

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
KAUHALE BEACH COVE
45-921 Waialele Road
Kaneohe, Oahu, Hawaii

REGISTRATION NO. 881

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: November 1, 1976
Expires: December 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 OCTOBER 5, 1976, AND INFORMATION SUBSEQUENTLY FILED AS OF OCTOBER 19, 1976. 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. Kauhale Beach Cove is a proposed fee-simple condominium project consisting of twenty-one (21) wood frame residential buildings containing forty (40) condominium dwelling units. The Project will have two (2) one-bedroom dwelling units, thirty (30) two-bedroom dwelling units, and eight (8) three-bedroom dwelling units. Ninety (90) parking stalls will be available. The Project shall also contain a detached single-story wood frame recreational building, a swimming pool, a Jacuzzi, a paddle tennis court, a grass volleyball court, a boat ramp and pier, and sewage pumping station.

2. The Developer of the Project has submitted to the Commission for examination all documents deemed necessary for the registration of this proposed condominium project and the issuance of this Preliminary Public Report.

3. The basic documents (Declaration of Horizontal Property Regime, By-Laws of the Association of Apartment Owners, and a copy of the approved floor plans) have not yet been filed in the office of the recording officer.

4. The Developer has advised the Commission that advertising and promotional materials required to be filed pursuant to the rules and regulations promulgated by the Commission will be submitted prior to public exposure.

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 regimes.

6. This Preliminary Public Report is made a part of the registration of the Kauhale Beach Cove condominium Project. The Developer is responsible for placing a true copy of this Preliminary Public Report (yellow paper stock) in the hands of all purchasers and prospective purchasers. Securing a signed receipt for said Preliminary Public Report from all purchasers and prospective purchasers is also the responsibility of the Developer.

7. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance, November 1, 1976, unless a Final or Supplementary Public Report is issued or the Commission, upon review of the registration, issues an order extending the effective period of this report.

NAME OF PROJECT: KAUHALE BEACH COVE

LOCATION: The land of the Project, consisting of 5.148 acres more or less is situate at 45-921 Waialele Road, Kaneohe, Oahu, Hawaii.

TAX KEY: FIRST DIVISION, 4-5-03:2

ZONING: Planned Development Housing District No. R-38.

DEVELOPER: Trask Development Corporation, a Hawaii corporation, whose principal place of business and post office address is Suite 200, 681 South King Street, Honolulu, Hawaii. The officers of the corporation are as follows:

James K. Trask, Jr.	President
Joyce Marie Trask	Vice President
Ronald T. Y. Choo	Secretary/Treasurer

ATTORNEY REPRESENTING DEVELOPER: Mukai, Ichiki, Raffetto & MacMillan (Attention: Richard G. MacMillan and Michael R. Garner), Suite 800, 345 Queen Street, Honolulu, Hawaii, Telephone 531-6277.

DESCRIPTION OF PROJECT: The proposed Declaration of Horizontal Property Regime describes the Project as follows:

1. Description of Buildings.

The twenty-one (21) wood frame residential buildings, hereinafter described and designated on said Condominium Map as buildings I, I-A, II, III, IV, V-A, V-B, and VI through XIX, inclusive, are more particularly described as follows:

(a) Building I will be a two-story structure containing one (1) two-bedroom dwelling unit.

(b) Buildings I-A, II, III, IV, V-A, V-B and VI, will be three-story structures which shall each contain one (1) three-bedroom dwelling unit and two (2) two-bedroom dwelling units.

(c) Buildings VII, VIII and X will be three-story structures which shall each contain a carport area on the ground floor and two (2) two-bedroom dwelling units on the second and third floors.

(d) Building IX will be a three-story structure containing one (1) one-bedroom dwelling unit on the ground floor and one (1) two-bedroom dwelling unit on the second and third floors.

(e) Building XI will be a two-story structure containing a carport area on the ground floor and one (1) three-bedroom dwelling unit and one (1) one-bedroom dwelling unit on the second floor.

(f) Buildings XII, XIII, XIV, XV, XVI, XVII, XVIII and XIX will be two-story structures which shall each contain a single two-bedroom dwelling unit.

