

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII
1010 RICHARDS STREET
P. O. BOX 3469
HONOLULU, HAWAII 96801

PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on
MANOA ESTATES
3577 Pinao Street,
Honolulu, Hawaii

REGISTRATION NO. 1097

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 but may only take reservations therefore after

- (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: April 16, 1979
Expires: May 16, 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 ON FEBRUARY 27, 1979 AND INFORMATION SUBSEQUENTLY FILED AS OF MARCH 27, 1979 AND INSPECTION OF THE PREMISES MADE BY THE STAFF OF THE DEPARTMENT OF REGULATORY AGENCIES ON APRIL 3 AND 4, 1979.

THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT (CHAPTER 514A, HAWAII REVISED STATUTES).

1. MANOA ESTATES is a proposed fee simple condominium project consisting of fifty-two (52) apartment units in fifty-two (52) free-standing buildings. Two parking stalls will be available for each unit in either basement areas, adjacent garages or in attached garages. In addition, there will be a guest parking area.
2. The proposed 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 fee owner.
3. The Developer of the Project has filed all documents and materials deemed necessary by the Commission for the registration of this proposed condominium project and the issuance of the Preliminary Public Report.
4. The basic documents (Declaration of Horizontal Property Regime, By-Laws of the Association of Dwelling Owners and a copy of Approved Floor Plans) have not yet been filed in the office of the recording officer.
5. The Developer has advised the Commission that advertising and promotional matter required to be filed pursuant to the rules and regulations promulgated by the Commission will be submitted prior to public exposure.
6. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A, Hawaii Revised Statutes, and the Rules and Regulations promulgated thereunder which relate to Horizontal Property Regimes.
7. This Preliminary Public Report is made a part of the registration of the MANOA ESTATES condominium project. The Developer has the responsibility of placing a true copy of this Preliminary Public Report (yellow paper stock) in the hands of all purchasers and prospective purchasers. Securing a signed copy of the receipt for this Preliminary Public Report from each purchaser and prospective purchaser is also the responsibility of the Developer.
8. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance, April 16, 1979, unless a Final or Supplementary Public Report issues or the Commission, upon review of this registration, issues an order extending the effective period of this report.

NAME OF PROJECT: MANOA ESTATES

LOCATION: The project, consisting of approximately 23.496 Acres, is located at 3577 Pinao Street, Manoa, Honolulu.

TAX MAP KEY: FIRST DIVISION 2-9-52-01 and 2-9-75-41

ZONING: R-4 and Conservation

SPECIAL NOTE: THE PROJECT IS A NON-CONFORMING USE UNDER THE COMPREHENSIVE ZONING CODE. SEE PAGE 9.

DEVELOPER: Manoa Estates Partners, Ltd., a Hawaii Limited Partnership, whose principal place of business is Suite 302, 745 Fort Street, Honolulu, Hawaii. The names of the General Partners of said Limited Partnership are as follows:

THE X & L CORP., A Hawaii corporation, Suite 302,
745 Fort Street, Honolulu - Telephone 524-0533

BRACO, LIMITED, a Hawaii Corporation, Suite 302,
745 Fort Street, Honolulu - Telephone 524-0533

LUNA PARTNERS, LTD., A Hawaii Limited Partnership,
330 Cooke St., Honolulu - Telephone 537-4505

ATTORNEY REPRESENTING OWNER: Patrick W. Murphy, Suite 302,
745 Fort Street, Honolulu, Hawaii 96813, Telephone 524-0533.

DESCRIPTION OF PROJECT:

1. The proposed Declaration reflects that the Project consists of fifty-two (52) apartments (hereinafter called "dwellings"), constructed on approximately 23.496 acres of land, which dwellings are hereinafter described and designated on the proposed Condominium Map as Dwellings "1" through "52", inclusive. Forty-seven (47) of the dwellings are constructed principally of brick, glass and allied building materials on concrete footings, with a wood shake roof, while five (5) of the dwellings are constructed principally of T & G and hollow tile with glass and allied building materials on concrete footings. Forty-eight (48) of the dwellings are one-story in height and four (4) of the dwellings are constructed on two levels.

