

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

HALE MANOA
3081 A-I Paty Drive, Honolulu, Hawaii
REGISTRATION NO. 928

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 18, 1977
Expires: September 18, 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 SUBMITTED JULY 21, 1977, AND ADDITIONAL MATERIAL SUBSEQUENTLY FILED AS OF AUGUST 15, 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. HALE MANOA is a fee simple condominium project consisting of nine (9) apartment units in nine (9) free-standing buildings. Parking is available for each unit either adjacent to or in basement areas.

2. The Declaration and other information submitted by Developer indicates that purchasers will receive a fee simple interest by way of an apartment deed issued directly by the Developer.

3. 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.

4. 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, together with the By-Laws of the Association of Dwelling Owners attached thereto was filed in the Land Court of the State of Hawaii on July 21, 1977 as Document No. 827037 and Condominium Map No. 310 has been designated to the project.

5. Advertising and promotional matter required to be filed pursuant to the rules and regulations promulgated by the Commission has not been submitted.

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 HALE MANOA condominium project. The Developer has the responsibility of placing a true copy of this Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers. Securing a signed copy of the receipt for this Final Public Report from each purchaser and prospective purchaser is also the responsibility of the Developer.

8. This Final Public Report automatically expires thirteen (13) months after date of issuance, August 18, 1977 unless a Supplementary

Public Report issues or the Commission upon review of registration issues an order extending the effective period of this report.

NAME OF PROJECT: HALE MANOA

LOCATION: The site, consisting of approximately 8.097 acres, is located at 3081 A-I Paty Drive, Honolulu, Hawaii.

TAX MAP KEY: FIRST DIVISION 2-9-25-01

ZONING: R-4 and Conservation (See Topical Heading "Conservation District")

SPECIAL NOTE: The project is a non-conforming use under the Comprehensive Zoning Code.

DEVELOPER: HALE MANOA, INC., a Hawaii corporation, whose principal place of business is Suite 104, 320 Ward Avenue, Honolulu, Hawaii. The names of the principal officers of said corporation are as follows:

HALE MANOA, INC.

H. Brian Moore - President

Frank Slavsky - Vice President

Marshall Goldman - Secretary and Treasurer

ATTORNEY REPRESENTING OWNER: Patrick W. Murphy, Suite 412, 745 Fort Street, Honolulu, Hawaii 96813, Telephone 524-0533.

DESCRIPTION OF PROJECT:

The Declaration reflects that the Project consists of nine (9) apartments (hereinafter called "dwellings"), constructed on approximately 8.097 acre of land, which dwellings are hereinafter described and designated on said Condominium Map as Building "A" through "I", inclusive. Each of the buildings is constructed principally of wood, glass and allied building materials on concrete footings, with asbestos shingle roof.

Nine (9) 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 footings and foundations of each of the nine (9) dwellings of the Project. The letter designation of each dwelling, its type, number of rooms and location are as follows:

<u>DWELLING</u>	<u>TYPE OF UNIT</u>	<u>NO. OF ROOMS</u>	<u>DWELLING ADDRESS NO.</u>
A	X	6	3081 A Paty Drive
B	X	6	3081 B Paty Drive

<u>DWELLING</u>	<u>TYPE OF UNIT</u>	<u>NO. OF ROOMS</u>	<u>DWELLING ADDRESS NO.</u>
C	X	6	3081 C Paty Drive
D	X	6	3081 D Paty Drive
E	Xr	6	3081 E Paty Drive
F	W	10	3081 F Paty Drive
G	Y	9	3081 G Paty Drive
H	Zr	8	3081 H Paty Drive
I	Z	8	3081 I Paty Drive

The foregoing building addresses are the street number and addresses assigned to the respective buildings.

a. Type (X) & (Xr) Dwelling. Those dwellings (dwellings A,B,C,D,E) designated hereinabove as Type (X) & (Xr) each contain six (6) rooms, consisting specifically of three (3) bedrooms, one (1) bathroom, a living room and a kitchen. Type (X) & (Xr) dwellings have a floor area of approximately 880 square feet and parking adjacent thereto. Dwelling C has an additional parking across the common roadway. Each Type (X) (Xr) dwelling is above grade and has open space between the footings and living area.

b. Type (W) Dwelling. Dwelling F designated hereinabove as Type (W) is two (2) stories containing ten (10) rooms, consisting specifically of five (5) bedrooms, two (2) bathrooms, a living room, kitchen and a multi-purpose room, with a floor area of approximately 1,640 square feet. Parking is adjacent thereto.

c. Type (Y) Dwelling. Dwelling (G) designated hereinabove as Type (Y) is two (2) stories containing nine (9) rooms, consisting specifically of four (4) bedrooms, two (2) bathrooms, a living room, kitchen and a multi-purpose room, with a floor area of approximately 1,640 square feet. Parking is adjacent thereto.

d. Type (Z) & (Zr) Dwelling. Those dwellings (dwelling H & I) designated hereinabove as Type (Z) & (Zr) are two (2) stories, containing eight (8) rooms consisting specifically of three (3) bedrooms, two (2) bathrooms, a living room, a kitchen and a multi-purpose room and has a floor area of approximately 1,260 square feet and concrete basement for parking.