2. Description of Dwellings.

The Project is divided into forty (40) separately designated and described condominium units, as more particularly described hereinbelow and on said Condominium Map. The number designation, location, type, approximate area in square feet, number of rooms, and appurtenant common interest of the dwellings of the Project are as follows:

<u>Building</u>	<u>Dwelling No.</u>	<u>Type of Dwelling</u>	<u>Living Area</u>	<u>Lanai/ Deck Area</u>	<u>No. of Rooms</u>	<u>Common Interest</u>
I	1	H	1,215	504	7-1/2	2.81%
I-A	2	B	1,185	168	8	2.74%
	3	A	1,185	156	7-1/2	2.74%
	4	A	1,185	156	7-1/2	2.74%
II	5	B	1,185	186	8	2.74%
	6	A	1,185	180	7-1/2	2.74%
	7	A	1,185	180	7-1/2	2.74%
III	8	B	1,185	222	8	2.74%
	9	A	1,185	156	7-1/2	2.74%
	10	A	1,185	156	7-1/2	2.74%
IV	11	B	1,185	186	8	2.74%
	12	A	1,185	180	7-1/2	2.74%
	13	A	1,185	180	7-1/2	2.74%
V-A	14	B	1,185	168	8	2.74%
	15	A	1,185	208	7-1/2	2.74%
	16	A	1,185	208	7-1/2	2.74%
V-B	17	B	1,185	168	8	2.74%
	18	A	1,185	195	7-1/2	2.74%
	19	A	1,185	195	7-1/2	2.74%
VI	20	B	1,185	186	8	2.74%
	21	A	1,185	180	7-1/2	2.74%
	22	A	1,185	180	7-1/2	2.74%
VII	23	D	1,122	138	6-1/2	2.60%
	24	D	1,122	138	6-1/2	2.60%
VIII	25	D	1,122	138	6-1/2	2.60%
	26	D	1,122	138	6-1/2	2.60%
IX	27	E	620	120	5	1.43%
	28	A	1,185	180	7-1/2	2.74%
X	29	D	1,122	138	6-1/2	2.60%
	30	D	1,122	138	6-1/2	2.60%
XI	31	F	640	72	5	1.48%
	32	G	1,312	108	8	2.88%

<u>Building</u>	<u>Dwelling No.</u>	<u>Type of Dwelling</u>	<u>Living Area</u>	<u>Lanai/ Deck Area</u>	<u>No. of Rooms</u>	<u>Common Interest</u>
XII	33	C	828	388	5-1/2	1.94%
XIII	34	C	828	388	5-1/2	1.94%
XIV	35	C	828	240	5-1/2	1.94%
XV	36	C	828	240	5-1/2	1.94%
XVI	37	C	828	240	5-1/2	1.94%
XVII	38	C	828	240	5-1/2	1.94%
XVIII	39	C	828	240	5-1/2	1.94%
XIX	40	C	828	388	5-1/2	1.94%

All areas set forth hereinabove are approximate and are computed by measuring from the outside of exterior walls and from the centerline of interior party walls.

3. Types of Dwellings.

Eight (8) types of dwellings of the Project are as follows:

(a) Each of the fifteen (15) dwellings designated as Type "A" is a two-level unit occupying the second and third floors of its respective building, and will contain seven and one-half rooms, consisting specifically of two bedrooms, two and one-half bathrooms, living room, dining room, and kitchen.

(b) Each of the seven (7) dwellings designated as Type "B" will occupy the first floor of its respective building and will contain eight rooms, consisting specifically of three bedrooms, two bathrooms, living room, dining room, and kitchen.

(c) Each of the eight (8) dwellings designated as Type "C" is a detached single-family dwelling. Each Type "C" dwelling contains five and one-half rooms on two levels consisting of two bedrooms, one and one-half bathrooms, living/dining room, and kitchen.

(d) Each of the six (6) dwellings designated as Type "D" is a two-level unit occupying the second and third floors of its respective building. Each Type "D" dwelling will contain six and one-half rooms consisting of two bedrooms, one and one-half bathrooms, living room, dining room and kitchen. The floor plan of each Type "D" dwelling shall be the reverse of the floor plan of the adjoining Type "D" dwelling with which it shares a common wall.

(e) There will be one Type "E" dwelling (No. 27) occupying the first level of building IX, and which will contain five

rooms, consisting specifically of one bedroom, one bathroom, living room, dining room, and kitchen. The Type "E" unit will have a private entry garden adjacent thereto.

(f) There shall be one Type "F" dwelling (No. 31) which will occupy part of the second floor of building XI. The Type "F" dwelling shall contain five rooms on one level, consisting specifically of one bedroom, one bathroom, living room, dining room, and kitchen.

(g) There shall be one Type "G" dwelling (No. 32) which will occupy that part of the second floor of building XI which is not occupied by dwelling No. 31. The Type "G" unit will contain eight rooms consisting of three bedrooms, two bathrooms, living room, family/dining room, and kitchen.

(h) There shall be one Type "H" dwelling (No. 1) which will contain seven and one-half rooms on the two levels of building I, consisting specifically of two bedrooms, two and one-half bathrooms, living room, dining room, and kitchen.