Description of Dwellings:

1. Fifty-two (52) 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 fifty-two (52) dwellings of the Project. The number 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>
1	B	7	3577-1 Pinao Street
2	B	7	3577-2 Pinao Street
3	B	7	3577-3 Pinao Street
4	C	7	3577-4 Pinao Street
5	B	7	3577-5 Pinao Street
6	B	7	3577-6 Pinao Street
7	B	7	3577-7 Pinao Street
8	B	7	3577-8 Pinao Street
9	B	7	3577-9 Pinao Street
10	B	7	3577-10 Pinao Street
11	G	11	3577-11 Pinao Street
12	E	7	3577-12 Pinao Street
13	E	7	3577-13 Pinao Street
14	E	7	3577-14 Pinao Street
15	G	11	3577-15 Pinao Street
16	H	10	3577-16 Pinao Street
17	E	7	3577-17 Pinao Street
18	G	11	3577-18 Pinao Street
19	B	7	3577-19 Pinao Street
20	A	7	3577-20 Pinao Street
21	B	7	3577-21 Pinao Street
22	B	7	3577-22 Pinao Street
23	B	7	3577-23 Pinao Street
24	C	7	3577-24 Pinao Street
25	B	7	3577-25 Pinao Street
26	E	7	3577-26 Pinao Street
27	E	7	3577-27 Pinao Street
28	E	7	3577-28 Pinao Street
29	E	7	3577-29 Pinao Street
30	E	7	3577-30 Pinao Street
31	E	7	3577-31 Pinao Street
32	E	7	3577-32 Pinao Street
33	E	7	3577-33 Pinao Street
34	E	7	3577-34 Pinao Street
35	E	7	3577-35 Pinao Street
36	E	7	3577-36 Pinao Street
37	E	7	3577-37 Pinao Street
38	E	7	3577-38 Pinao Street
39	E	7	3577-39 Pinao Street
40	E	7	3577-40 Pinao Street
41	E	7	3577-41 Pinao Street
42	E	7	3577-42 Pinao Street
43	E	7	3577-43 Pinao Street
44	E	7	3577-44 Pinao Street
45	E	7	3577-45 Pinao Street
46	E	7	3577-46 Pinao Street
47	E	7	3577-47 Pinao Street
48	E	7	3577-48 Pinao Street
49	E	7	3577-49 Pinao Street
50	E	7	3577-50 Pinao Street
51	E	7	3577-51 Pinao Street
52	E	7	3577-52 Pinao Street

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

2. TYPE A: One story dwelling with T & G construction, consisting of 7 rooms: 3 bedrooms, 1-1/2 bathrooms, a livingroom and kitchen. The floor area is approximately 1,104 square feet. Parking is in a concrete basement of approximately 504 square feet.

3. TYPE B: One story dwelling with red brick construction, consisting of 7 rooms: 3 bedrooms, 1-1/2 bathrooms, a livingroom and kitchen. The floor area is approximately 1,056 square feet. Parking is in an adjacent garage of approximately 400 square feet with a pitch and gravel roof.

4. TYPE C: One story dwelling with red brick construction, consisting of 7 rooms: 3 bedrooms, 1-1/2 bathrooms, a livingroom and kitchen. The floor area is approximately 1,056 square feet. Parking is in an attached garage of approximately 400 square feet with a cedar shingle roof.

5. TYPE E: One story dwelling with red brick construction consisting of 7 rooms: 3 bedrooms, 1-1/2 bathrooms, a livingroom and kitchen. The floor area is approximately 1,152 square feet. Parking is in an adjacent garage of approximately 400 square feet with a pitch and gravel roof.

6. TYPE G: Two story dwelling of hollow tile and T & G construction, consisting of 11 rooms: 6 bedrooms, 2-1/2 bathrooms, a livingroom and a kitchen. The floor area is approximately 1,776 square feet. Parking is in a concrete basement of approximately 440 square feet.

7. TYPE H: Two story dwelling of hollow tile and T & G construction, consisting of 10 rooms: 5 bedrooms, 2-1/2 bathrooms, a livingroom and a kitchen. The floor area is approximately 1,800 square feet. Parking is in a concrete basement of approximately 441 square feet.

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 attached and adjacent garages, if any, and all fixtures 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 sale being deemed common elements as hereinafter provided.

Each dwelling has immediate access to its entries and to the walkways and driveways appurtenant thereto connecting its building to the roadway of the Project which intersects with the roadway over Lot K, area .159 acre, as shown on Map 2, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii under Land Court Application No. 517, and Lot J-2, area of 5,028 square feet, as shown on Map 3, filed in said Office with Land Court Application No. 512, which roadway intersects with Pinao Street.

