

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII
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FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

MANOA TEI
Keahi Place
Honolulu, Hawaii

Registration No. 854

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 23, 1976
Expires: September 23, 1977

SPECIAL ATTENTION

A comprehensive reading of this report by the prospective purchaser is urged in order that personal requirements and expectations to be derived from the property can be ascertained. The attention of the prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION FILED APRIL 2, 1976, AND INFORMATION SUBSEQUENTLY FILED AS OF AUGUST 17, 1976. THE DEVELOPER IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514, HAWAII REVISED STATUTES.

1. MANOA TEI is a fee simple condominium project consisting initially of four (4) and ultimately seven (7) 1 or 2 story single-family dwellings. Since the issuance of the Commission's Preliminary Report on May 18, 1976, on this Project, the Developer reports that there has been one material change, namely, the phasing of development and revision of common interests.

2. The Developer of the project has filed all documents and materials deemed necessary by the Commission for the registration of this condominium project and the issuance of this Final Public Report.
3. The basic documents (Declaration of Horizontal Property Regime, By-Laws of the Association of Apartment Owners and a copy of Approved Floor Plans) have been filed in the Office of the Recording Officer. The Declaration of Horizontal Property Regime, executed March 8, 1976, with By-Laws attached, was recorded in the Bureau of Conveyances of the State of Hawaii in Liber 11569, page 454. The Approved Floor Plans showing the layout, location, dwelling numbers, etc., have been designated on Condominium File Plan No. 465.
4. The Developer has submitted its program of financing the building of the project and a statement of the estimated costs involved in completing the project. Each purchaser shall secure conventional mortgage financing for the construction of his own dwelling.
5. No advertising or promotional material has been submitted pursuant to the rules and regulations promulgated by the Commission.
6. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514, Hawaii Revised Statutes, and the Rules and Regulations promulgated thereunder which relate to Horizontal Property Regimes.
7. This Final Public Report is made a part of the registration of the MANOA TEI condominium project. The Developer has the responsibility of placing a true copy of the Final Public Report (white paper stock) along with a true copy of the Preliminary Public Report (yellow paper stock) in the hands of all purchasers and prospective purchasers and obtaining a signed receipt therefor from such party.
8. This Final Public Report automatically expires thirteen (13) months after date of issuance, August 23, 1976, unless a Supplementary Report issues or the Commission upon review of registration issues an order extending the effective period of this report.

The information in the Preliminary Report of May 18, 1976, under the following topical headings has been changed: DESCRIPTION, LIMITED COMMON ELEMENTS, INTEREST TO BE CONVEYED TO PURCHASER, ENCUMBRANCES AGAINST TITLE, PURCHASE MONEY HANDLING (first sentence and No. 1 under "NOTE" only), and STATUS OF PROJECT. The Developer has underlined the changes thereunder for ease of purchaser's review and reports that no other information in the Preliminary Report has been revised.

DESCRIPTION: The Declaration of Horizontal Property Regime and plans submitted by Developer indicate a fee simple project consisting initially of four (4) and ultimately seven (7) as hereinbelow provided, single-family residential buildings, each of which may have appurtenant thereto a detached or undetached carport. Each building shall contain one (1) single-family residential apartment (hereinafter called "Dwelling") consisting of one or two stories or levels and no basement, and shall be constructed principally of wooden walls, roofs and upper floors (if any), wood or concrete slabs on ground floor, wooden balconies (if any), stairs and decking, gypsum board and allied building materials.

Four (4) freehold estates are designated in the spaces enclosed by and within the outside surfaces of the exterior walls and roof, and the bottom surfaces of the slabs, footings and foundations of each of the four (4) dwellings of the project and are located on the project as follows:

Dwelling No. 3 is located on Lot 3.

Dwelling No. 4 is located on Lot 4.

Dwelling No. 5 is located on Lot 5.

Dwelling No. 6 is located on Lot 6.

Dwelling Nos. 1, 2 & 7 will be located on reserved lots 1, 2 & 7 as hereinbelow provided.

