

# 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 ESTATES  
46-063, 46-064 and 46-078 Emepela Place  
Kaneohe, Hawaii

REGISTRATION NO. 1153

### **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: April 21, 1980  
Expires: May 21, 1981

#### SPECIAL ATTENTION

A comprehensive reading of this report by prospective purchasers 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 ON JULY 16, 1979, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF APRIL 15, 1980. 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, AS AMENDED.

1. Since the issuance of the Commission's Preliminary Public Report of August 7, 1979, on WINDWARD ESTATES, Registration No. 1153, and the Commission's Supplementary Public Report of November 2, 1979, the Developer has submitted additional information and documents and has advised the Commission that minor changes have been made to certain apartments.

2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of this condominium project and issuance of this Final Public Report. This Final Report is made a part of the registration on WINDWARD ESTATES. The Developer shall be responsible for placing this Final Public Report (white paper stock), the Preliminary Public Report (yellow paper stock), the Supplementary Public Report (pink paper stock) and Disclosure Abstract in the hands of all purchasers and prospective purchasers and securing a signed receipt therefor.

3. Advertising and promotional matter have been submitted to the Real Estate Commission.

4. The Declaration of Horizontal Property Regime, together with the Bylaws of the Association of Apartment Owners attached thereto, was filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 1004135 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 14610, Page 275. Approved floor plans have been filed in said Office as Condominium Map No. 413 and recorded in said Bureau as Condominium File Plan No. 707.

5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A of the Hawaii Revised Statutes, and the Rules and Regulations of the Hawaii Real Estate Commission which relate to Horizontal Property Regimes.

6. This Final Public Report automatically expires thirteen (13) months after date of issuance, April 21, 1980, unless a Supplementary Public Report is issued or the Commission, upon review of the registration, issues an order extending the effective period of this report.

Except for the information under the topical headings which follow, the information in the Preliminary Public Report dated August 7, 1979, and the Supplementary Public Report dated November 2, 1979, has not materially changed.

DESCRIPTION: The Developer has advised the Commission that no changes to the building plans have been effected in respect of the number and design of the buildings, the number, floor plans and approximate gross floor areas of the apartments, or the common or limited common elements, except that fourteen (14) of the Type II apartment spaces will be slightly modified to accommodate handicapped persons. The modifications will not change the gross floor area of the apartments, the number of rooms or the basic floor plan, but the apartment spaces for the handicapped will have a longer hallway leading to the master bedroom, the master bedroom walk-in closet and the closet in the adjoining bedroom will be smaller as a result of the extension of the hallway as aforesaid, and the door of the bathroom adjoining the laundry area will open outward instead of inward. Type II apartment spaces modified for the

handicapped as aforesaid will be located in Buildings B, C, G and H and will bear apartment numbers B-100 through B-103, C-100 through C-103, G-100 through G-102 and H-100 through H-102.

OWNERSHIP OF TITLE: A Preliminary Title Report issued by Long & Melone, Ltd., dated January 18, 1980, updated as of April 8, 1980, shows that the fee title to the land committed to the project is still vested in the Trustees of the Estate of Bernice Pauahi Bishop.

ENCUMBRANCES AGAINST TITLE: A comparison of the Preliminary Title Report issued by Long & Melone, Ltd., dated May 22, 1979, and updated July 10, 1979, and further updated October 3, 1979 (the foregoing having been submitted to the Commission in connection with the issuance of the Preliminary Public Report of August 7, 1979, and the Supplementary Public Report of November 2, 1979) with the aforesaid Preliminary Title Report dated January 18, 1980, updated as of April 8, 1980, indicates the following additional encumbrances:

1. As to the parcel of land described as Exclusion 43, Panel 44 of Land Court Application No. 1100 in the Preliminary Public Report, a drain pipe located out of Drain Easement E-17, as shown on survey of Robert S. Torigoe, Registered Land Surveyor, dated December 27, 1979.