COMMON ELEMENTS: The proposed 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, guest parking area, sidewalks, walkways and driveways of the Project;

4. Tennis court and hiking area and playground-picnic areas;

5. 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;

6. 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, light, water, gas, airconditioning, refuse, telephone and radio and television signal distribution; and

7. That certain building of cement block construction containing approximately 263 square feet, previously referred to herein as storage and multi-purpose building;

8. 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 proposed Declaration provides that certain parts of the common elements, herein called the "limited common elements" are hereby 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. Unless otherwise specified herein, all costs of every kind pertaining to each limited common element, including, but not limited to, costs of landscaping, maintenance, repair, replacement and restoration shall be borne entirely by the owner of the dwelling or dwellings to which it is appurtenant. The limited common elements so set aside and reserved are as follows:

1. The site of each dwelling, consisting of land beneath and immediately adjacent thereto, as shown and delineated on said Condominium Map, shall be a limited common element for the exclusive use of the dwelling to which it is appurtenant.

2. The walkways and driveways connecting the dwellings to the roadway of the Project shall be 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. 514A-86 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 insurance coverage for each dwelling in an amount sufficient to provide for the full repair and replacement thereof without deduction for depreciation) of the Project, and for all other purposes including voting, as follows:

<u>Dwelling</u>	<u>Common Interest</u>
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 19, 21, 22, 23, 24, 25	1.737%
12, 13, 14, 17, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52	1.893%
11, 15, 18	2.919%
16	2.954%
20	1.814%
	<u>100.000%</u>

RESTRICTIONS AS TO USE: The House Rules provide that apartments shall be occupied and used only for residential purpose by families and for no other purpose. Except as aforesaid, the owners of the respective apartments shall have the absolute right to lease such apartments but only to families and subject to all of the provisions of the Declaration, By-Laws and House Rules.

OWNERSHIP OF TITLE: The Title Policy dated December 29, 1978 by Title Insurance and Trust 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 the Developer, Manoa Estates Partners, Ltd., a Hawaii Limited Partnership, dated December 28, 1978.

ENCUMBRANCES AGAINST TITLE: The Title Policy dated December 29, 1978 prepared by Title Insurance and Trust lists the following encumbrances:

1. The reservation in favor of the State of Hawaii of all mineral or metallic mines of every description.
 2. Agreement of Sale:
Vendor: Manoa Finance Company, Inc., a Hawaii corporation
Vendee: Manoa Estates Partners, Ltd., a Registered Hawaii Limited Partnership
- Dated: December 28, 1978
Filed: Land Court Document No. 916412
Recorded: Liber 13385 Page 448
Amount: \$5,300,000.00

3. Easement C, located over and across the westerly portion of Lot 12, as shown on Map 6, as set forth by Land Court Order No. 33804, filed September 9, 1971.

4. Grant in favor of the City and County of Honolulu, to be exercised and enjoyed by the Board of Water Supply, dated June 20, 1978, filed as Land Court Document No. 892725; granting an easement for water pipelines over said Easement C.

5. Easement F, 479 square feet, for waterline purposes, located over the southwesterly portion of Lot 12, as shown on Map 9, as set forth by Land Court Order No. 50938, filed August 15, 1978.

6. Grant in favor of the City and County of Honolulu, to be exercised and enjoyed by the Board of Water Supply, dated June 20, 1978, filed as Document No. 892725; granting an easement for water pipelines over said easement F.

7. Easement in favor of the State of Hawaii in the flow of Waiakeakua Stream, as shown on Maps 1 and 2.

8. Grant in favor of Hawaiian Electric Company, Inc. and Hawaiian Telephone Company, dated April 11, 1960, filed as Document No. 255943; granting an easement for utility purposes.

9. Grant in favor of Hawaiian Electric Company Inc. and Hawaiian Telephone Company, dated October 23, 1968, filed as Document No 459025; granting an easement for utility purposes.

10. Grant in favor of Hawaiian Electric Company, Inc., and Hawaiian Telephone Company, dated May 13, 1979, filed as Document No. 503085, also recorded in Liber 7039 at Page 422; granting an easement for utility purposes.

11. Mortgage:
Mortgagor: Manoa Finance Company, Inc., a Hawaii corporation

Mortgagee: International Savings and Loan Association,
Limited, a Hawaii corporation

Dated: April 11, 1977

Filed: Land Court Document No. 812214

Amount: \$1,950,000.00 - covers Lot 12 besides other land

12. Grant in favor of Hawaiian Electric Company, Inc. and Hawaiian Telephone Company, dated May 13, 1979, filed as Document No. 503085, also recorded in Liber 7039 at Page 422; granting an easement for utility purposes.

