

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
PUUALII, PHASE I, INCREMENT 3
Heeia, Koolaupoko, City and County of Honolulu
State of Hawaii

REGISTRATION NO. 914

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 21, 1978
Expires: September 21, 1979

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:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED MAY 20, 1977 AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF JULY 27, 1978. THE DEVELOPER IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES LAW, CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. Since the issuance of the Commission's Preliminary Public Report on PUUALII, PHASE I, INCREMENT 3 condominium apartment project, Registration No. 914, dated June 28, 1977, and the Supplementary Public Report dated April 7, 1978 the Developer has prepared, assembled and forwarded additional information.

2. The Developer of the project has submitted to the Commission for examination all documents necessary for the registration of a condominium project and 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 filed with the Assistant Registrar of the Land Court of the State of Hawaii. The Declaration is filed as Document No. 888714. The Floor Plans are filed as Land Court Condominium Map No. 336.
4. This Final Public Report (white stock) is made a part of the registration on the PUUALII, PHASE I, INCREMENT 3 condominium project, a copy of which the Developer is required to provide all purchasers or prospective purchasers of apartments along with a copy of the Preliminary Public Report (yellow paper stock) and the Supplementary Public Report (pink paper stock). Securing a signed copy of the receipt for HORIZONTAL PROPERTY REGIMES public reports from each purchaser and prospective purchaser is also the responsibility of the Developer.
5. Advertising and promotional matter has been submitted pursuant to the rules and regulations promulgated by the Commission.
6. This Final Public Report automatically expires thirteen (13) months after date of issuance, August 21, 1978, unless a Supplementary Public Report is issued or the Commission, upon review of the Registration, issues an order extending the effective period of this report.
7. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A of the Hawaii Revised Statutes and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.

The information under the topical headings ENCUMBRANCES AGAINST TITLE, and STATUS OF PROJECT, have been changed with the addition of a new topical heading PROGRAM OF FINANCING. All other headings as recited in the Preliminary Public Report of June 28, 1977 as amended by the Supplementary Public Report of April 7, 1978 remain unchanged.

ENCUMBRANCES AGAINST TITLE: The lien letter report dated February 27, 1978 and the continuation of said report dated July 25, 1978 issued by Security Title Corporation identify that the title to the land is encumbered as follows:

1. Declaration of Protective Provisions for Alii Shores Yacht Club dated June 1, 1973, filed in said Office of the Assistant Registrar as Document No. 639983; and as further amended by instrument dated March 13, 1978, filed in said Office of the Assistant Registrar as Document No. 869731.
2. The terms and provisions of that certain Bishop Estate Lease No. 24,620 dated June 7, 1976, filed in said Office of the Assistant Registrar as Document No. 768125, made by and

between TRUSTEES OF THE ESTATE OF BERNICE PAUahi BISHOP, as Lessors, and THOMAS FRANCIS McCORMACK, husband of Hilda Frances McCormack, as Lessee, for a term commencing from the first day of January, 1976; as amended by instrument dated June 3, 1977, filed in said Office of the Assistant Registrar as Document No. 838309; and as further amended by instrument dated March 6, 1978, filed in said Office of the Assistant Registrar as Document No. 872979.

3. The terms and provisions of that certain Bishop Estate Lease No. 24,620-A dated June 7, 1976, filed in said Office of the Assistant Registrar as Document No. 768126, made by and between TRUSTEES OF THE ESTATE OF BERNICE PAUahi BISHOP, "Owners", and THOMAS FRANCIS McCORMACK, husband of Hilda Frances McCormack, "Tenant", holder of the Master Lease dated June 7, 1976, filed in said Office of the Assistant Registrar as Document No. 768125, as Lessors, and SWIRE-McCORMACK LTD., a Hawaii corporation, as Lessee, for a term of 61 years commencing from the first day of January, 1976; as amended by instrument dated June 6, 1977, filed in said Office of the Assistant Registrar as Document No. 838310; and as further amended by instrument dated March 6, 1978, filed in said Office of the Assistant Registrar as Document No. 872980. Consent thereto filed as Document No. 872981.

Said Sublease is subject to the following:

- a) Mortgage dated January 13, 1978, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 861372, made by SWIRE-McCORMACK LTD., a Hawaii corporation, as Mortgagor(s), to BANK OF HAWAII, a Hawaii banking corporation, as Mortgagee(s), to secure the repayment of the sum of \$2,000,000.00, any additional advances and other amounts secured thereby, all according to the terms of that certain promissory note of said mortgagor(s) therein referred to.
- b) Mortgage dated June 9, 1976, filed in said Office of the Assistant Registrar as Document No. 768534, made by SWIRE-McCORMACK LTD., as Mortgagor, to SWIRE PROPERTIES (Netherlands) B. V., as Mortgagee, to secure the repayment of the sum of \$1,000,000.00, any additional advances and other amounts secured thereby, all according to the terms of that certain promissory note of said mortgagor therein referred to.

By instrument dated January 24, 1978, filed in said Office of the Assistant Registrar as Document No. 861373, the foregoing mortgage was subordinated to the lien of that certain mortgage referred to as Encumbrance No. 3a hereof.

