

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
FAIRWAY HOUSE
Makaleka Avenue
Date Street and Ekela Aveue
Honolulu, Hawaii

Registration No. 1074

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 31, 1979
Expires: September 30, 1980

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 SUBMITTED DECEMBER 29, 1978 AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF August 28, 1979. THE DEVELOPER IN NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL AND SUBMITTING ADDITIONAL INFORMATION, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIME LAW, CHAPTER 514A, HAWAII REVISED STATUTES.

1. Since the issuance of the Commission's Preliminary Report dated February 15, 1979, on FAIRWAY HOUSE, Registration No. 1074, the Developer reports that certain changes have been made in the Project.

This Final Public Report amends the Preliminary Public Report, becoming a part of the registration of FAIRWAY HOUSE condominium project. The Developer is responsible for placing this Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers together with the Preliminary Public Report

(yellow paper stock) and for securing a signed copy of the Receipt for both Public Reports from each purchaser and prospective purchaser.

2. The Developer of the project has filed all documents and materials deemed necessary by the Commission for the registration of the condominium project and the issuance of this Final Public Report.

The Developer advises that the Declaration of Horizontal Property Regime and attached By-Laws have been filed in the Bureau of Conveyances of the State of Hawaii in Liber 13860 at Page 001. Condominium Map No. 630 has been designated to the project.

3. No advertising or promotional matter has been submitted to the Commission.

4. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of the Horizontal Property Act, Chapter 514A of the Hawaii Revised Statutes and the Condominium Rules and Regulations which relate to the Horizontal Property Regime.

5. This Final Public Report automatically expires thirteen (13) months after date of issuance, August 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.

The information under the topical headings in the Preliminary Public Report dated February 15, 1979, has not been changed except for DESCRIPTION, OWNERSHIP TO TITLE, ENCUMBRANCES AGAINST TITLE, STATUS OF PROJECT with the addition of FINANCING OF THE PROJECT.

DESCRIPTION: In the Preliminary Report dated February 15, 1979, it was incorrectly stated that the apartment floors were designated five through twelve and fourteen through thirty-two. The correct statement is that the apartments are located on each of the 17 apartment floors which are designated five through twelve and fourteen through twenty-two. All other information under this topic heading remains unchanged.

OWNERSHIP TO TITLE: A Commitment for Title Insurance dated July 19, 1979 prepared by National Title Corporation shows that the leasehold title to the various parcels of land making up the project is vested in Fairway House Associates, as LESSEE, under the following leases:

(a) Lease dated February 16, 1979, recorded on July 19, 1979 in Book 13859 Page 342, made by and between KIICHI OSHIRO and SADAKO OSHIRO, husband and wife, "LESSORS", and FAIRWAY HOUSE ASSOCIATES, a Hawaii registered partnership, "LESSEE", for a term of seventy-five (75) years, effective as of May 15, 1979, up to and including May 14, 2054.

(b) Lease dated February 16, 1979, recorded on July 19, 1979 in Book 13859 Page 376, made by and between HAROLD SETSUO ISHII and MASAKO ISHII, husband and wife, "LESSORS", and FAIRWAY HOUSE ASSOCIATES, a Hawaii registered partnership, "LESSEE", for a term of seventy-five (75) years, effective as of May 15, 1979, up to and including May 14, 2054.

(c) Lease dated February 14, 1979, recorded on July 19, 1979 in Book 13859 Page 410, made by and between JERRY S. TANAKA and MASAE K. TANAKA, husband and wife, "LESSORS", and FAIRWAY HOUSE ASSOCIATES, a Hawaii registered partnership, "LESSEE", for a term of seventy-five (75) years, effective as of May 15, 1979, up to and including May 14, 2054.

(d) Lease dated February 14, 1979, recorded on July 19, 1979 in Book 13859 Page 445, made by and between RAYMOND PIRES, husband of Annie Yuk Hing Chun Pires, "LESSORS", and FAIRWAY HOUSE ASSOCIATES, a Hawaii registered partnership, "LESSEE", for a term of seventy-five (75) years, effective as of May 15, 1979, up to and including May 14, 2054.

(e) Lease dated February 14, 1979, recorded on July 19, 1979 in Book 13859 Page 480, made by and between ROSE KAWASAKI, a widow, "LESSORS", and FAIRWAY HOUSE ASSOCIATES, a Hawaii registered partnership, "LESSEE", for a term of seventy-five (75) years, effective as of May 15, 1979, up to and including May 14, 2054.

(f) Lease dated February 14, 1979, recorded on July 19, 1979 in Book 13859 Page 515, made by and between TORAO NAKAMURA and DORIS MASUKO NAKAMURA, husband and wife, "LESSORS", and FAIRWAY HOUSE ASSOCIATES, a Hawaii registered partnership, "LESSEE", for a term of seventy-five (75) years, effective as of May 15, 1979, up to and including May 14, 2054.

