

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
GENESIS
47-416 Lulani Street
Kaneohe, Hawaii

REGISTRATION NO. 903

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: May 23, 1977

Expires: June 23, 1978

SPECIAL ATTENTION

A comprehensive reading 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 FEBRUARY 18, 1977 AND INFORMATION SUBSEQUENTLY FILED AS OF MAY 11, 1977. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514, HAWAII REVISED STATUTES.

1. GENESIS is a fee simple condominium project consisting of four (4) residential dwellings. A parking area with two (2) stalls for each dwelling is appurtenant to and for the exclusive use of each apartment.

2. The Developer of the project has filed all documents and materials deemed necessary by the Commission for the registration of this proposed 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 the approved Floor Plans) have been recorded in the Bureau of Conveyances of the State of Hawaii.

The Declaration of Horizontal Property Regime together with By-Laws attached thereto dated October 28, 1976 have been filed in the Office of the Assistant Registrar of the Land Court, State of Hawaii as Document No. 794437. Condominium Map No. 297 has been designated by said office.

4. No advertising and promotional matter has been filed 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 the Horizontal Property Act, Chapter 514 of the Hawaii Revised Statutes and the Condominium Rules and Regulations which relate to Horizontal Property Regime.

6. This Final Public Report automatically expires thirteen (13) months after the date of issuance, May 23, 1977, unless a Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the period of this report.

7. This Final Public Report is made a part of registration on GENESIS condominium project. The Developer has the responsibility of placing a true copy of the Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers. Securing a signed copy of the Receipt for the Final Horizontal Property Regime Public Report from each such person is also the responsibility of the Developer.

NAME OF PROJECT: GENESIS

LOCATION: 2.337 acres of land committed to the regime is situated at 47-416 Lulani Street, Kaneohe, Oahu, Hawaii.

TAX MAP KEY: 4-7-45-20,21

ZONING: R-3 and Conservatism

DEVELOPER: GARY NEIL HAGERMAN, 920 Ward Ave., Apt. 5G, Honolulu, Hawaii; DAVID ALAN KNOX and BEVERLY JUNE HOVERSLAND,

3232A Ahinahina Place, Honolulu, Hawaii; EDWARD WARREN MORRIS, 4729 Sierra Drive, Honolulu, Hawaii; ARTHUR KIMBAL THOMPSON and ANN MATSUNAMI THOMPSON, 3232B Ahinahina Place, Honolulu, Hawaii.

ATTORNEY REPRESENTING DEVELOPER: GARY N. HAGERMAN, 506 Davies Pacific Center, 841 Bishop Street, Honolulu, Hawaii, Telephone No. 524-7030.

DESCRIPTION: The Declaration of Horizontal Property Regime and plans submitted by the Developer indicate a fee simple condominium project consisting of four (4) separate freehold estates designated in the spaces enclosed by the exterior surfaces of the walls, roofs and the bottom surfaces of the floors, slabs, footing, foundations and posts, beams and other supporting structures of each of the four (4) dwellings, herein called "apartments", constructed principally of wood. Said apartments, numbers "A" to "D", inclusive, are described as follows:

Apartment A is two stores split level; contains six (6) rooms including two bedrooms, two bathrooms, laundry, a living room, a dining room and a kitchen, one (1) veranda and three (3) lanais; and has a gross floor area of 2232 square feet.

Apartment B is two stores split level; contains seven (7) rooms including one bedroom, two bathrooms, a living room, a dining room, a kitchen, a study, three (3) lanais, and has a gross floor area of 1821 square feet.

Apartment C is two stories split level; contains five (5) rooms including one bedroom, one and one-half bathrooms, a living room, a kitchen with dining area, and three (3) lanais, and has a gross floor area of 1869 square feet.

Apartment D is three stories split level; contains eight (8) rooms including three bedrooms, three bathrooms, a living room, a dining room, a kitchen with adjacent pantry, and four (4) lanais, and has a gross floor area of 2565 square feet.

Each apartment has immediate access to the land adjacent thereto and to the walkways and driveways connecting the apartment to the street entrance of the project.

Each of the respective apartments shall be deemed to include the perimeter walls and roofs, the floor slabs, footings and foundations, and the pipes, wires, conduits or other utility or service lines which run through and within such apartment. Each apartment shall also be deemed to include the adjacent lanais and verandas, and all the walls and partitions within its perimeter walls, all window glass and screens, all fixtures, and all appliances originally installed as fixtures therein.

COMMON ELEMENTS: One freehold estate is hereby designated in all remaining portions of the project, herein called the "common elements", including specifically but not limited to:

- (a) Said land in fee simple.
- (b) All walls which are not part of or incorporated into the foundations of any apartment;
- (c) All covered walkways and refuse facilities;
- (d) All parking areas, ramps and driveways;
- (e) All pipes, electrical equipment, wiring and other central and appurtenant installations for power, light, water, sewer and telephone which are not within any apartment.
- (f) Any and all other apparatus and installations of common use and all other parts of the property necessary or convenient to its existence, maintenance and safety or normally in common use.