- c) Mortgage dated December 2, 1976, filed in said Office of the Assistant Registrar as Document No. 793973, and made by SWIRE-McCORMACK LTD., as Mortgagor, to SWIRE PROPERTIES (Netherlands) B. V., as Mortgagee, to secure the repayment of the sum of \$2,400,000.00, any additional advances and other amounts secured thereby, all according to the terms of that certain promissory note of said mortgagor therein referred to.

By instrument dated January 24, 1978, filed in said Office of the Assistant Registrar as Document No. 861373, the foregoing mortgage was subordinated to the lien of that certain mortgage referred to as Encumbrance No. 3a hereof.

4. Declaration as to Merger of Increments in a Condominium Project dated May 12, 1977, filed in said Office of the Assistant Registrar as Document No. 838311, made by the Trustees of the Estate of Bernice Pauahi Bishop, Deceased, Thomas Francis McCormack, husband of Hilda Frances McCormack and Swire-McCormack Ltd., a Hawaii corporation, "Developer".
5. Declaration of Covenants, Conditions and Restrictions for PuuAlii dated May 12, 1977, filed in said Office of the Assistant Registrar as Document No. 838312.
6. Grant dated September 30, 1977, filed in said Office of the Assistant Registrar as Document No. 839449, made by the Trustees of the Estate of Bernice Pauahi Bishop, as Grantors, and the City and County of Honolulu, a municipal corporation of the State of Hawaii, as Grantee, and the Board of Water Supply, City and County of Honolulu, as Board, granting forever, the right, in the nature of an easement, to be exercised and enjoyed by the Board, to construct, etc., an underground water pipeline or pipelines, etc., as the Board shall deem necessary to properly measure and control water conveyed to consumers through the pipeline or pipelines, or to provide a proper water fixture for fire fighting purposes, over, under, across and through Lot 1642. Consents thereto filed as Document Nos. 839450, 839451 and 839452.
7. Designation of Easement 582 affecting Lot 1642 as shown on Map 173, as set forth by Land Court Order No. 46715, filed March 3, 1977.
8. Grant dated March 9, 1978, filed in said Office of the Assistant Registrar as Document No. 870766, made by the Trustees of the Estate of Bernice Pauahi Bishop, as Grantors, and Hawaiian Electric Company, Inc., a Hawaii corporation, as Grantee, granting a right and easement to build, etc., as may be necessary for the transmission and distribution of electricity to be used for light and power and/or communications and control circuits, etc., over, under, upon, across, through and within Lot 1642. Consents thereto filed as Document Nos. 870767 and 870768.
9. Declaration of Horizontal Property Regime of PuuAlii, Phase I, Increment 3 dated May 26, 1978, filed in said Office of the Assistant Registrar as Document No. 888714.
10. Condominium Map No. 336, filed in said Office of the Assistant Registrar on July 25, 1978.
11. For any taxes that may be due and owing, reference is made to the Office of the Tax Assessor, First Division.

NOTE:

The Developer has advised the Commission that at the time the first apartment lease is entered into between the Trustees of the Estate of Bernice Pauahi Bishop, "Owners", and Thomas Francis McCormack, "Tenant", as Lessors, and an apartment purchaser, as Lessee, every mortgage and other lien affecting both such apartment and any other apartment shall be paid and satisfied of record, or the apartment being leased shall be released therefrom by partial release duly recorded.

The Developer has advised the Commission that appropriate easements will be granted to public utilities and others for the construction, installation, operation, maintenance, repair and replacement of lines and other transmission facilities and appurtenances for electricity, gas, telephone, radio and television signal distribution and other services and utilities which may be necessary in order to serve the property.

PROGRAM OF FINANCING: The Developer has complied with the provisions of Section 514A-40, Hawaii Revised Statutes, by filing with the Commission the following:

1. Developer's verified statement of all costs involved in completing the project.
2. Verified statement of architect of the estimated construction completion date.
3. Copy of the executed construction contract dated October 12, 1977 between Swire-McCormack Ltd. and Gem Construction Co.
4. Copy of the Performance Bond and Labor and Material Bond dated October 12, 1977 issued by The Hawaiian Insurance & Guaranty Company, Limited, as surety, and Builders Products Corporation dba Gem Construction Co., as principal.
5. The Developer has received commitments from Swire Properties (Netherlands) B. V. and from Bank of Hawaii. The commitment letters indicating the conditions for the loans have been forwarded to the Commission and may be reviewed.

STATUS OF PROJECT: The Developer has advised the Commission that as of June 30, 1978, approximately 64% of the Project has been completed and that the estimated date of substantial completion of the project is on or about September 15, 1978.

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 May 20, 1977, and additional material subsequently filed as of July 27, 1978.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 914 filed with the Commission on July 27, 1978.

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.

Mary V. Davis

(for) AH KAU YOUNG, Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII

Distribution:

DEPARTMENT OF TAXATION
ASSISTANT REGISTRAR OF THE LAND COURT
DEPARTMENT OF LAND UTILIZATION, CITY AND
COUNTY OF HONOLULU
FEDERAL HOUSING ADMINISTRATION
ESCROW AGENT

Registration No. 914

August 21, 1978.