(g) Lease dated February 17, 1979, recorded on July 19, 1979 in Book 13859 Page 550, made by and between ROBERT MINORU HARADA and SUMIE NAKO HARADA, husband and wife, "LESSORS", and FAIRWAY HOUSE ASSOCIATES, a Hawaii registered partnership, "LESSEE", for a term of seventy-five (75) years, effective as of May 15, 1979, up to and including May 14, 2054.

(h) Lease dated February 14, 1979, recorded on July 19, 1979 in Book 13859 Page 584, made by and between ANNIE M. HEE, a widow, and JULIA HEE LEE, wife of Herbert M.S. Lee, "LESSORS", and FAIRWAY HOUSE ASSOCIATES, a Hawaii registered partnership, "LESSEE", for a term of seventy-five (75) years, effective as of May 15, 1979, up to and including May 14, 2054.

(i) Lease dated February 16, 1979, recorded on July 19, 1979 in Book 13859 Page 618, made by and between MINNIE KUDO SAIKI (formerly known as Minnie Kudo Arima), wife of Yasuo Saiki, "LESSORS", and FAIRWAY HOUSE ASSOCIATES, a

Hawaii registered partnership, "LESSEE", for a term of seventy-five (75) years, effective as of May 15, 1979, up to and including May 14 2054.

(j) Lease dated February 14, 1979, recorded on July 19, 1979 in Book 13859 Page 652, made by and between TED CHERNIN and VIOLET M. CHERNIN, as Trustees under that certain unrecorded Trust Agreement known as the Ted Chernin Trust dated June 8, 1972, "LESSORS", and FAIRWAY HOUSE ASSOCIATES, a Hawaii registered partnership, "LESSEE", for a term of seventy-five (75) years, effective as of May 15, 1979, up to and including May 14, 2054.

(k) Lease dated July 5, 1979, recorded on July 19, 1979 in Book 13859 Page 686, made by and between JAMES YEE MARN, JR., husband of Jeanne Marn, ALEXANDER YEE MARN, husband of Ernestine L. Marn, ANNABELLE MARN DUNN, wife of James K.M. Dunn, and ERIC YEE MARN, husband of Linda D. Marn, "LESSORS", and FAIRWAY HOUSE ASSOCIATES, a Hawaii registered partnership, "LESSEE", for a term of seventy-five (75) years, effective as of May 15, 1979, up to and including May 14, 2054.

The fee title to the parcels of land in the project is now held by:

(1) AMERICAN TRUST CO. OF HAWAII, INC., as trustee under unrecorded Trust Agreement No. _____ and Trust dated June 28, 1979, under the following Warranty Deeds in Trust:

(a) Warranty Deed in Trust dated June 27, 1979, recorded on July 19, 1979 in Book 13859 Page 709, made by KIICHI OSHIRO and SADA KO OSHIRO, husband and wife.

(b) Warranty Deed in Trust dated June 28, 1979, recorded on July 19, 1979 in Book 13859 Page 713, made by HAROLD SETSUO ISHII and MASAKO ISHII, husband and wife.

(c) Warranty Deed in Trust dated June 28, 1979, recorded on July 19, 1979 in Book 13859 Page 717, made by JERRY S. TANAKA and MASAE K. TANAKA, husband and wife.

(d) Warranty Deed in Trust dated June 27, 1979, recorded on July 19, 1979 in Book 13859 Page 722, made by RAYMOND PIRES, husband of Annie Yuk Hing Chun Pires.

(e) Warranty Deed in Trust dated June 28, 1979, recorded on July 19, 1979 in Book 13859 Page 727, made by ROSE KAWASAKI, a widow.

(f) Warranty Deed in Trust dated June 28, 1979, recorded on July 19, 1979 in Book 13859 Page 732, made by TORAO NAKAMURA and DORIS MASUKO NAKAMURA,

husband and wife.

(g) Warranty Deed in Trust dated June 29, 1979, recorded on July 19, 1979 in Book 13859 Page 737, made by ROBERT MINORU HARADA and SUMIE NAKO HARADA, husband and wife.

(h) Warranty Deed in Trust dated June 28, 1979, recorded on July 19, 1979 in Book 13859 Page 741, made by ANNIE M. HEE, a widow, and JULIE HEE LEE, wife of Herbert M.S. Lee.

(i) Warranty Deed in Trust dated June 28, 1979, recorded on July 19, 1979 in Book 13859 Page 745, made by MINNIE KUDO SAIKI (formerly known as Minnie Kudo Arima), wife of Yasuo Saiki.

(j) Warranty Deed in Trust dated June 27, 1979, recorded on July 19, 1979 in Book 13859 Page 749, made by TED CHERNIN and VIOLET CHERNIN, as Trustees under that certain unrecorded Trust Agreement known as the Ted Chernin Trust dated June 8, 1972.