EXCLUSIVE LIMITED COMMON ELEMENTS: Certain parts of the common elements, herein called the "exclusive limited common elements", are hereby designated and set aside for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto easements for the use of such exclusive limited common elements as follows:

- (a) The land immediately beneath each apartment together with that land adjacent thereto which is designated as an exclusive limited common element on said Condominium Map shall be appurtenant to and for the exclusive use of each such apartment.
- (b) The entryways, landings, stairs and driveways leading exclusively to and from each apartment shall be appurtenant to and for the exclusive use of such apartment.
- (c) Two (2) parking stalls in underground garage as designated on said Condominium Map by the same letter as an apartment shall be appurtenant to and for the exclusive use of such apartment.

COMMON INTEREST: Each apartment shall have appurtenant thereto an undivided percentage interest in all common elements of the project (herein called the "common interest"), and the same proportionate share in all common profits and expenses of the project and for all other purposes including voting, according to the plan of such apartment as follows:

Apartment A: 25%
 Apartment B: 25%
 Apartment C: 25%
 Apartment D: 25%

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The apartments shall be occupied and used only as private dwellings by the respective owners thereof, their tenants, families, domestic servants and social guests, and for no other purpose. The apartments 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 apartments shall have the absolute right to lease such apartments subject to all provisions of this Declaration.

OWNERSHIP OF TITLE: A Preliminary Title report dated April 29, 1977, issued by Title Guaranty of Hawaii, Incorporated, certifies that the fee simple owners of the property committed to the project are Arthur K. Thompson and Ann M. Thompson, husband and wife, Edward W. Morris, Gary N. Hagerman and David A. Knox and Beverly June Hoversland, husband and wife.

The fee simple owners will convey the fee interest to the developer herein and the developer will convey individual apartment deeds directly to the purchaser.

ENCUMBRANCES AGAINST TITLES: Preliminary Title reports dated April 29, 1977, issued by Title Guaranty of Hawaii, Incorporated, as submitted to the Commission, provides that the following are encumbrances against title to the property:

1. For any taxes that may be due and owing and a lien on the land, reference is hereby made to the Office of the Tax Assessor of the First Division, Island of Oahu, Hawaii.
2. Easement 61 (10 feet wide) for the purpose of storm drain located over and across the northerly boundary of Lot 1165, shown on Maps 59 and 227, as set forth by Land Court Order No. 14010, filed September 20th, 1955, granted to City and County of Honolulu, dated November 9th, 1955, filed as Land Court Document No. 188748.
3. A six-foot road setback line along the northerly boundary of Lot 1165, as shown on Maps 59 and 227.
4. A grant in favor of Hawaiian Electric Company, Inc. and Hawaiian Telephone Company, granting Easement for utility purposes over and across Lot 1165, dated September 27th, 1955 and filed as Land Court Document No. 179892.
5. The restrictions on use and the covenants, agreements, obligations, conditions, reservations, easements, and other provisions set forth in Declaration of Horizontal Property Regime dated October 28, 1976 and filed as Land Court Document No. 794437 and the By-Laws attached thereto. (Project covered by Condominium Map No. 297.)
6. Terms, agreements, reservations, covenants, conditions and provisions contained in Apartment Deeds dated November 8, 1976 and filed as Land Court Document Nos. 794438, 794440, 794442 and 794444.
7. Mortgage made by David A. Knox and Beverly June Hoversland, husband and wife, in favor of Pioneer Federal Savings & Loan Association filed December 3, 1976 as Land Court Document No. 794439.
8. Mortgage made by Arthur K. Thompson and Ann M. Thompson, husband and wife, in favor of Pioneer Federal Savings & Loan Association filed December 3, 1976 as Land Court Document No. 794441.

9. Mortgage made by Edward W. Morris in favor of Pioneer Federal Savings & Loan Association filed December 3, 1976 as Land Court Document No. 794443.

10. Mortgage made by Gary N. Hagerman in favor of Pioneer Federal Savings & Loan Association filed December 6, 1976 as Land Court Document No. 794445.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated November 12, 1976, between Title Guaranty Escrow Services, Inc., as Escrow, and Developer has been filed with the Commission. On examination, the executed Escrow Agreement filed with the Commission is found to be in compliance with Chapter 514, Hawaii Revised Statutes, and particularly Sections 514-36 through 514-40 thereof.

Among other provisions the executed Escrow Agreement states that a purchaser shall be entitled to a refund of his funds, and Escrow shall pay said funds to said purchaser, without interest and less Escrow's cancellation fee, if purchaser shall in writing request refund of his funds and any one of the following shall have occurred: (a) Escrow received a written request from Seller to return to purchaser the funds of such purchaser then held by Escrow; (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; (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.

MANAGEMENT OF THE PROJECT: The By-Laws which are incorporated in the Declaration provide that the operation of the project may be conducted for the Association of Apartment Owners under the direction of the Board of Directors by a responsible managing agent, but there is no requirement that a managing agent be appointed. At this time, the Developer does not propose to appoint an initial managing agent.

STATUS OF PROJECT: The Developer advises that it estimates construction of the project will be completed on or about September 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 February 18, 1977.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 903 filed with the Commission February 18, 1977. 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

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. 903

May 23, 1977