Each dwelling shall be deemed to include the footings on which it is constructed, the exterior walls and roof, all interior walls, ceilings, floors and partitions and the finished surfaces thereto, the basement parking and patio areas, if any, and all fixtures originally installed therein. However,

the respective dwellings shall not be deemed to include any structural or service elements which are utilized or serve more than one dwelling, the same being deemed common elements as hereinafter provided.

COMMON ELEMENTS. The Declaration states that the common elements shall include, but shall not be limited to:

1. All land in fee simple;
2. All yards, grounds, landscaped areas and walkways around and between said buildings;
3. All roadways, sidewalks, walkways and driveways of the Project;
4. All retaining walls of whatsoever kind or construction and wheresoever located within the project, insofar as such walls are existing as retaining and supporting other elements of the common elements, to include but not limited to roadways;
5. All ducts, sewer lines, electrical equipment, pipes, wiring and other central and appurtenant transmission facilities, installations which serve more than one dwelling for services, including power, lights, water, gas, air conditioning, refuse, telephone and radio and television signal 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.

LIMITED COMMON ELEMENTS. The Declaration provides 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 said limited common elements. The limited common elements so set aside and reserved are as follows:

1. The site of each dwelling, consisting of the land beneath and immediately adjacent thereto, as shown and delineated on said Condominium Map, shall be limited common elements for the exclusive use of the dwelling to which it is appurtenant.
2. The walkways and driveways connecting the dwellings to Paty Drive or to the roadways of the Project shall be a limited common element for the exclusive use of the dwelling or dwellings to which said walkways and driveways are appurtenant;
3. All other common elements of the Project which are rationally related to less than all of said dwellings shall be appurtenant to and for the exclusive use of the dwelling or dwellings served thereby.

INTEREST TO BE CONVEYED TO PURCHASERS. Each dwelling shall have appurtenant thereto an undivided percentage interest in the common elements of the Project, (herein called the "common interest") and the same proportionate share in all common profits and expenses (except that premiums for insurance as required by Sec. 514-26 of Hawaii Revised Statutes covering dwellings shall be allocated in accordance with the percentage of common interest determined for each dwelling by the Board of Directors based on the insurable value of each dwelling) of the Project, and for all other purposes including voting, as follows:

<u>TYPE</u>	<u>DWELLING</u>	<u>NUMBER OF UNITS</u>	<u>COMMON INTEREST</u>
X	A,B,C,D	4	11.111%
Xr	E	1	11.111%
W	F	1	11.111%
Y	G	1	11.111%
Z	I	1	11.112%
Zr	H	1	11.111%

DEVELOPER'S OPTION TO GRANT EASEMENTS. Developer shall, from time to time, have the right at its option to grant easements in favor of Lot A-1-D for public utilities to include but not limited to water, sewer and electric over lot 189, of Section "B" of the "Woodlawn Tract" as shown on Map 114, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 211 of Woodlawn Dairy and Stock Company, Limited, which land is described in Transfer Certificate of Title No. 181,227 issued to MANOA FINANCE COMPANY, INC., a Hawaii corporation.

(a) No Easement shall require the alteration and demolition of any existing dwelling or its appurtenant limited common elements.

(b) Every dwelling owner and all holders of liens affecting any of the dwellings in the project shall, if required by law or by Developer, join in, consent to, or execute all instruments and documents necessary or desirable to effect the easements provided for above.

RESTRICTION AS TO USE. The apartments shall be occupied and used only for residential purpose and for no other purpose. Except as aforesaid, the owners of the respective apartments shall have the absolute right to lease such apartment subject to all of the provisions of the Declaration and By-Laws.

OWNERSHIP OF TITLE. A preliminary title report issued June 21, 1977 by Hawaii Escrow & Title, Inc. indicates that title to the land is vested in the Manoa Finance Company, Inc., a

Hawaii corporation, and that an Agreement of Sale was executed by Manoa Finance Company, Inc. to KAZUO KAMEMOTO and TSURUYO KAMEMOTO, husband and wife, as tenants by the Entirety dated March 6, 1976. The Developer is the holder of a Sub-Agreement of Sale executed on June 30, 1977, a copy of which has been supplied to the Commission. The Developer has represented to the Real Estate Commission that the Owner, Manoa Finance Company, Inc., and the Vendees under the aforesaid Agreement of Sale will convey the project free and clear of any encumbrance to the Developer who will, in turn issue, individual dwelling deeds to purchasers.

