and, provided further, that if any such provision is amended, it shall thereafter operate as a covenant running with the land in its amended form.

DEVELOPER: HEADRICK DEVELOPMENT, INC., a Hawaii corporation, whose mailing address is 2678 Kilihau Street, Honolulu, Hawaii 96819

The officers of Headrick Development, Inc. are as follows:

R. GEORGE HEADRICK - President
HAROLD B. HEADRICK - Executive Vice President
THOMAS TERANISHI - Vice-President
FLORENCE T. HIGA - Secretary

ATTORNEY REPRESENTING DEVELOPER: Ikazaki, Devens, Lo, Youth & Nakano (Attention: Christopher N. Visher), 1412 Amfac Building, 700 Bishop Street, Honolulu, Hawaii 96813; Telephone No. 521-1456.

DESCRIPTION: The Proposed Amendment to the Declaration filed in the Land Court aforesaid, reflects that the Phase hereby submitted is to consist of the fee simple land identified as Lots 5809-A and 5809-B, as shown on Map 426, Land Court Application 1000; two (2) 12-story buildings, designated as Buildings "A" and "B", containing a total of one hundred forty-four (144) apartments and constructed basically of concrete, wood, steel, glass and allied building materials; two (2) parking structures, identified by the Numbers "1" and "2", containing, respectively, one hundred seventy-five (175) and one hundred four (104) parking stalls; and a recreation area containing a swimming pool, cabana and parking stalls. Each apartment shall have appurtenant thereto, for exclusive use of such apartment two (2) numbered parking stalls. In addition to the parking available in the parking structures, there will also be some thirty-four (34) outside on-grade stalls in this Phase.

Building "A" will contain ninety-six (96) apartments, eight (8) apartments on each of the twelve (12) floors, of which forty-eight (48) will be 2-bedroom apartments and forty-eight (48) will be 3-bedroom apartments. Building "B" will contain forty-eight (48) apartments, four (4) apartments on each of the twelve (12) floors, all of which will contain 2-bedroom apartments. Building "A" will contain two (2) elevators and Building "B" will contain one (1) elevator. Each building will have three (3) stairways.

In total, there will be ninety-six (96) 2-bedroom apartments and forty-eight (48) 3-bedroom apartments in this Phase.

The 2-bedroom apartments will be similar in layout and in size, each containing 5 rooms with connecting hall and an exclusive lanai. Each apartment will include a complete bathroom with tub-shower combination; 2 bedrooms with closets; a kitchen with appliances, including a refrigerator and a range with oven and a hood ventilator; and a living room, which will be the largest room in the apartment. Each apartment will contain 889.96 square feet, more or less, including a lanai of 96.64 square feet, more or less, measuring from the inside surface of the perimeter walls and the exterior edge of the lanai. Included in each apartment's sale price will be wall to wall carpeting in all rooms, including the kitchen and bathroom.

The 3-bedroom apartments will be similar in layout and in size, each containing 7 rooms with connecting hall and an exclusive lanai. Each apartment will include 2 complete bathrooms with tub-shower combinations; 2 bedrooms with

closets and 1 bedroom with walk-in closet; a kitchen with the same appliances included in the 2-bedroom apartments; and a living room which will be the largest room in the apartment. Each apartment will contain 1,119.95 square feet, more or less, including a lanai of 96.64 square feet, more or less, measuring from the inside surface of the perimeter walls and the exterior edges of the lanai. Included in the apartment's sale price will be wall to wall carpeting in all rooms including the kitchen and bathrooms.

Each apartment shall include the space and improvements within its perimeter walls, floors and ceilings, including all interior walls and partitions which are not load-bearing within its perimeter walls, the inner decorated or finished surface of all walls, floors and ceilings, all doors, window glass and screens, all fixtures and all appliances originally installed as fixtures therein.

The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or interior load-bearing walls, the floors and ceilings surrounding each apartment or any pipes, wires, conduits, ducts, or other utility lines running through such apartment, the same being deemed common elements as hereinafter provided.

