

# 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

OPUA HALE PATIO HOMES  
Mililani Town, Oahu, Hawaii

REGISTRATION NO. 840

### 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 12, 1976  
Expires: April 12, 1977

#### 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 FEBRUARY 11, 1976, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED WITH THE COMMISSION AS OF MARCH 9, 1976. THE DEVELOPER BY NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT SET FORTH IN CHAPTER 514, HAWAII REVISED STATUTES.

1. OPUA HALE PATIO HOMES is a proposed fee simple condominium project containing 96 apartments located in 22 separate one-story buildings consisting of 96 two-bedroom apartments. There will be a total of 192

parking stalls, all of which will be allocated to specific apartments.

2. The Developer of the 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 Declaration of Horizontal Property Regime, the Bylaws and the Condominium Map will be filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii immediately prior to the application for a Final Public Report.
4. As of this date, no advertising and promotional matters have been submitted to the Commission pursuant to its rules and regulations.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of the Hawaii Revised Statutes, Chapter 514, and the Rules and Regulations of the Hawaii Real Estate Commission which relate to Horizontal Property Regimes.
6. This Preliminary Public Report automatically expires thirteen (13) months after the date of issuance, March 12, 1976, unless a Final Public Report or a Supplementary Public Report issues, or the Commission, upon review of registration, issues an order extending the effective date of this report.
7. This Preliminary Public Report is made a part of the registration of OPUA HALE PATIO HOMES condominium project. The Developer has the responsibility of placing a true copy of this Preliminary Public Report (yellow paper stock) in the hands of all purchasers and prospective purchasers and securing a signed copy of the receipt for the Preliminary Public Report from each purchaser.

NAME OF PROJECT: OPUA HALE PATIO HOMES

LOCATION: The project is located in Mililani Town, Oahu, Hawaii, and consists of approximately 7.995 acres of land.

TAX KEY: First Division 9-4-05-42.

ZONING: A-1 Apartment District

DEVELOPER: Mililani Town, Inc. is the Developer of the project and has its principal place of business at 130 Merchant Street, Honolulu, Hawaii 96813.

Officers

Wendell Brooks, Jr.	President and General Manager
George W. Y. Yim, Esq.	Vice President and Secretary
R. G. Moore	Treasurer
Stanley Lee	Controller

ATTORNEY REPRESENTING DEVELOPER: Cades Schutte Fleming & Wright, (Attention: Bernice Littman) 16th Floor, First Hawaiian Bank Building, P. O. Box 939, Honolulu, Hawaii 96808, Telephone 531-7232.

DESCRIPTION OF PROJECT: The project consists of twenty-two (22) one story buildings, containing a total of 96 two-bedroom apartments. The buildings are wood frame structures with asphalt shingle on sloped roofs and tar and gravel on flat roofs. The ground floor is of concrete slab on grade with vinyl tile floor covering except that certain apartments have carpeting on all areas except the kitchen and bathrooms. Each apartment has one floor and they are numbered 101 through 196, inclusive. The apartments are numbered consecutively commencing with 101 in Building 1 through 196 in Building 22. There are four apartments in each building except Buildings 2, 4, 9 and 11 which have six apartments. Adjacent apartments are mirror images.

The location of the ninety-six (96) apartments within the 22 buildings and the location of the buildings on the land are further shown on the Condominium Map.

Each apartment contains a living/dining room, a kitchen, two bedrooms and one bath, with a separate storage area adjacent to the kitchen and has an interior living area including the separate storage area of approximately 732 square feet.

Each apartment has adjacent to it a lanai and certain apartments have an enlarged lanai.

The project also contains the parking areas with 192 uncovered parking stalls and driveway and landscaping areas.

Each apartment will contain a range/oven, hood vent, water heater, refuse disposal and, at the option of the purchaser, stacked washer/dryer, dishwasher, refrigerator, trash compactor, draperies, carpeting except in the kitchen and bathrooms, up-graded padding and enlarged lanais or covered lanais.

