

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII  
1010 RICHARDS STREET  
P. O. BOX 3469  
HONOLULU, HAWAII 96801

## FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on  
1170 KAUMAILUNA  
1170 Kaumailuna Place  
Honolulu, Hawaii

REGISTRATION NO. 902

### **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: March 10, 1977  
Expires: April 10, 1978

#### 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 15, 1977, AND INFORMATION SUBSEQUENTLY FILED AS OF MARCH 8, 1977. DEVELOPER IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES ACT, CHAPTER 514, HAWAII REVISED STATUTES, AS AMENDED.

1. 1170 Kaumailuna is a fee simple condominium project consisting of two (2) separate residential dwellings. There are two (2) two-car carports.
2. The Developer has submitted to the Commission for examination all documents deemed necessary for the registration of the condominium project and the issuance of this Final Public Report.

3. The Developer advises that the Declaration of Horizontal Property Regime and attached By-laws are filed with the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 805429. The Condominium Map has been filed with said Registry Office as Map No. 301.
4. No advertising and promotional materials have 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, as amended, and the condominium Rules and Regulations which relate to Horizontal Property Regimes.
6. This Final Public Report automatically expires thirteen (13) months after date of issuance, March 10, 1977, unless a Supplementary Public Report issues or the Commission upon review of the registration issues an order extending the effective period of this report.
7. This Final Public Report is made a part of the registration of 1170 KAUMAILUNA. The Developer is responsible for placing a true copy of this Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers and securing from each purchaser or prospective purchaser a signed receipt, signifying that he has had an opportunity to read the report.

NAME OF PROJECT: 1170 KAUMAILUNA

LOCATION: The project is located at 1170 Kaumailuna Place, Honolulu, Hawaii, on a parcel of 12,769 square feet.

TAX KEY: 1-8-33-67 (1st Division)

ZONING: The property is presently zoned R-6.

DEVELOPER: The developers are Gregory Bunkichi Oshiro and Nancy Natsue Oshiro, husband and wife, whose residence and post office address is [REDACTED], telephone [REDACTED].

ATTORNEY REPRESENTING DEVELOPER: Harry S. Y. Kim, 888 Mililani Street, Suite 701, Honolulu, Hawaii, 96813, telephone: 536-9307.

DESCRIPTION OF PROJECT: The project consists of two separate residences constructed principally of concrete slab, hollow tile and wood construction.

The dwellings are constructed according to two different floor plans and each floor plan contains the number of rooms and the approximate floor area, according to its respective floor plan as follows:

Dwelling 1. A two-story structure situated on the makai half of the property consisting of four bedrooms, one family room, one kitchen, one dining room, one recreation room and four baths, for a total living area of 3,318 square feet, excluding two-car carport, storage

area in carport, and decks extending from second floor of dwelling.

Dwelling 2. A split-level structure situated on the mauka half of the property consisting of three bedrooms, one kitchen, one living room, one recreation room and three baths, for a total living area of 2,264 square feet, excluding two-car carport, storage area in carport, and decks extending from upper level of dwelling.

The dwellings are numbered and located in the manner shown on the Condominium File Plan No. 301, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii.

Each dwelling has access to a common driveway which leads to the public road.

Each dwelling will have a stove, stove hood, disposal and water heater.

COMMON ELEMENTS: A freehold estate consisting of all remaining portions of the project, specifically including, but not being limited to:

- a. The land;
- b. The common ingress and egress driveway and areas adjacent to the ingress and egress driveway, drainage ditches, roadway, sidewalks, grounds, landscaping, fences, and refuse areas;
- c. All central and appurtenant installations, including all pipes, wires, cables, conduits and other utility lines running within said land for services such as power, light, gas, water, and radio and TV signal distribution;
- d. Any and all other apparatus and installations existing for common use, and
- e. All other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

LIMITED COMMON ELEMENTS: Certain parts of the common elements, herein called and designated as "limited common elements" are set aside and reserved for the exclusive use of each dwelling, and such dwelling shall have appurtenant thereto an exclusive easement for the use of such limited common elements as follows:

- a. The site of each dwelling, consisting of the land beneath and immediately adjacent to such dwelling designated on said condominium file plan, shall be appurtenant to and for the exclusive use of such dwelling.
- b. All of the property on the mauka and makai side of the common concrete driveway, for each of the two dwellings shall be appurtenant to and for the exclusive use of such dwelling.
- c. The two-car carports, storage area, in the carports and decks, for each of the two dwellings shall be appurtenant to and for the exclusive use of such dwelling.

- d. The separate pipes, wires, cables, conduits, and other utility lines running to each of the dwellings for services such as sewage, power, gas, water, and radio and TV distribution signals shall be appurtenant to and for the exclusive use of such dwellings.
- e. All other elements of the project which are normally and usually associated with the ownership of a single-family dwelling on his own parcel of land. Since this project consists of only two dwellings, it is the intent of the owner to have the dwelling owners have exclusive and complete use and responsibility for each half of the project.

INTEREST TO BE CONVEYED TO PURCHASERS: Each dwelling shall have appurtenant thereto an undivided .50 percentage interest (1/2 fractional interest) in the common elements, such interest being defined and referred to herein as the "common interest." The common interest, the proportionate shares in the profits and common expenses of the project and the proportionate representation for voting purposes in the Association of Dwelling Owners of the project, shall be in said percentage or fraction for each dwelling.