Each apartment will have immediate access to the balconies on each floor leading to the elevators and/or stairways or directly to the grounds, if on ground level.

COMMON ELEMENTS: The common elements will include the limited common elements hereinafter described, and all other portions of the land and improvements other than the apartments, including the buildings, the land on which they are located, and all elements mentioned in the Horizontal Property Act which are actually constructed on the land herein described, and specifically shall include, but shall not be limited to:

- (1) Said land in fee simple.
- (2) All foundations, floor slabs, columns, girders, beams, supports, load-bearing walls, interior walls separating adjacent apartments in the same building, fences and roofs of the buildings.
- (3) All yards, grounds, landscaping, mail boxes and refuse facilities.
- (4) All building walkways, building sidewalks, pathways, parking areas, driveways, private roads and pedestrian and automobile bridges.
- (5) All ducts, electrical equipment, wiring and other central and appurtenant installations, including

power, light, water, sewer, gas and telephone; all pipes, wires, conduits or other utility or service lines, including television cables, which run through an apartment but which are utilized by or serve more than one apartment; and elevators, if installed.

- (6) All non-public recreational and managerial facilities.
- (7) All articles of personal property acquired for common use in the operation or maintenance of said buildings or common elements.
- (8) Any parking stall not specifically reserved for the use of an apartment.

LIMITED COMMON ELEMENTS: The Proposed Amendment reflects that each apartment shall have exclusive use of two (2) parking stalls, the numbers assigned to it as shown on Exhibit "C" to the Declaration, as amended by the Proposed Amendment.

INTEREST TO BE CONVEYED PURCHASER: The Proposed Amendment states that the undivided interest in the common elements appertaining to each apartment will vary in accordance with the following schedule, depending on whether additional phases are added to the project:

<u>Type of Apartment</u>	Phases I & II (Buildings "A" through "D") % Interest, Each Apartment	If Phases I, II & III (Buildings "A" through "F") % Interest, Each Apartment	If Phases I, II, III & IV (Buildings "A" through "H") % Interest, Each Apartment
Apartment A-202 (2-bedroom)	.3230	.2031	.1647
Remaining 2- bedroom apart- ments	.3166	.2111	.1583
All 3-bedroom apartments	.4084	.2723	.2042

Each apartment's share of the common expense or profits and all other purposes including voting rights shall be in proportion to its undivided interest in the common elements.

PHASE DEVELOPMENT: The land hereby submitted to the Horizontal Property Regime is a part of Planned Development Housing District R-27. The general location of said project shall be as indicated on the site plan which constitutes the first page of the plans described in the Declaration as the Condominium Map. The Declaration states that the Developer reserves the right, at its option, to add future phases to the Project. It is anticipated that two subsequent phases will be added to this Project, such that it will eventually consist of five hundred seventy-six (576) residential units with associated recreational and parking facilities. Purchasers are hereby notified that the Developer is not obligated to construct any facilities other than those specifically set forth in the Declaration and Proposed Amendment. The Declaration further states that the construction of future phases provided for therein shall begin on or before December 31, 1983 and with respect to any phase for which construction has not commenced by that time, the right reserved herein shall lapse and be of no further force and effect. For further details regarding the possibility of phase development, purchasers are referred to paragraph 17 of the Declaration.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The Declaration states that each apartment shall be used only as a private dwelling by the respective owners thereof, their tenants, families, domestic servants and guests. Each owner shall comply with the terms of the Declaration and By-Laws of the Association of Apartment Owners.

OWNERSHIP TO TITLE: The Preliminary Title Report dated September 12, 1975, issued by Hawaii Escrow & Title, Inc. reflects that ownership to fee title is vested in Headrick Development, Inc., a Hawaii corporation.