ENCUMBRANCES AGAINST TITLE. Said title report issued on June 21, 1977 by Hawaii Escrow and Title, Inc., lists the following encumbrances:

1. Title to all minerals and metallic mines reserved to the State of Hawaii.
2. A right of way in favor of Lot A-1-D over Lot 189, of Section "B", as set forth by Land Court Order No. 4712, filed September 2, 1941.
3. Covenants, conditions, restrictions, reservations, agreements, obligations and other provisions set forth in the Deed dated March 27, 1941 and filed March 31, 1941 in the Office of the Assistant Registrar of the Land Court, State of Hawaii as Document No. 57552.
4. Covenants, conditions, restrictions, reservations, agreements, obligations and other provisions set forth in the Deed dated April 17, 1944 and filed August 7, 1944 in the Office of the Assistant Registrar of the Land Court, State of Hawaii as Document No. 74370.
5. An easement for public utilities, in favor of Hawaiian Electric Company, Inc., dated November 19, 1962, filed September 18, 1963 in the Office of the Assistant Registrar of the Land Court, State of Hawaii, as Document No. 315656.
6. An easement for public utilities, in favor of Hawaiian Electric Company, Inc., dated May 8, 1964 and filed May 13, 1964 in the Office of the Assistant Registrar of the Land Court, State of Hawaii as Document No. 331371.
7. Mortgage dated March 15, 1962, filed March 20, 1962 in the Office of the Assistant Registrar of the Land Court, State of Hawaii, as Document No. 287356, to secure the repayment of \$85,000.00, and any additional advances and other amounts secured thereby, under the terms and provisions thereof,
Mortgagor: Manoa Finance Company, Inc., a Hawaii corporation
Mortgagee: Territorial Savings and Loan Association, a Hawaii corporation.

8. Agreement of Sale dated March 6, 1976, filed March 8, 1976 in the Office of the Assistant Registrar of the Land Court, State of Hawaii, as Document No. 756330, for the Stated consideration of \$370,000.00, and on the terms and conditions therein contained, of the fee simple estates. Seller: Manoa Finance Company, Inc., a Hawaii corporation Purchaser: Kazuo Kamemoto and Tsuruyo Kamemoto, husband and wife, as Tenants by the Entirety (Also affects other property).

9. For real property taxes, inquiry should be made of the Tax Assessor, First Division.

NOTE: A Sub-Agreement of Sale dated June 30, 1977 has been filed on July 21, 1977 in the Office of the Assistant Registrar of the Land Court, State of Hawaii as Document No. 827035 between Kazuo Kamemoto and Tsuruyo Kamemoto, husband and wife, as Seller and Hale Manoa, Inc. as Purchaser.

CONSERVATION DISTRICT. The Commission has been advised that a portion of the land which is appurtenant as a limited common element to each of Dwelling Nos. A,B,C,D,E of the Project is situate within a conservation district as established by the State Land Use Commission of the State of Hawaii, although the aforesaid dwellings are not within said district.

PURCHASE MONEY HANDLING. An executed Escrow Agreement, dated July 20, 1977, identifies Hawaii Escrow & Title, Inc., as the Escrow Agent. Upon examination of the Escrow Agreement it is in consonance with Chapter 514, Hawaii Revised Statutes, and particularly Section 514-34 through Section 514-40.

The specimen Deposit Receipt and Sales Contract provides: (1) that in the event that less than seven (7) dwellings are sold prior to January 31, 1978, developer or fee owner (in the event developer is not vested with fee title) 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 \$35.00; (2) Buyer agrees that all of the rights of Buyer are and shall be subject and subordinate to the lien of any mortgages given to secure the interim loan made to finance the cost of acquisition and other costs during development and to any and all advances made thereon, 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.

NOTE: The dwellings and appliances therein are sold "as-is" and no warranties attached.

It is incumbent upon the purchaser and prospective purchaser to read and understand the executed Escrow Agreement before executing the Deposit Receipt and Sales Contract since the Escrow Agreement describes the procedures for receiving and disbursing purchaser's funds and the Deposit Receipt and Sales Contract specifically provides that the purchaser approves said Escrow Agreement and assumes the benefits and obligations therein provided.

MANAGEMENT OF PROJECT. The Declaration and By-Laws provide that the operation of the project shall be conducted for the Association under the direction of its Board of Directors by a responsible corporate managing agent. The initial Managing Agent named in the Declaration is Brian Thomas, Inc., 735 Bishop Street, Suite 104, Honolulu, Hawaii.

STATUS OF PROJECT. The Developer has advised the Commission that the Project was completed in 1961 and has been used since such time for single family residential purposes.

NOTE: The building is a non-conforming structure as defined under Section 21-110 Revised Ordinances. The term non-conforming is defined as any structure which was previously lawful but which does not comply with the bulk, yard, set-back or height regulations of the district in which it is located either on the effective date of Chapter 21 Revised Ordinance or as a result of any subsequent amendment thereto.

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 July 21, 1977, and additional material subsequently filed as of August 15, 1977.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 928 filed with the Commission on July 21, 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 Department, City and County of Honolulu
Federal Housing Administration
Escrow Agent

Registration NO. 928

August 18, 1977