The dwellings will be constructed according to four (4) different floor plans. A description of each of the floor plans, designating the number of rooms and approximate area thereof is set forth as follows:

DWELLING NO. 3 consists of 7 rooms, including a bedroom, a study, a kitchen, a living room, a dining room, and 1 and 1/2 bathrooms. This apartment contains a covered floor area of approximately 1,710 square feet, including an open lanai of approximately 250 square feet and a carport of approximately 360 square feet.

DWELLING NO. 4 consists of 10 rooms, including 3 bedrooms, 2 bathrooms (one of which is a combination bath-dressing room), a kitchen, a dining room, a storage room, a living room and a garage. This apartment contains a covered floor area of approximately 1,780 square feet, including the garage of approximately 440 square feet.

DWELLING NO. 5 consists of 10 rooms, including 3 bedrooms, 2 bathrooms, (one of which is a combination bath-dressing room), a kitchen, a dining room, a family room, a living room and a garage. This apartment contains a covered floor area of approximately 1,700 square feet, including the garage of approximately 440 square feet.

DWELLING NO. 6 consists of 6 rooms, including 2 bedrooms, a kitchen, a dining/living area, a recreation room and a garage. This apartment contains a covered floor area of approximately 2,440 square feet including the garage of approximately 440 square feet.

Each dwelling has immediate access to the grounds of the project.

The respective dwellings shall not be deemed to include any pipes, wires, conduits, or other utility or service lines running through such dwelling which are utilized for or serve more than one dwelling, the same being deemed common elements as hereinafter provided. Each dwelling shall be deemed to include the footings or slab on which it is constructed, the exterior walls and roof, all interior walls, ceilings and partitions, and the finished surfaces thereof, and all fixtures installed therein, in addition to the appurtenant lanai(s) (if applicable), the appurtenant terrace(s) (if applicable), the appurtenant entry (if applicable), the appurtenant deck(s) (if applicable), the appurtenant balcony or balconies (if applicable), the appurtenant court yard(s) (if applicable), and the appurtenant garden(s) (if applicable). A dwelling shall also be deemed to include its carport, whether detached or undetached, and any roofs or other structures connecting such dwelling to its carport.

NOTE: The said Declaration provides that the owner of any dwelling shall have the right to alter, at any time, and from time to time, as hereinafter set forth, the plans of his dwelling solely by an amendment to this Declaration, such amendment to be executed solely by the dwelling owner of such dwelling and two officers of the Association who shall execute said amendment upon approval of such altered plans by the Board as hereinafter set forth, provided that such amendment shall be effective only upon the recording of the same in the Bureau of Conveyances of the State of Hawaii. Such amendment shall set forth the number of the dwelling so involved, the description thereof as so altered in accordance with Section 514-11(3) of the Hawaii Revised Statutes, and shall include a complete set of floor plans of such dwelling as so altered certified as built by a registered architect or professional engineer. Such amendment shall also include the consent thereof of the holder of such recorded mortgage of the dwelling involved. Such alteration of the plans of a dwelling shall be subject to the prior approval thereof by the Board and by the appropriate agencies of the State of Hawaii and the City and County of Honolulu; provided, however, such consent by the Board shall not be withheld if the plans therefor have been approved by the Fee Owner and his architect, as maintaining the contemporary atmosphere of the project. Such alteration of the plans of a dwelling may decrease or increase the size of such dwelling, provided that the same shall not extend or place the dwelling outside of the limits of the Lot upon which the dwelling is built as designated on said Condominium