ENCUMBRANCES AGAINST TITLE: The said Preliminary Title Report as of September 12, 1975 certifies that title to the land is subject to the following:

1. The reservation in Deed made by HAWAIIAN PINEAPPLE COMPANY, LIMITED, to the State of Hawaii, dated December 20, 1956 and filed January 30, 1957 as Land Court Document No. 197831. Reference is hereby made to the Document for full particulars.
2. MORTGAGE dated October 3, 1972 and filed on October 10, 1972 as Land Court Document No. 601596, made by HEADRICK DEVELOPMENT, INC., a Hawaii corporation, as Mortgagor, to JAMES VINCENT TOMAI, JR., ROBERT MARSH MORGAN and PETER CHUNG REN HUANG, as Trustees of C.I. MORTGAGE GROUP, a real estate investment trust, organized and existing under the laws of the Commonwealth of Massachusetts, pursuant to a Declaration of Trust, dated as of May 15, 1969, amended October 29, 1969, as further amended by an Amended Declaration of Trust, dated January 27, 1971, amended January 26, 1972, said Declaration

of Trust, the Amended Declaration of Trust and the amendments thereto being on file with the Secretary of the Commonwealth of Massachusetts, as JOINT TENANTS, as Mortgagees, to secure the repayment of the sum of \$1,500,000.00, any additional advances and other amounts secured thereby, all according to the terms of that certain promissory note of said Mortgagor therein referred to. (Affects premises and other property).

3. For any taxes that may be due and owing, reference is hereby made to the Office of the Tax Assessor, first division.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated September 17, 1975, identifies Hawaii Escrow & Title, Inc. as "Escrow". On examination, the specimen Sales Contract and executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes, and particularly Sec. 514-35 and Sec. 514-36 through 514-40.

Among other provisions, the Escrow Agreement reflects that a purchaser shall be entitled to a refund of his funds if any one of the following shall have occurred:

- (1) Escrow receives a written request from Seller to return to Purchaser the funds of such Purchaser then held hereunder by Escrow.
- (2) If Purchaser's funds were obtained prior to the issuance of a Final Public Report and if there is any change in the building plans, subsequent to the execution of Purchaser's contract, requiring the approval of a county officer having jurisdiction over the issuance of permits for construction, unless the Purchaser has given written approval or acceptance of the change.
- (3) If the Purchaser's funds were obtained prior to the issuance of a Final Public Report and the request is prior to the time the Final Public Report is issued.
- (4) If the Final Public Report differs in any material respect from the Preliminary Public Report, unless the Purchaser is given written approval of acceptance of the difference.
- (5) If the Final Public Report is not issued within one year from the date of issuance of the Preliminary Public Report.

Among other provisions, the specimen Sales Contract provides that the purchaser should be aware that the Seller's mortgage loan (interim, renewals and extensions) used for the construction of the Project shall be and remain at all times a superior lien on the Project, and the purchasers intentionally waives and subordinates the priority of any lien under the sales contract in favor of the mortgage loan.

It is incumbent upon the purchasers or prospective purchasers to read with care the executed Escrow Agreement and the specimen Sales Contract. The executed Escrow Agreement establishes how the proceeds from the apartments and all sums received from any source are placed in trust, as well as the retention and disbursement of said trust funds.

MANAGEMENT AND OPERATIONS: The By-Laws of this project state that the Board of Directors may employ for the Association of Apartment Owners, a management agent to perform such duties as the Board shall authorize, including the collection of all assessments from the owners. The Developer has filed with the Commission an executed Management Agreement naming Melemanu Realty & Finance, Inc. as the initial managing agent.

HOUSE RULES: The purchasers and prospective purchasers are advised to read with care the proposed House Rules. Said proposed Houses Rules provide in part:

No water beds are permitted in the Project.

STATUS OF PROJECT: The Developer advises the Real Estate Commission that the construction of the project has commenced and that construction will be completed on or about May, 1976.

The purchaser or prospective purchaser should be cognizant of the fact that this published report represents information disclosed by the Developer in the required Notice of Intention submitted September 29, 1975, and information subsequently filed on October 3, 1975.

This PRELIMINARY HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 811, filed with the Commission on September 29, 1975.

The report when reproduced shall be a true copy of the Com-

mission's Preliminary Public Report. The paper stock used in making facsimiles must be yellow.

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

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Registration No. 811

October 23, 1975