

# 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  
DIAMOND HEAD LANDING  
2939 Hibiscus Place  
Honolulu, Hawaii

REGISTRATION NO. 1138

### **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: September 25, 1979

Expires: October 25, 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 JUNE 6, 1979 AND INFORMATION SUBSEQUENTLY FILED AS OF SEPTEMBER 19, 1979. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514A, HAWAII REVISED STATUTES.

1. Since the issuance of the Commission's Preliminary Public Report on DIAMOND HEAD LANDING, Registration No. 1138, dated July 27, 1979, the Developer has forwarded additional information and requested a Final Public Report.
2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the issuance of this preliminary public report.

3. The basic documents, Declaration of Horizontal Property Regime, By-Laws of the Association of Owners were executed on May 24, 1979 and filed in the Bureau of Conveyances, State of Hawaii in Liber 13911, Page 376. A copy of the floor plans have been filed as Condominium Map No. 633 in the Bureau of Conveyances. The First Amendment dated August 29, 1979 was filed in said Bureau in Liber 13971, Page 513.
4. No advertising and promotional matter has been submitted to date.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A, Hawaii Revised Statutes, and the Condominium Rules and Regulations which relate to the Horizontal Property Regime.
6. This Final Public Report automatically expires thirteen (13) months after the date of issuance, September 25, 1979, unless a Supplementary Public Report is published or the Commission upon review of registration issues an order extending the effective period of this report.
7. This Final Public Report is made a part of the registration of the DIAMOND HEAD LANDING condominium project. The Developer is responsible for placing a true copy of this Final Public Report (white paper stock) and Preliminary Public Report (yellow paper stock) in the hands of all purchasers or prospective purchasers and securing a signed copy of the receipt therefor.

The TAX MAP KEY has been corrected. The information in the topical headings ENCUMBRANCES AGAINST TITLE, MANAGEMENT AND OPERATIONS and STATUS OF PROJECT has been updated. A new heading FINANCING OF PROJECT has been added. All other topical headings have not been disturbed.

TAX MAP KEY: First Division, 3-1-34:8, 9, 44 and easement over Parcel 46.

ENCUMBRANCES AGAINST TITLE: A Preliminary Title Report dated September 6, 1979, issued by Title Guaranty of Hawaii, Incorporated, provides that the following are encumbrances against title to the property:

1. For any taxes that may be due and owing and a lien on the land, reference is hereby made to the Office of the Tax Assessor of the First Division, Island of Oahu, Hawaii.
2. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
3. Restrictive Condition contained in Deeds recorded in Liber 1500 at Page 1 and Liber 1500 at Page 10, to-wit:

"(D) That no malt, vinous, spirituous or intoxicating liquors of any kind shall ever be sold or exposed for sale or manufactured for sale on the granted premises, or any part thereof;"

4. Right-of-way for all purposes, said right-of-way being portions of Lots 7 and 8 and Reserve A, Section "B" of the Diamond Head Terrace (File Plan 214).

5. Easement for road purposes, said easement being portions of Lots 8 and 9, Reserve A and Reserve B, Section "B" of the Diamond Head Terrace (File Plan 214).

6. Mortgage made by Adolph J. Mendonca and Violet G. Mendonca, husband and wife, as Mortgagor, in favor of Pacific Savings and Loan Association, as Mortgagee, dated February 9, 1973, recorded in the Bureau of Conveyances in Liber 8928, Page 334. Said Mortgage was assigned to American Savings and Loan Association, a Utah corporation, dated August 12, 1977 and recorded in the Bureau of Conveyances in Liber 12382, Page 1.

7. Mortgage made by John E. Finney, unmarried, and Robert W. Holman, Jr., unmarried, as Mortgagor, in favor of Karl Tetsuo Shimokawa and Ruth Nobuko Shimokawa, husband and wife, as Mortgagee, dated December 1, 1978, recorded in the Bureau of Conveyances in Liber 13316, Page 751.

NOTE: The Developer advises that all blanket mortgages will be released prior to the first conveyance of an apartment in the Project.

8. The covenants, conditions, restrictions and easements, reservations and all other provisions set forth in the Declaration of Horizontal Property Regime and By-Laws dated May 24, 1979 filed in the Bureau of Conveyances, State of Hawaii in Liber 13911, Page 376, said Declaration and By-Laws being covered by Condominium Map No. 633 recorded in said Bureau and First Amendment thereto dated August 29, 1979 filed in said Bureau in Liber 13971, Page 513, which incorporates the Diamond Head Historic, Cultural and Scenic District of Appropriateness and Cluster Housing Development Approval dated March 13, 1979 and also provides for an easement over adjacent Parcel 46 for driveway and turnaround purposes.

9. Declaration of Restrictive Covenants (Private Park) dated July 11, 1979 filed in said Bureau in Liber 13967, Page 36.

MANAGEMENT AND OPERATIONS: There will be no management agent, however, Robert W. Holman, Jr. will perform such services as may be necessary for the Association.


FINANCING OF PROJECT: The Developer has obtained a letter commitment from First Federal Savings & Loan Association to provide both construction and permanent financing for the project.

STATUS OF PROJECT: Developer advises that construction will start on or about September 1, 1979 and the estimated date of completion of the project is April 30, 1980.

The purchaser or prospective purchaser shall be cognizant of the fact that this published report represents information disclosed by the Developer in the required Notice of Intention submitted June 6, 1979 and information subsequently filed as of September 19, 1979.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1138 filed with the Commission on June 6, 1979.

The report, when reproduced, shall be a true copy of the Commission's public report. The paper stock must be white in color.

 (for)  
AH KAI 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. 1138

September 25, 1979