File Plan; and provided, further, that no such alteration of the plans of a dwelling shall be allowed hereunder without the unanimous consent of the Board if the same increases the height of such dwelling by more than three feet. Before commencing or permitting construction on any alteration of a dwelling, the dwelling owner thereof shall obtain and deposit with the Secretary a bond or certificate thereof, naming all dwelling owners as dual obligees, in a penal sum of not less than one hundred percent (100%) of the cost of such construction as the same may change from time to time and with a corporate surety authorized to do business in Hawaii, guaranteeing performance of such construction free and clear of all mechanics' and materialmen's liens and all claims in lieu thereof arising under Section 514-9 of the Hawaii Revised Statutes. The Declaration also provides that any alterations or additions within a dwelling or within a limited common element appurtenant to and for the exclusive use of a dwelling, or of certain dwellings, shall require only the written approval thereof, including the dwelling owner's plans therefor, by the holder of a first lien affecting such dwelling (if the lienholders require such approval), the Board, all other dwelling owners thereby directly affected (as determined by said Board), and such alterations or additions may be undertaken without an amendment to this Declaration or filing of a complete set of floor plans of the Project as so altered. Without limiting the foregoing, no dwelling owner shall change the external appearance of any dwelling without the prior written consent thereto by the Board of Directors. The Declaration further provides that the Fee Owner shall have the right at its sole option to amend the project, by way of phase development, as hereinafter provided, at any time up to, but not later than December 31, 1977, by the addition to the Project of three (3) dwellings to be located on reserved lots 1, 2 and 7 of this Project, as shown on said Condominium File Plan, together with such supporting and servicing common elements as the Fee Owner determines in its sole discretion to be beneficial to the Project. Any reserved lot development shall be subject to the prior approval thereof by the Board and by the appropriate agencies of the State of Hawaii and the City and County of Honolulu; provided, however, such consent by the Board shall not be withheld if the plans therefor have been approved by the Fee Owner and his architect, as maintaining the contemporary atmosphere of the Project. No reserved lot development shall place any dwelling outside of its respective lot limits. The addition of such dwellings to the Project shall be as follows: (a) Phase I - Development of the dwelling on Lot 1; (b) Phase II - Development of the dwelling on Lot 2; (c) Phase III - Development of the dwelling on Lot 7. The purpose of the phase development provisions of this paragraph are to provide for incorporation of Phases I, II and III into the Project just as if all seven (7) dwellings of the Project had been developed simultaneously. The incorporation of the subsequent three (3) dwelling phases may occur in any order, at the same or different times. The incorporation of each of the phase

developments shall take effect upon the happening of all of the following conditions: Recordation in the Bureau of Conveyances of the State of Hawaii by the Fee Owner of an amendment to this Declaration covering such additional phase, such amendment(s) to be executed solely by the Fee Owner and two (2) officers of the Association who shall execute said amendment(s) upon approval of such dwelling plans by the Board as hereinafter set forth. Such amendment(s) shall set forth a revised site plan showing the location of the dwelling(s) of the project after completion of the subject incorporation, the number of the Lot(s) and dwelling(s) involved, the description of the dwelling(s), the common interest of each dwelling of the project after completion of the subject incorporation, and shall include a complete set of floor plans of such dwelling(s) certified by a registered architect or professional engineer as provided in Section 514-13, Hawaii Revised Statutes. From and after the date of recordation of the said amendment with respect to a particular additional phase(s), the following consequences shall ensue: (a) Use of Common Elements. The dwellings in each of the incorporated phases shall have the right to use the common elements of the Project to the same extent and subject to the same limitations as are imposed upon a dwelling of the project just as if all seven (7) dwellings had been developed simultaneously. (b) Common Interests. Each dwelling of the project after incorporation of each phase development shall have appurtenant thereto an equal undivided fractional interest in the common elements of the project. The common interest of each dwelling after incorporation of the first phase development shall be a 1/5 interest. The common interest of each dwelling after incorporation of the second phase development shall be a 1/6 interest. The common interest of each dwelling after the incorporation of the third phase development shall be a 1/7 interest. (c) Before commencing any phase development, the Fee Owner and/or the dwelling owner thereof shall obtain and deposit with the Secretary a bond or certificate thereof, naming all dwelling owners as co-obligees, in a penal sum of not less than one hundred percent (100%) of the cost of such construction as the same may change from time to time and with a corporate surety authorized to do business in Hawaii, guaranteeing performance of such construction free and clear of all mechanics' and materialmen's liens arising under Section 514-9 of the Hawaii Revised Statutes.