OWNERSHIP OF TITLE: A Preliminary Title Report issued by First American Title Company of Hawaii, Inc., dated February 9, 1977, states that ownership of the property is vested in Gregory Bunkichi Oshiro and Nancy Natsue Oshiro, husband and wife.

ENCUMBRANCES: Said Preliminary Title Report shows title to the property to be subject to the following encumbrances:

1. Delineation of Easement "A", as shown on Maps 1 and 2, as set forth by Land Court Order No. 17113, filed April 29, 1959.
2. Easement "A": Grant dated December 6, 1941, filed as Document No. 63804, in favor of the City and County of Honolulu, granting easement for underground sewer pipe lines, etc.
3. EXCEPTING AND RESERVING unto the Grantor the right to use that portion of said Lot 2 for ingress and egress purposes over and across said portion of said Lot 2 to Lot 1, as shown on Map 2, filed in said Office of the Assistant Registrar with Land Court Consolidation No. 69.
4. Mortgage dated August 13, 1976, in favor of First Savings and Loan Association, a Hawaii corporation, filed as Document No. 777744.
5. For any taxes that may be due and owing, reference is made to the Office of the Tax Assessor, First Division.

PURCHASE MONEY HANDLING: The executed escrow agreement dated February 14, 1977, identifies First American Title Company of Hawaii, Inc., as the "Escrowee" and provides in part that purchasers shall be entitled to a refund of his funds, and Escrow shall pay said funds to said purchaser, without interest and less Escrow's \$25 cancellation fee, if purchaser shall in writing request refund of his funds and any one of the following shall have occurred: (a) escrow receives a written request from Seller to return to purchaser the funds of such purchaser then held by Escrow; or (b) 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 the city and county officer having jurisdiction over the issuance of permits for construction, unless the purchaser has given written approval or acceptance of the change; or (c) if the purchaser's funds were obtained prior to the issuance of a Final Public Report and the Final Public Report differs in any material respect from the Preliminary Public Report, unless the purchaser has given written approval or acceptance of the difference; or (d) if the Final Public Report is not issued within one year from the date of issuance of the Preliminary Public Report.

Upon refund of said funds to purchaser as aforesaid, Escrow shall return to Seller such purchaser's sales contract, and thereupon neither the purchaser nor Seller shall be deemed obligated thereunder.

Among other provisions, the specimen Sales Contract provides (1) that purchaser agrees that all rights of the purchaser are and shall be subject and subordinate to the lien of any mortgage made to finance the cost of acquisition of the project by developer and to any and all sums which may become a lien pursuant to the terms of such mortgage or any other agreement relating to such mortgage; (2) the purchaser also agrees to purchase the dwelling including any appliances located therein, "as is"; and (3) purchaser agrees to pay at time of execution of documents to effect transfer of title, the escrow fee and all other costs related to the closing of the sale.

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 514-40, Hawaii Revised Statutes. A prospective purchaser should carefully examine the form of specimen sales contract and escrow agreement to determine the time for and the amount of the installment payments on the purchase price and the sharing of the closing costs.

PURPOSE OF BUILDINGS AND USE RESTRICTIONS: The dwellings shall be occupied and used as private dwellings by the respective owners thereof, their tenants, families, domestic servants and personal guests. The dwellings shall not be rented for transient or hotel purposes, which are defined as (a) rental for any period less than 30 days, or (b) any rental in which the occupants of the apartment are provided customary hotel services, such as room service for food and beverage, maid service, laundry and linen, or bellboy service. Except for such transient or hotel purposes, the owners of the respective dwellings shall have the absolute right to lease or rent the same subject to the limitations, restrictions, covenants and conditions of the Declaration.

The By-laws attached to the Declaration and the proposed House Rules provide in part:

1. "No livestock, poultry, or other animals whatsoever shall be allowed or kept in any part of the project except that dogs, cats and other household pets in reasonable number may be kept by the dwelling owners and occupants in their respective dwellings ..."; and
2. "The maximum number of occupants to be permitted to reside in any dwelling shall be that

number which is provided for in its regulations by the Department of Health, State of Hawaii."

MANAGEMENT AND OPERATION: Article IV, Section 2, of the By-laws states that the President of the Association of Dwelling Owners shall manage and control the project subject at all times to direction by the Board.

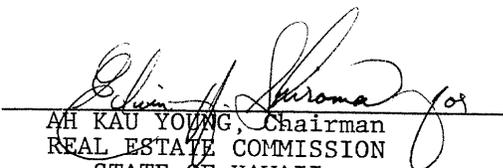
NOTE: The Declaration reflects that the owner of each dwelling shall be solely responsible for the maintenance, repair, replacement and restoration of such dwelling, the areas adjacent to the dwelling, and the limited common elements, including the separate and exclusive appurtenant installations such as pipes, wires, cables, conduits, and other utility lines running to each dwelling for services such as sewer, power, light, gas, water and radio and TV signal distribution.

STATUS OF PROJECT: The Developer has filed with the Commission evidence that the construction of the dwellings and other improvements on the land were completed and ready for occupancy on November 27, 1976.

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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 15, 1977, and information subsequently filed as of March 8, 1977.

This FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 902 filed with the Commission on February 15, 1977.

The 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 Department,  
City and County of Honolulu  
Federal Housing Administration  
Escrow Agent

REGISTRATION NO. 902  
Dated: March 10, 1977