

# 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

HOKUAHI APARTMENTS  
Mililani Town, Oahu, Hawaii

REGISTRATION NO. 850

### **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 31, 1976  
Expires: May 1, 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 MARCH 15, 1976, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED WITH THE COMMISSION AS OF MARCH 29, 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. HOKUAHI APARTMENTS is a proposed fee simple condominium project containing 118 two-bedroom apartments located in eight separate three and four story buildings. There will be a total of 148 parking stalls, 118 of which will be allocated to specific apartments and 30 of which will be for guest parking.

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 31, 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 HOKUAHI APARTMENTS 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: HOKUAHI APARTMENTS

LOCATION: The project is located in Mililani Town, Oahu, Hawaii, and consists of approximately 4.995 acres of land.

TAX KEY: First Division 9-4-05-39.

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; Phone: 548-4811.

Officers

Office

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 eight three and four story buildings containing a total of 118 two-bedroom apartments. There is only one apartment type but even numbered apartments are the mirror image of odd numbered apartments. Each apartment is one-story and contains a living room, dining room, kitchen, bathroom and two bedrooms with an interior living area of approximately 786 square feet with adjacent lanais of approximately 50 square feet. The buildings are principally of concrete masonry construction with floors and roofs of concrete planks with concrete topping and non-structural exterior walls of wood studs with hardboard and gypsum board and interior partitions of metal studs with gypsum board. Roofs are built-up tar and gravel on concrete topping. Floor coverings are vinyl asbestos tile except that certain apartments have carpeting except in the kitchen and bathroom. In the three-story buildings apartments on the first floor have direct access to a footpath which is part of the common elements; apartments on the second and third floors connect to the footpath via a staircase. In the four-story buildings, the apartments on the second floor have access by a bridge to a footpath which is part of the common elements; apartments on the first, third and fourth floors have access to the footpath by a connecting staircase. The apartments are numbered consecutively on each floor with the first digit of the number indicating the floor. The location within the buildings is as follows:

<u>BUILDING NO.</u>	<u>APARTMENT NOS.</u>
1	101 through 106 201 through 206 301 through 306 401 through 406
2	107 through 112 207 through 212 307 through 312 409 through 412
3	113 through 116 213 through 216 313 through 316
4	117 through 120 217 through 220 317 through 320
5	121 through 124 221 through 224 321 through 324
6	125 through 128 225 through 228 325 through 338

7	129 through 132 229 through 232 329 through 332
8	133 through 136 233 through 236 333 through 336

The project also contains the driveways, parking areas with 148 parking spaces, entrances and exits and a tot lot.

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.

The Developer has advised the Commission that each apartment will contain a range/oven, hood vent, water heater, refuse disposal, ice maker water line, draperies in living and dining rooms, vinyl tile flooring and, at the option of the purchaser, washer, dryer, dishwasher, refrigerator, draperies in the bedrooms, carpeting and padding, except in the kitchen and bathrooms.

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, landscaped areas and a tot lot;
- e. all ducts, electrical equipment, wiring and other central appurtenant and installations for services including power, light, cold and hot water, refuse and telephone; and
- 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 apartment has the exclusive right to use one (1) uncovered parking stall, having the same number as that of the apartment to which it is appurtenant as shown on the Condominium Map. The lanai shown on the

Condominium Map as adjacent to each apartment is a limited common element reserved for the exclusive use of the apartment which it adjoins. The staircases, entryways and bridges are limited common elements reserved for the use of the apartments which they serve.

PERCENTAGE OF UNDIVIDED INTEREST TO BE CONVEYED: The percentage of undivided interest in all of the common elements appertaining to each apartment will be .00847% except apartment 313 which will have .00901%. 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 HOKUAHI APARTMENTS 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 rented 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 29, 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 29, 1975, title to the land of which the project is a portion is subject to:

1. Easement 1573 (10 feet wide) and 1574 (10 feet wide) as shown on Map 432 of Land Court Application No. 1000 as set forth by Land Court Order No. 42196 filed June 17, 1975, and granted to the City and County of Honolulu for water easement purposes by instrument dated June 19, 1975 filed as Land Court Document No. 729842;
2. Mortgage dated April 11, 1974, filed as Land Court Document No. 676264 made by Mililani Town, Inc. to Castle & Cooke, Inc.;
3. 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;

4. For any taxes that are due and owing, reference is made to the Office of Tax Assessor, First Division;
5. Subordination of interest acquired by Castle & Cooke, Inc. from Mililani Town, Inc., to mortgage holder (Document No. 676262), as described in Document No. 676263; and
6. Castle & Cooke, Inc., subordination of interest acquired from Mililani Town, Inc., as described in Document No. 709882-A to mortgage holders in Document No. 427991, 564455 and 676262.

The Developer has advised the Commission that the above mortgages will be released prior to the conveyance of the 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 17, 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 specimen Sales Contract provides that the purchaser will pay to HOKUAHI APARTMENTS Association of Apartment Owners an amount equal to two months estimated Hokuahi Apartments maintenance assessment, to be deposited in a working capital fund.

The specimen Sales Contract also provides that if Developer has not entered into contracts for the sale of at least seventy percent (70%) of the apartments by September 1, 1976, or if Developer has entered into said contracts by said date but the purchasers who have agreed to obtain mortgage loans have not secured commitment therefor satisfactory to Developer, Developer may cancel the Sales Contract and refund all monies paid by the purchasers without interest.

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 30 days notice by the Association or 60 days by the agent. The Association can at any time terminate on 30 days notice for cause.

STATUS OF PROJECT: The Developer advises that construction of the project will commence about May 1, 1976, the first apartment will be completed about December 31, 1976 and final completion will be about May 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 March 15, 1976 and information subsequently filed on March 29, 1976.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 850 filed with the Commission on March 15, 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

March 31, 1976  
Registration No. 850