

# 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

OF

EKEKELA TERRACE  
745 Ekekela Place  
Honolulu, Hawaii

Registration No. 1008

### **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: July 18, 1978  
Expires: August 18, 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:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION TO ESTABLISH A HORIZONTAL PROPERTY REGIME SUBMITTED ON MAY 25, 1978 AND INFORMATION SUBSEQUENTLY FILED AS OF JULY 13, 1978. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF THE INTENTION TO SELL AND REPORTING CHANGES IN THE PROJECT, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. EKEKELA TERRACE is a fee simple condominium project consisting of two (2) residential dwellings. A carport with two (2) parking stalls is appurtenant to and for the exclusive use of each apartment.
2. This Final Public Report is made a part of the registration on EKEKELA TERRACE condominium project. The Developer is responsible for placing this Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers. Securing a signed copy of the Receipt for said Final Public Report from each purchaser and prospective purchaser is also the responsibility of the Developer.

3. The Developer has submitted to the Commission all documents deemed necessary for registration of the 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 the approved Floor Plans) have been filed in the office of the recording officer. The Declaration of Horizontal Property Regime, executed on November 2, 1977, together with the By-Laws of the Association of Apartment Owners, was filed at the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 88578. The Registrar of Conveyances has designated the map for the project as Condominium File Plan No. 332.
5. No advertising and promotional matter has been submitted pursuant to the rules and regulations promulgated by the Commission. However, the Developer advises the Commission that all advertising and promotional material will be submitted to the Commission prior to public exposure thereof.
6. 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.
7. This Final Public Report automatically expires thirteen (13) months after the date of issuance, July 18, 1978, unless a Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the effective period of this report.

NAME OF PROJECT: EKEKELA TERRACE

LOCATION: The parcel of land is 8,286 square feet and is located at 745 Ekekele Place, City and County of Honolulu, Hawaii.

TAX KEY: First District: 1-8-16-78

ZONING: R6 (residential)

DEVELOPER: NOBORU MATSUMOTO and TERUYE MATSUMOTO, husband and wife whose residence address is [REDACTED]

ATTORNEY REPRESENTING DEVELOPER: Chee, Lee, Oshiro & Williams (Attention: Mr. Hiroshi Oshiro), Suite 1100, Pacific Trade Center, 190 South King Street, Honolulu, Hawaii 96813; telephone number 521-3434.

DESCRIPTION: The Declaration of Horizontal Property Regime reflects that the project consists of two (2) separate freehold estates designated as 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 two (2) dwellings, which are herein called "apartments" and are constructed of wood and hollow tile. Said apartments, referred to as Units "A" and "B", inclusive, are described as follows:

1. Unit #A. Unit #A consists of two (2) floors and contains a total area of 2,576 square feet, described as follows:
  - (a) First Floor. The First Floor consists of 1 bedroom 1-1/2 bathrooms, living room, kitchen, dining room, 1 closet, foyer, utility room, family room, patio, furo, stairway, containing a floor area of 1,408 square feet, plus a 2 car carport and storage area containing 528 square feet.
  - (b) Second Floor. The Second Floor consists of 2 bedrooms, 1 bath, 1 study and 2 closets containing a floor area of 640 square feet.
2. Unit #B. Unit #B consists of 2 floors and contains a total floor area of 2,016 square feet described as follows:
  - (a) First Floor. The First Floor consists of 1 bedroom, 1 bathroom, kitchen, 1 closet, storage room, family room, a living room and stairway for a floor area of 960 square feet, plus a 2 car carport and storage area of 480 square feet.
  - (b) Second Floor. The Second Floor contains 2 bedrooms, 1-1/2 bathrooms and 2 closets and a floor area of 576 square feet.

The respective apartments shall not be deemed to include the area below the floor and the areas wherein any pipes, shafts, wires, conduits or other utility or service lines run through or under such apartment which are utilized for or serve more than one apartment, the same being deemed common elements as hereby provided.

COMMON ELEMENTS: One (1) freehold estate is hereby designated in all remaining portions of the project, herein called the "common elements", including specifically, but not limited to:

1. The land;
2. All central and appurtenant installations, other utility lines running within said land for services such as power, light, gas and water distribution;
3. Any and all other apparatus and installations existing for common use;
4. The mailboxes and refuse area; and
5. All other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use and as indicated on the Condominium File Plan.