13. For any taxes that may be due and owing, reference is made to the Office of the Tax Assessor, first division.

PURCHASE MONEY HANDLING: An executed Escrow Agreement, dated February 26, 1979, identifies Hawaii Escrow & Title, Inc., as the Escrow Agent. Upon examination of the Escrow Agreement it is found to be in consonance with Chapter 514A, Hawaii Revised Statutes, and particularly Sections 514A-63 through 65.

The salesmen Deposit Receipt and Sales Contract provided that in the event that less than twenty-seven (27) dwellings are sold prior to July 31, 1979, developer 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.

NOTE: 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.

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 procedure 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 thereon provided.

MANAGEMENT OF PROJECT: The proposed 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 Wilson Gray & Associates, Inc., 4747 Kilauea Avenue, Honolulu, Hawaii.

STATUS OF PROJECT: The Developer has advised the Commission that the Project was completed in 1969-70 and has been used since such time for single family residential purposes. The units will be refurbished and new appliances will be installed. HOWEVER, EXCEPT FOR A ONE YEAR WARRANTY ON SAID APPLIANCES, THE SALE OF EACH UNIT IS "AS-IS" WITHOUT ANY WARRANTIES ATTACHED.

PROSPECTIVE PURCHASERS ARE CAUTIONED TO CAREFULLY EXAMINE THE CONDITION OF THE STRUCTURE, INCLUDING PLUMBING AND ELECTRICAL WORK, IN VIEW OF THE AGE OF THE HOUSE, AND PARTICULARLY THE ROOFS, AS SOME OF THEM HAVE BEEN RECENTLY CLEANED BY THE DEVELOPER.

MOREOVER, THE PROJECTION OF ROOF EAVES BETWEEN DWELLING UNITS 5 & 6, 6 & 7 and 7 & 8 APPEARS TO EXCEED THE 30-INCH MAXIMUM ALLOWED BY THE CITY AND COUNTY BUILDING CODE.

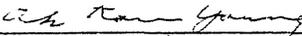
FURTHER, THERE ARE TWO FIRE HYDRANTS SERVING THE ENTIRE PROJECT, AND MAY BE INADEQUATE TO SERVICE THE OUTLYING HOUSES TO THE PROJECT.

SPECIAL NOTE: THE BUILDINGS ARE NON-CONFORMING STRUCTURES 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 UNITS, AS NON-CONFORMING STRUCTURES UNDER THE LAW, WOULD NOT BE PERMITTED TODAY, WITHOUT SPECIAL REVIEW AND APPROVAL OF A CLUSTER, PLANNED DEVELOPMENT, OR SUBDIVISION. FURTHER, AS NON-CONFORMING STRUCTURES, PURCHASERS MAY HAVE DIFFICULTY REBUILDING THE UNITS IF THEY ARE DESTROYED, FOR EXAMPLE, BY FIRE, UNLESS THEY ARE REBUILT TO CONFORM TO THE LAW. IN A LEGAL OPINION WHICH EXPLAINS THE ZONING LAW IN DETAIL AS IT SPECIFICALLY AFFECTS THIS CASE, THE CITY'S CORPORATION COUNSEL INDICATES THAT SHOULD AN INDIVIDUAL BUYER SUFFER THIS KIND OF LOSS, HIS RECOURSE IS TO SEEK A ZONING VARIANCE FROM THE ZONING BOARD OF APPEALS. BECAUSE THE BUYER IS FACED WITH A SITUATION KNOWINGLY CREATED FOR HIM BY THE FORMER OWNER, IT IS UNLIKELY THAT A VARIANCE COULD BE GRANTED FOR THIS KIND OF "SELF-CREATED HARDSHIP". CONSIDERING THE DELEMMA A BUYER COULD FACE BECAUSE OF THIS, PURCHASERS AND PROSPECTIVE PURCHASERS SHOULD REVIEW CAREFULLY THE FACTS ABOUT THESE NON-CONFORMING STRUCTURES AND ANY AND ALL REPRESENTATIONS BY THE DEVELOPER PERTAINING 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 on February 27, 1979 and information subsequently filed as of March 27, 1979.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT Is made a part of REGISTRATION NO. 1097, filed with the commission on February 27, 1979. This report, when reproduced, shall be a true copy of the commission's Public Report. The paper stock used in making facsimiles must be yellow.



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. 1097
April 16, 1979