(i) Each dwelling has immediate access to its entries and to the walkways, corridors and the stairway(s), if any, appurtenant to such dwelling connecting its building to the walkways leading to the parking and recreational areas of the Project.

4. Limits of Dwellings.

The respective dwellings 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 dwelling, any pipes, wires, conduits, or other utility lines running through such dwelling which are utilized for or serve more than one dwelling (the same being deemed common elements as hereinafter provided) nor shall any dwelling in Buildings VII, VIII, X and XI be deemed to include any portion of the carport areas located on the first floors of said buildings. Each dwelling shall include all of the walls and partitions which are not load-bearing within its perimeter walls, the inner decorated or finished surfaces of all walls, floors and ceilings, all adjacent lanais and decks, and any fixtures and appliances originally installed therein. Notwithstanding the foregoing enumeration of the limits of the respective dwellings, the approximate areas thereof, as set forth in paragraph 2 hereinabove, are computed from the centerline of party walls and the outside of exterior walls and no reduction has been made to account for interior walls, ducts, vents and the like located within the perimeter walls.

COMMON ELEMENTS:

The proposed Declaration states that common elements shall include, but shall not be limited to, the following:

1. All land in fee simple;

2. All foundations, columns, girders, beams, floor slabs, supports, unfinished perimeter and load-bearing walls (except for the inner decorated surface within each dwelling), roofs, stairways, walkways, entrances, and exits of said building;
3. All yards, grounds, landscaping, refuse facilities, the Jacuzzi, the swimming pool and its filtration equipment, the recreation building, the volleyball and paddle tennis courts, the boat dock, and other recreational facilities and appurtenances;
4. All driveways and parking areas;
5. All ducts, sewer lines, sewage pumping stations, electrical equipment, pipes, wiring, and other central and appurtenant transmission facilities, installations which serve more than one dwelling for services such as power, light, water, gas, air conditioning, refuse, telephone and radio and television signals and distribution; and
6. Any and all other apparatus and installations of common use and all other parts of the property necessary or convenient to its existence, maintenance or safety, and normally in common use and which are not part of any dwelling.

LIMITED COMMON ELEMENTS:

The proposed Declaration provides that certain parts of the common elements, designated as "limited common elements", are hereby set aside and reserved for the exclusive use of certain dwellings, and such dwellings shall have appurtenant thereto exclusive easements for the use of such common elements. The limited common elements so set aside and reserved are as follows:

1. Any stairways which exclusively serve one or more dwellings of the Project shall be for the exclusive use of the dwelling or dwellings served thereby.
2. Two (2) automobile parking spaces shall be appurtenant to and for the exclusive use of said dwelling, with which the same shall be conveyed upon the initial conveyance by deed; each dwelling shall always have at least one parking space appurtenant to it but otherwise any automobile parking easement may be transferred from dwelling to dwelling in the Project, as provided in Chapter 514, Hawaii Revised Statutes, as amended. Developer shall retain ten (10) parking spaces to be offered for sale to dwelling owners upon such terms and conditions as Developer shall subsequently set forth.
3. Those dwellings heretofore designated as numbers 1, 2, 5, 8, 14, 17, and 27 will have as an appurtenance thereto a yard area for the exclusive use of such dwellings. Such private yards shall be situated immediately adjacent to the respective dwellings to which they are appurtenant, all as shown on said Condominium Map.

INTEREST TO BE CONVEYED TO PURCHASERS: Each dwelling shall have appurtenant thereto a percentage 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, as hereinbelow set forth under the heading "Description of Project (2. Description of Dwellings)".

RESTRICTIONS AS TO USE: The dwellings shall be occupied and used only for residential purposes, and for no other purpose. The owners of the respective dwellings shall have the absolute right to rent, let, or lease such dwellings subject to all provisions of the Declaration.

OWNERSHIP OF TITLE: A Preliminary Title Report dated September 22, 1976, by Security Title Corp., indicates that title to the land is vested in Trask Development Corporation, a Hawaii corporation.

ENCUMBRANCES AGAINST TITLE: The Preliminary Title Report dated September 22, 1976 issued by Security Title Corp. reports that title to the land is subject to the following:

1. For any real property taxes that may be due and owing, reference is made to the office of the Tax Assessor, First Division.

2. Delineation of easement for drain purposes as shown on Maps 9 and 21, as set forth by Land Court Order No. 20756, filed December 14, 1962.

3. Grant dated October 26, 1962, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 300504, in favor of the City and County of Honolulu, granting easement to construct, etc., an open drainage ditch or structure, etc.