(2) AS TO THE UNDIVIDED ONE-FIFTH (1/5) INTEREST IN AND TO THE LOT COVERED BY LEASE DATED JULY 5, 1979, RECORDED IN BOOK 13859 PAGE 686: JAMES YEE MARN, JR., husband of Jeanne Marn, ALEXANDER YEE MARN, husband of Tina Lee Marn, also known as Ernestine L. Marn, ANNABELLE MARN DUNN, wife of James K.M. Dunn, and ERIC YEE MARN, husband of Linda D. Marn, as Tenants in Common, by Compliance Deed dated July 5, 1979, recorded on July 19, 1979 in Book 13859 Page 335.

Among other matters, the Trust Indenture dated June 28, 1979 with American Trust Co. of Hawaii, Inc. as Trustee gives the Trustee power to execute the Declaration of Horizontal Property Regime and By-Laws of Fairway House and the Apartment Sublease of Fairway House. The Trust is to last for a period of five years or until apartment subleases have been executed and delivered for each of the apartments in Fairway House, whichever comes first.

ENCUMBRANCES AGAINST TITLE: Said Commitment for Title Insurance shows said parcels are subject to the following encumbrances:

1. For any real property taxes that are due and owing reference is hereby made to the Office of the Tax Assessor of the First Taxation Division.

2. Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent Grants numbered 2615 and 2608.

3. Grant dated January 29, 1944, recorded on February 9, 1944 in Book 1804 Page 351, in favor of THE HAWAIIAN ELECTRIC COMPANY, LIMITED and MUTUAL TELEPHONE COMPANY, both Hawaii corporations, granting a perpetual right and easement for underground pole and wire line purposes,

over, through, upon, under and across a portion of the parcels of land.

4. Grant dated July 10, 1946, recorded on July 25, 1946 in Book 1974 Page 29, in favor of THE HAWAIIAN ELECTRIC COMPANY, LIMITED a Hawaii corporation, and MUTUAL TELEPHONE COMPANY, also a Hawaii corporation, granting a perpetual right and easement for underground pole and wire line purposes, through, over, upon, under and across a portion of the parcels of land.

5. Declaration of Restrictive Covenants (Private Park) dated November 30, 1978, recorded on January 25, 1979 in Book 13442 Page 499.

6. Agreement For Issuance of Special Use Permit Under Ordinance No. 4451, Bill No. 40(1975) dated November 15, 1978, recorded on May 11, 1979 in Book 13679 Page 671.

7. The terms and provisions of the Leases.

8. The terms and provisions of the Warranty Deeds in Trust and the terms and provisions of the Trust Agreement under which the fee title is presently vested.

9. Condominium Map No. 630 filed July 19, 1979.

10. The covenants, agreements, obligations, conditions and other provisions set forth in undated Declaration of Horizontal Property Regime recorded on July 19, 1979 in Book 13860 Page 1, and the By-Laws attached thereto.

11. Mortgage, Security Agreement and Financing Statement dated July 6, 1979, recorded on July 19, 1979 in Book 13859 Page 753, made by FAIRWAY HOUSE ASSOCIATES, a registered Hawaii limited partnership, as Mortgagor(s), to WASHINGTON MORTGAGE CO., INC., a Washington corporation, as Mortgagee(s). Consideration: \$11,800,000.00. Estoppel Certificates recorded in Book 13859 Page 793 and 796; and in Book 13860 Pages 65, 68, 71, 74, 77, 80, 83 and 86.

FINANCING OF THE PROJECT: The Developer has informed the Commission that the cost of completion of the Project will be \$11,391,000.00, that a maximum of \$11,800,000.00 will be available to the Developer from an interim construction loan from Washington Mortgage Co., Inc. and that the balance of the construction cost, if any, will be paid from Buyers' deposits and sales proceeds realized from sales of the apartments in the Project. The Developer has informed the Commission that it has obtained commitments for permanent financing from Hawaiian Federal Savings & Loan Association, Pioneer Federal Savings and Loan Association and International Savings & Loan Association to a maximum of \$12,033,333.00. The commitment letters for the permanent loans have been forwarded to the Commission.

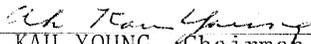
STATUS OF PROJECT: The Developer has advised the Commission that construction commenced about July 31, 1979 and

completion is estimated on or about October 1981. A construction contract dated April 24, 1979 has been executed between the Developer and Johiro Brothers, Inc.

The purchaser or prospective purchaser should be cognizant of the fact that this Public Report represents information disclosed by the Developer in the required Notice of Intention submitted December 29, 1978 and additional information subsequently filed as of August 28, 1979.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1074 filed with the Commission on December 29, 1978.

This report when reproduced shall be a true copy of the Commission's Public Report. The paper stock in making facsimilies must be white.



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. 1074

August 31, 1979