

# 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  
WINDWARD HARBOUR  
1030 Aoloa Place  
Kailua, Oahu, Hawaii

REGISTRATION NO. 1063

### 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 31, 1979

Expires: June 30, 1980

#### 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 DECEMBER 1, 1978 AND INFORMATION SUBSEQUENTLY FILED AS OF MAY 24, 1979. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514A, HAWAII REVISED STATUTES.

1. Since the issuance of the Commission's Preliminary Public Report on January 16, 1979, on WINDWARD HARBOUR, Registration No. 1063, the Developer reports that certain changes have been made in the registration of the project. This Final Public Report (white paper stock) amends the Preliminary Public Report (yellow paper stock), becoming a part of the WINDWARD HARBOUR registration.

2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the issuance of this Final Public Report.
3. Advertising and promotional materials have been submitted pursuant to the rules and regulations promulgated by the Commission.
4. The Developer advises that the Declaration of Horizontal Property Regime and attached Bylaws dated April 30, 1979, have been recorded in the Bureau of Conveyances of the State of Hawaii in Liber 13667, Page 410. The Condominium Map has been filed in said Bureau as Condominium Map No. 609.
5. 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.
6. This Final Public Report automatically expires thirteen (13) months after the date of issuance, May 31, 1979, 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 on the WINDWARD HARBOUR CONDOMINIUM project. 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 along with a copy of the Preliminary Public Report (yellow paper stock). Securing a signed copy of the receipt for this Final Public Report and the Preliminary Public Report from each purchaser and prospective purchaser is also the responsibility of the Developer.

The information in the Preliminary Public Report of January 16, 1979, under the topical headings: DESCRIPTION, OWNERSHIP TO TITLE, ENCUMBRANCES AGAINST TITLE, PURCHASE MONEY HANDLING, and STATUS OF PROJECT has been changed in certain respects. The Developer reports that the other information in the Preliminary Public Report has not been changed. The changes are as follows:

DESCRIPTION: Upon the recommendation of the Project Architect, and at the Seller's option, the following changes may be made to the Project: (a) The exterior window and door frames may be changed from bronze anodized aluminum to aluminum with bronze baked enamel electrostatic finish and (b) the bronze glass may be changed to reflective solar glass composed of clear glass with an interior film.

OWNERSHIP TO TITLE: Since the issuance of the Preliminary Public Report, the Developer has filed with the Commission an updated title report from Title Guaranty of Hawaii dated May 1, 1979 reflecting no change in ownership. However, the Developer has advised that subsequently the Master Tract Lease was amended per document dated April 30, 1979 and recorded in the Bureau of Conveyances of the State of Hawaii,

in Liber 13667, Page 221. Furthermore, the Developer has exercised its option and the Master Tract Sublease (mentioned in the Preliminary Public Report) from Lewers & Cooke, Inc. to Developer, dated April 30, 1979, was executed and recorded in said Bureau in Liber 13667, at Page 240. A copy of both documents has been filed with the Commission.

ENCUMBRANCES AGAINST TITLE: Said title report of May 1, 1979 reflects no additional encumbrances except for the recordation of the Developer's Option Agreement (described in the Preliminary Public Report) in said Bureau in Liber 13396, at Page 221. The two mortgages described as Encumbrances 10 and 11 in the Preliminary Public Report no longer appear as encumbrances. The Developer has also filed with the Commission a copy of a Declaration of Restrictive Covenant (Park) dated April 30, 1979, which the Developer plans to record in said Bureau, as required by the Park Dedication Ordinance and Rules and Regulations of the City and County of Honolulu. These restrictions establish a park and recreation area in the Project and are binding upon and inure to the benefit of the owners, lessees and occupants of the Project.

Other than the Declaration, Bylaws and Condominium Map referred to on page 2 of this report and the three documents referred to under the two preceding captions, the Developer represents that no other documents were recorded subsequent to said May 1, 1979 title report and the issuance of this Public Report.

PURCHASE MONEY HANDLING: (1) A part of the apartment lease rent schedule set forth on page 1 of the sales contract has been changed as follows: There have been no changes to the monthly lease rent for each apartment for the first five (5) years from date of issuance of the first apartment lease and for the next fifteen (15) years, and the information set forth on page 1 of the sales contract for these periods are correct. However, the monthly rent for the following eleven (11) years have been changed and will be as follows:

<u>Apartment Type</u>	<u>Monthly Rent</u>
"1" and "2" Apts.	\$73.00
"3" Apts.	\$78.00
"4" Apts.	\$53.00

Each Apartment Lease will reserve rents for each apartment type for the first twenty (20) years in accordance with the rental figures set forth on page 1 of the sales contract and for the following eleven (11) years as set forth in this paragraph.

(2) In addition to the matters set forth in the Preliminary Public Report, the Purchaser should be especially aware that pursuant to Section D.8 of the sales contract, Purchaser agrees to preclose the sale of Purchaser's apartment up to and including ninety (90) days prior to seller's estimated closing date. Accordingly at such Pre-closing,

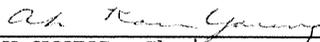
Purchaser agrees to deposit Payment C1 with Escrow together with other payments specified in Section D.11 of the sales contract and to complete all other action to enable closing. Pursuant to Section D.9 of the sales contract, if Purchaser fails to make payment C1 at the time of Pre-closing and/or fails to make Payment C2 at the time of closing, then in addition to any other remedies permitted the Seller under the sales contract, Purchaser will be obligated to pay a late charge of one percent (1%) per month.

STATUS OF PROJECT: The Developer has filed with the Commission copies of a construction contract with Harvis Construction, Inc. Commencement of construction is imminent and the completion date is estimated to be May 15, 1980.

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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 December 1, 1978 and information subsequently filed as of May 24, 1979.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1063 filed with the Commission on December 1, 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.

  
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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. 1063

May 31, 1979