The respective apartments shall not be deemed to include the undecorated or unfinished perimeter walls, the floors and ceilings surrounding each apartment or any pipes, wires, conduits or other utility lines running through such apartment which are utilized for or serve more than one apartment, the same being deemed common elements as hereinafter provided. Each apartment shall be deemed to include all the walls and partitions which are not loadbearing within its perimeter walls, the inner decorated or finished surfaces of all walls, floors and ceilings, the built-in fixtures and exterior doors, exterior window glass and hardware on said window glass.

COMMON ELEMENTS: The common elements will include all of the project except the apartments, specifically, but not limited to the following:

- (a) the land in fee simple;
- (b) all foundations, bearing walls, lanais, walkways, and landscaped areas;

- (c) the roofs;
- (d) all driveway, parking and landscaped areas;
- (e) all ducts, electrical equipment, wiring and other central appurtenant and installations for services including power, light, cold and hot water, refuse and telephone;
- (f) all other devices or installations upon the land existing for or rationally of common use to all the owners of apartments within the project.

LIMITED COMMON ELEMENTS: Each of the 192 parking stalls will be a limited common element reserved for the exclusive use of the apartment which bears the same number as shown on the Condominium Map; there are two stalls appurtenant to each apartment. Each of the fenced front and rear yards and lanais shown on the Condominium Map shall be limited common elements reserved for the exclusive use of the apartment to which they are adjacent. The common elements of each building, including the land below but excluding utility lines which serve other buildings, shall be limited common elements for the exclusive use of apartments in the building.

PERCENTAGE OF UNDIVIDED INTEREST TO BE CONVEYED: The percentage of undivided interest in all of the common elements appertaining to each apartment will be .010416% except apartment 115 which will have .010480%. The voting rights of apartment owners, as well as their share of the common expenses shall be in proportion to the common interest.

PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE: The apartments hereinabove described shall at all times be used only for a private dwelling for the owner, his family, tenants and social guests and such other purposes as are permitted by the Declaration of Horizontal Property Regime and the Bylaws of OPUA HALE PATIO HOMES as well as the Declaration of Covenants, Conditions and Restrictions for Mililani Town more fully described below in the item captioned "Encumbrances". The Declaration of Horizontal Property Regime provides that no apartment shall be leased for less than three (3) months, except that appropriate provisions may be inserted in rental agreements for earlier terminations for hardship or military transfers. The Bylaws provide that a maximum of one dog and one cat may be kept in an apartment, except that the Board may permit additional pets. However, if the occupants of at least three (3) apartments complain about a pet, or if the Board on its own initiative deems it desirable, the Board may decide that a pet is a nuisance and direct the occupant of the apartment to remove the pet from the project.

OWNERSHIP OF TITLE: The Developer has filed with the Commission a Preliminary Report dated December 15, 1975, prepared by Title Guaranty of Hawaii, Inc., which states that title to the land committed to this regime is vested in Mililani Town, Inc.

ENCUMBRANCES: The Preliminary Report prepared by Title Guaranty of Hawaii, Inc. states that as of the date of the search (December 15, 1975) title to the land of which the project is a portion is subject to:

1. Easement 430 (20 feet wide) roadway purposes as shown on Maps 245 and 417 of Land Court Application No. 1000 as set forth by Land Court Order No. 27816 filed December 5, 1967, and granted to Mililani Town, Inc. appurtenant to Lot 85-A by instrument dated July 10, 1968, filed as Land Court Document No. 448534;
2. Additional Security Mortgage dated December 29, 1971, made by Mililani Town, Inc. to Aetna Life Insurance Company filed as Land Court Document No. 564455, as amended by instrument dated January 14, 1972, filed as Land Court Document No. 566680, May 29, 1973, filed as Land Court Document No. 633441 and January 16, 1975, filed as Land Court Document No. 709882;
3. By instrument dated January 14, 1972 and filed as Document No. 566681, also recorded in Liber 8071, Page 289; and by instrument dated May 29, 1973 and filed as Document No. 633442, also recorded in Liber 9216, Page 455; Castle & Cooke, Inc. agrees that all rights it has or may acquire from Mililani Town, Inc. under the provisions of any mortgage shall be subordinate to the lien of additional security mortgage Document No. 564455, as amended;
4. Mortgage dated December 29, 1971, filed as Land Court Document No. 564456 made by Mililani Town, Inc. to Castle & Cooke, Inc.;
5. Additional Security Mortgage dated April 11, 1974 filed as Land Court Document No. 676262 as amended, by instrument dated January 16, 1975 filed as Land Court Document No. 709882;
6. By instrument dated April 11, 1974 and filed as Document No. 676263, Castle & Cooke, Inc. agrees that all rights it has or may acquire shall be subordinate to the lien of additional security mortgage Document No. 676262, as amended;
7. Mortgage dated April 11, 1974, filed as Land Court Document No. 676264, made by Mililani Town, Inc. to Castle & Cooke, Inc.;
8. By instrument dated January 16, 1975 and filed as Document No. 709882-A, Castle & Cooke, Inc. agrees that all rights it has or may acquire shall be subordinate to the lien of additional security mortgage Document Nos. 564455, as amended and 676262, as amended;
9. Real property taxes for the fiscal year July 1, 1975 to June 30, 1976. Reference is made to the Office of the Tax Assessor, First Division.