2. As to all of the parcels comprising the project site:

(a) Declaration of Horizontal Property Regime of Windward Estates dated February 27, 1980, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 1004135 and also recorded in the Bureau of Conveyances of the State of Hawaii in Liber 14610, Page 275.

(b) Agreement for Issuance of Special Use Permit under Ordinance No. 4451, Bill No. 40(1975), by and between the Trustees of the Estate of Bernice Pauahi Bishop, as Declarant, Kihalani Investment, Inc., as Lessee, and Ping & Associate, as Sublessee, dated February 15, 1980, filed as aforesaid as Document No. 1001682, and also recorded as aforesaid in Liber 14576, Page 231. The plans, therefore, have been filed in said Office of the Assistant Registrar of the Land Court as Condominium Map No. 413 and also recorded in said Bureau of Conveyances as Condominium File Plan No. 707.

(c) Mortgage, Security Agreement and Financing Statement by and between Ping & Associate, as Mortgagor, and Bank of Hawaii, as Mortgagee, dated March 5, 1980, filed as aforesaid as Document No. 1001683 and also recorded as aforesaid in Liber 14576, Page 243.

(d) Declaration of Restrictive Covenants (Private Park) dated February 4, 1980, filed as aforesaid as Document No. 1006060, and also recorded as aforesaid in Liber 14637, Page 272.

PRIVATE PARK: The Developer has advised the Commission that portions of the common elements have been designated as private parks and is subject to a Declaration of Restrictive Covenants (Private Parks) which will constitute such areas as private parks in accordance with Ordinance No. 4621 of the City and County of Honolulu. A copy of said Declaration and a print of the Site Plans showing the areas designated as private parks have been filed with the Commission.

AGREEMENT FOR ISSUANCE OF SPECIAL USE PERMIT UNDER ORDINANCE NO. 4451. The Developer has advised the Commission that under City and County of Honolulu Ordinance No. 4451, any adjacent parcels of land to be developed as a single project must be consolidated into a single lot or a Special Permit must be obtained for joint development of the adjacent parcels. Because the consolidation of the four parcels constituting the subject project site cannot be legally accomplished because there are registered (Land Court) lots and unregistered lots involved, the Developer, as "Sublessee," was required to execute with The Trustees of Bishop Estate, as "Declarant," and Kihalani Investment, Inc., as "Lessee," and record an Agreement for Issuance of Special Use Permit Under Ordinance No. 4451, a copy of which has been filed with the Commission.

MANAGEMENT AND OPERATIONS: TROPIC SHORES REALTY, LTD., has been appointed by the Developer as the initial Managing Agent and a copy of the Management Agreement, dated March 17, 1980, is on file with the Real Estate Commission.

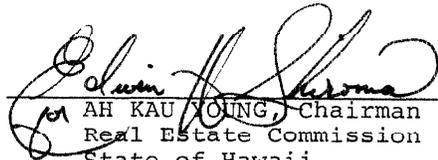
FINANCING OF PROJECT: The Developer has advised the Commission that the costs of constructing the project will be financed through funds to be made available through a revolving construction loan from Bank of Hawaii, purchasers' funds from escrow deposits and Developer's equity funds. The Developer has filed with the Commission a copy of the construction loan commitment from Bank of Hawaii and also copies of commitments from Hawaiian Federal Savings and Loan Association and First Federal Savings and Loan Association for permanent financing.

STATUS OF THE PROJECT: The building plans for the project have been completed, but the Building Permits for the construction of the apartment buildings have not been issued. A grading permit has been issued, however, and grading of the project site has begun. The Developer estimates the construction of units will commence in July, 1980, and be completed approximately two years later.

-----  
The purchaser or prospective purchaser should be cognizant of the fact that this published report represents information disclosed by the Developer in the Notice of Intention submitted on July 16, 1979, and information subsequently filed as of April 15, 1980.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of Registration No. 1153 filed with the Commission on July 16, 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 white.

  
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. 1153  
Dated: April 21, 1980