LIMITED COMMON ELEMENTS: The Declaration reflects that certain parts of the common elements, herein called the "limited common elements", are designated and set aside for the exclusive use of certain dwellings, and such dwellings shall have appurtenant thereto exclusive easements for the use of such limited common elements. The limited common elements so set aside and reserved are as follows: (a) each lot upon which the respective dwellings are built shall be appurtenant to and for the exclusive use of such dwelling, being designated on said condominium file plan as follows:

Dwelling No. 3 -- Lot No. 3

Dwelling No. 4 -- Lot No. 4

Dwelling No. 5 -- Lot No. 5

Dwelling No. 6 -- Lot No. 6

Dwelling Nos. 1, 2 and 7 -- Lot Nos. 1, 2 & 7 (reserved for phase development hereinabove provided). (b) the driveway connecting the carport of each dwelling to the roadway of the project shall be deemed a limited common element appurtenant to and for the exclusive use of the dwelling or dwellings which are served thereby; (c) the stairways and walkways connecting the dwelling to the roadway of the project and/or to the carports of such dwelling or dwellings served thereby; and (d) the mail boxes of the respective dwellings.

INTEREST TO BE CONVEYED TO PURCHASER: Each dwelling shall have appurtenant thereto an undivided 1/4 fractional interest in all common elements of the project and the same proportionate share in all common profits and expenses of the project and for all other purposes, including voting, subject to change to a 1/5, 1/6 or 1/7 fractional interest as hereinabove provided.

ENCUMBRANCES AGAINST TITLE: The February 9, 1976, title report by Title Guaranty of Hawaii, Inc., indicates that there are the following encumbrances:

- (a) Real property taxes, which may be due and owing from and after July, 1976.
- (b) Reservation in favor of the State of Hawaii of all mineral and metallic mines.
- (c) Easement "18" (10' wide) for a storm drain situate along the Northerly boundary of Lot 70B on File Plan 604.
- (d) Covenants, conditions and restrictions set forth in instrument dated January 17, 1963, and recorded in Liber 4451, Page 224.
- (e) That certain judgment dated September 28, 1973, filed in the Circuit Court, First Circuit, State of Hawaii, as Civil No. 38775, and recorded in Liber 9519, Page 119, and the terms of the stipulation referred to therein, as amended.
- (f) Terms, provisions and conditions contained in that certain Loan Agreement dated February 9, 1976, recorded in Liber 11231, Page 1, entered into by and between Manoa Tei Partners and Island Federal Savings and Loan Association, a federal savings and loan association.

NOTE: Developer advises that it plans to grant an easement for utility purposes in favor of HAWAIIAN ELECTRIC COMPANY, INC. and HAWAIIAN TELEPHONE COMPANY, that will encumber the lands of the project.

PURCHASE MONEY HANDLING: A copy of the four (4) executed Escrow Agreements covering each of the initial dwellings in

the project, dated April 1, 1976, between Developer and Title Guaranty Escrow Services, Inc., as Escrow, has been filed with the Commission.

NOTE: The specimen sales contract includes the following provisions:

1. The purchaser agrees that until the Developer has closed out the sale of all of the dwellings in the project, or until December 31, 1977, whichever shall first occur, the purchaser shall not enter into an agreement with any owner, purchaser, or lessee of another dwelling in the project and/or any third party under which purchaser agrees to share expenses and/or rentals of dwellings in the project, and that this agreement of the purchaser shall survive the issuance to the purchaser of the dwelling deed conveying the premises and shall bind the purchaser's heirs, executors, administrators, successors and assigns during the term thereof.

STATUS OF PROJECT: The Developer advises that construction of the first four apartments is expected to commence shortly. Financing has been obtained and construction contracts executed therefor. The remaining three apartments are estimated to be completed by December 31, 1977.

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 April 2, 1976, and information subsequently filed as of August 17, 1976.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 854 filed with the Commission April 2, 1976. This report when reproduced shall be a true copy of the Commission's Public Report. The paper stock used in making facsimiles must be white.



AH KAU YOUNG, 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. 854
August 23, 1976