LIMITED COMMON ELEMENTS: The limited common elements appurtenant to each apartment unit in the project are as follows:

1. The site of each apartment consisting of the land beneath and immediately adjacent to such apartment (herein called "apartment site"), designated on said Condominium File Plan, shall be appurtenant to and be for the exclusive use of such apartment. The approximate land area for each

apartment site is as follows:

Unit #A - 3,622 square feet; and

Unit #B - 3,711 square feet.

2. The carports shown on said File Plan and located on each apartment site shall be appurtenant to and be 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 as follows:

Unit #A - 56% interest thereof; and

Unit #B - 44% interest thereof.

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. 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: The Lien Letter Report dated May 11, 1978, issued by Security Title Corporation, reflects that ownership to fee title is vested in NOBORU MATSUMOTO and TERUYE MATSUMOTO, husband and wife, as Tenants by the Entirety, said property having been conveyed to them by Deed dated March 17, 1975, and recorded as Land Court Document No. 714405.

ENCUMBRANCES AGAINST TITLE: Said Lien Letter Report also provides that the following are encumbrances against the title to the property:

1. Grant dated May 5, 1954, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 165950, in favor of HAWAIIAN ELECTRIC COMPANY, INC., granting easement for utility purposes over and across Lot 5.
2. Mortgage dated July 14, 1977, filed in said Office as Document No. 826488, made by NOBORU MATSUMOTO and TERUYE MATSUMOTO, husband and wife, as Mortgagor(s), to ISLAND INSURANCE COMPANY, LIMITED, a Hawaii corporation, as Mortgagee(s), to secure the repayment of the sum of \$150,000.00, 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.
3. Mortgage dated April 14, 1978, filed in said Office as Document No. 871400, made by NOBORU MATSUMOTO and

TERUYE MATSUMOTO, husband and wife, as Mortgagor(s),  
to LIBERTY BANK, a Hawaii corporation, as Mortgagee(s),  
to secure the repayment of the sum of \$52,398.80,  
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.

4. For taxes which are due and owing, check with the  
Tax Assessor, First Division.

In addition, the property is encumbered by the Declaration of  
Horizontal Property Regime and By-Laws hereinabove mentioned.

PURCHASE MONEY HANDLING: Title Guaranty Escrow Services, Inc., a  
Hawaii corporation, has been designated as Escrow Agent for the  
project pursuant to an Escrow Agreement between the Developer and  
said Agent, dated May 23, 1978. The Commission finds that said  
Agreement is in consonance with Chapter 514A, Hawaii Revised  
Statutes, and particularly Sections 514A-39, 40(6) and 514A-63 to  
66, inclusive. Among other provisions, the Sales Contract filed  
with the Commission provides that the Contract shall not be  
binding upon the Developer, as Seller, or the Purchaser until  
(a) a true copy of the Commission's Final Public Report for the  
project with all supplementary reports attached thereto (if any  
have been issued) has been given to the apartment purchaser,  
(b) the apartment purchaser has executed a receipt of such report(s),  
and (c) 48 hours have elapsed since the apartment purchaser  
executed such receipt or acknowledged receipt of such report(s).  
The Commission advises prospective purchasers to read and understand  
the Escrow Agreement before executing the Sales Contract.

STATUS OF PROJECT: The Developer has advised the Commission that  
(1) all improvements of the project have been completed, and  
(2) no commitment for any permanent take-out financing for the  
project has been arranged.

HOUSE RULES: The purchasers or prospective purchasers are advised  
to read with care the House Rules for EKEKELA TERRACE, which provides  
in part that no apartment unit shall be occupied by more than  
six (6) persons and no animals may be kept in the project, except  
certain pets within an apartment and provided they are registered  
and do not cause a disturbance.

MANAGEMENT AND OPERATION: The By-Laws of the Association of  
Apartment Owners provides that the Board of Directors of EKEKELA  
TERRACE shall employ a Managing Agent to manage and control the  
project. The Declaration states that the owners of the two (2)  
apartments shall alternate annually as Managing Agents. The Sales  
Contract form names the Developer, NOBORU MATSUMOTO, as the  
initial Managing Agent.

The purchaser or prospective purchaser should be cognizant of the fact that this Final Public Report represents information disclosed by the Developer in the required Notice of Intention submitted on May 25, 1978, and information subsequently filed as of July 13, 1978.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1008 filed with the Commission on May 25, 1978.

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 in color.

  
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(for) 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. 1008  
July 18, 1978