4. Designation of Slope Easement E, Slope Easement F, Easement G, Sewer Easement H, Sewer Easement J, Easement K, Slope Easement L and Easement M, as shown on Map 21, as set forth by Land Court Order No. 27952, filed January 17, 1968.

5. Grant dated March 10, 1965, filed in said Office of the Assistant Registrar as Document No. 439614, in favor of Hawaiian Electric Company, Inc., and Hawaiian Telephone Company, granting easement for utilities over Lot 80-B and easements E, F, G, H and M.

6. Final Order of Condemnation dated May 12, 1969, made in the matter entitled The City and County of Honolulu v. Latipac-Hawaii, Inc., filed in the Circuit Court of the First Circuit, State of Hawaii under Civil No. 17660, a certified copy of which was filed in said Office of the Assistant Registrar as Document No. 473465. Re: To acquire easements for sewer over portion of Lot 80-B.

7. Mortgage dated December 18, 1975, filed in said Office of the Assistant Registrar as Document No. 748397,

made by Trask Development Corporation, a Hawaii corporation, as Mortgagor, to State Savings and Loan Association, a Utah corporation, doing business in the State of Hawaii, as Mortgagee, to secure the repayment of the sum of \$2,623,500.00, any additional advances and other amounts secured thereby, all according to the terms of that certain promissory note of said Mortgagors therein referred to.

8. Undated financing statement recorded on December 31, 1975 in said Bureau of Conveyances in Book 11143, Page 86.

PURCHASE MONEY HANDLING:

An executed Escrow Agreement, dated February 24, 1976, identifies Security Title Corporation as the escrow agent. Upon examination, the specimen Deposit Receipt and Sales Contract and the executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes, and particularly §514-35 through §514-40.

Among other provisions, the Escrow Agreement provides that a purchaser shall be entitled to a refund on his funds, without interest and less the \$15.00 cancellation fee, if purchaser requests in writing refund of his funds and any one of the following has occurred:

- (a) Developer has requested Escrow in writing to return to purchaser the funds of purchaser then being held by Escrow; or
- (b) Developer has notified Escrow of Developer's exercise of the option to rescind the Sales Contract pursuant to any right of rescission stated therein or otherwise available to Developer; or
- (c) There is any change in the Project subsequent to the execution of the Sales Contract requiring approval of a county officer having jurisdiction over the issuance of building permits unless the purchaser has given written approval of the specific change; or
- (d) The Preliminary Public Report differs in a material respect from the Final Public Report unless the purchaser has given written approval or acceptance of the changes in the said Final Public Report; or
- (e) The Final Public Report is not issued within one (1) year of the date of issuance of this Preliminary Public Report.

According to the specimen Deposit Receipt and Sales Contract, in the event that less than twenty-five (25) dwellings in the Project are sold prior to November 15, 1977, Developer may, at its option, cancel the contract and cause the escrow agent to refund to buyer all monies paid without interest and less a cancellation fee of \$15.00.

The specimen Deposit Receipt and Sales Contract also states that if the Project is not completed and ready for occupancy on or before January 1, 1978, or if closing is delayed for a period of more than 120 days after the date of substantial completion due to any cause beyond the control of Seller, then Seller shall have the option to terminate the sales contract upon thirty (30) days written notice to Buyer and Seller shall cause Escrow to refund all payments previously made less \$15.00 cancellation fee and Seller shall be relieved and released of all further liability.

It is incumbent upon the purchaser and prospective purchaser to read and understand the Escrow Agreement before executing the Deposit Receipt and Sales Contract, since the Escrow Agreement describes the procedure for receiving and disbursing purchasers' funds, and the Deposit Receipt and Sales Contract specifically provides that the purchaser approves that Escrow Agreement and assumes the benefit and obligations therein provided.

MANAGEMENT OF PROJECT:

The By-Laws, which are incorporated in the Declaration, provide that the operation of the Project shall be conducted for the Association by a responsible corporate Managing Agent who shall be appointed by the Association in accordance with the By-Laws. The initial Managing Agent has not yet been selected; however, the Developer is authorized by the Declaration to receive service of legal process in all cases provided in the Horizontal Property Act until such time as a Managing Agent shall be selected.

STATUS OF PROJECT:

Construction commenced on the Project in January, 1976, and is expected to be completed on or about October 15, 1976.

The purchaser or prospective purchaser should be cognizant of the fact that this published report represents information disclosed by the Owner in the required Notice of Intention submitted October 5, 1976, and additional information subsequently filed as of October 19, 1976.

This is a PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT, which is made a part of REGISTRATION NO. 881, dated October 5, 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 yellow.



AH KAU YOUNG, Chairman
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. 881
Date: November 1, 1976