The Developer has advised the Commission that the above mortgages will be released and Easement 430 cancelled prior to the conveyance of apartments in the project.

ANNEXATION TO MILILANI TOWN: Prior to the conveyance of any apartment in the project, the property will be annexed to Mililani Town pursuant to, and so as to become subject to the provisions of, the Declaration of Covenants, Conditions and Restrictions for Mililani Town, a copy of which has been filed with, and which is available for public inspection at the Office of the Real Estate Commission and which, additionally, has been filed with and is available for public inspection at the Office of the Assistant Registrar of the Land Court as Document No. 441561, as amended.

This Declaration provides for certain monthly maintenance assessments to pay the expenses of the Mililani Town Community Association, and reserves a lien upon each apartment to secure the payment of these assessments. The amount of the current monthly assessment is \$5.75, subject to increase in case of an increase in the cost of living, or in case 66-2/3% of the members of the Community Association approve an increase. Also, a special assessment of \$100.00 is imposed at the time each purchaser closes the initial purchase of his apartment.

PURCHASE MONEY HANDLING: A copy of the specimen Sales Contract and the Escrow Agreement has been submitted as part of the registration. The Escrow Agreement dated February 13, 1976 identifies Bank of Hawaii as the escrow agent. Upon examination, the specimen Sales Contract and the executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes, and particularly with Section 514-35 and Section 514-36 through Section 514-40, Hawaii Revised Statutes.

A prospective purchaser should carefully examine the form of Sales Contract and Escrow Agreement to determine the time for and the amount of installment payments on the purchase price, the estimated common monthly expenses and the sharing of the closing costs.

Among other provisions, the Sales Contract provides:

(a) that the purchaser will pay to OPUA HALE PATIO HOMES Association of Apartment Owners an amount equal to two months estimated Opuu Hale maintenance assessment, to be deposited in a working capital fund; and

(b) if less than seventy percent (70%) of the apartments have not been sold with satisfactory mortgage loan arrangement prior to October 1, 1976, Seller has the option to cancel the Sales Contract and refund, without interest, all sums paid in by purchasers.

MANAGEMENT AND OPERATION: Article III, Section 3, of the Bylaws states that the Board of Directors shall at all times employ a responsible managing agent to manage and control the property, subject at all times to direction by the Board of Directors. Developer has filed with the Commission, a form of Property Management Agreement by which Mililani Town, Inc.

will provide fiscal and management services to the Association of Apartment Owners for a fee of \$7.75 per apartment per month. This Agreement runs initially for one year and thereafter may be terminated on thirty (30) days notice by the Association or 60 days by the agent. The Association can at any time terminate on thirty (30) days notice for cause.

STATUS OF PROJECT: The Developer advises that construction of the project will commence about July 1, 1976, the first apartment will be completed about October 1, 1976 and final completion will be about January 1, 1977.

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The purchaser or prospective purchaser should be cognizant of the fact that this Public Report represents information disclosed by the Developer in the required Notice of Intention submitted February 11, 1976, and information subsequently filed on March 9, 1976.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 840 filed with the Commission on February 11, 1976.

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.

  
Member, 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. 840  
March 12, 1976