

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
THE POINT AT LILIPUNA
45-001 A & B, 45-011 and 45-013 Lilipuna Road
Kaneohe, Hawaii

REGISTRATION NO. 1199

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: June 22, 1982
EXPIRES: July 22, 1983

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 NOVEMBER 5, 1979, AND INFORMATION SUBSEQUENTLY FILED AS OF JUNE 15, 1982. 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 on February 18, 1980, on the LILIPUNA HILL II Condominium Project, Registration No. 1199, the Developer reports that changes have been made in the plan or set-up as represented in the November 5, 1979 Notice of Intention.

The Developer has notified the Commission that LILIPUNA HILL II condominium has merged with LILIPUNA HILL, Registration No. 1193, and the merged project has been renamed THE POINT AT LILIPUNA.

The changes subsequently made are determined to be a material revision to the information disclosed earlier. This Final Public Report (white paper stock) amends the Preliminary Public Report (yellow paper stock), reflects the amendments and merger of LILIPUNA HILL, and becomes a part of Registration No. 1199. The Developer is responsible for placing a true copy of this Final Public Report with attached updated Disclosure Abstract in the hands of all purchasers or prospective purchasers, along with a copy of the Preliminary Public Report. It is also the responsibility of the Developer to obtain the required receipts signifying that the purchaser has had an opportunity to read both Reports.

2. The Developer of the Project has submitted to the Commission for examination all documents deemed necessary for registration of the Project and the updating of information disclosed therein.

The Declaration of Horizontal Property Regime for LILIPUNA HILL II, dated September 24, 1980, was filed at the Office of Assistant Registrar of the Land Court as Document No. 1040574. The floor plans were filed in said Office as Condominium Map No. 437.

The Amendment to the Declaration of Horizontal Property Regime of LILIPUNA HILL and the Declaration of Horizontal Property Regime of LILIPUNA HILL II together with the Declaration of Merger into THE POINT OF LILIPUNA has been filed in said Office as Document No. 1112889.

3. No advertising and promotional material has been filed pursuant to the rules and regulations promulgated by the Commission.

4. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A, Hawaii Revised Statutes, as amended, and the rules and

regulations promulgated thereunder which relate to horizontal property regimes.

5. This Final Public Report automatically expires thirteen (13) months after date of issuance, June 22, 1982, 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 topical headings which follow, the information contained in the Preliminary Public Report of February 18, 1980, has not been disturbed.

NAME OF PROJECT: THE POINT AT LILIPUNA.

LOCATION. The Project is located on Lilipuna Road, Kaneohe, City and County of Honolulu, State of Hawaii and has a land area of approximately 70,483 square feet, more or less.

TAX KEY: First Division, 4-5-001-53 and 54.

ZONING: R-3 under the Ordinances of the City and County of Honolulu.

DEVELOPERS: Sammy George Daily and Margaret Philomena Daily, husband and wife, 45-013 Lilipuna Road, Kaneohe, Hawaii 96744, Telephone: (808) 235-5915, and Lilipuna Hill, Inc., a Hawaii corporation, 45-1045 Kamehameha Highway, Suite 100, Kaneohe, Hawaii 96744, Telephone: (808) 235-6666; Officers: President - Sammy George Daily, Treasurer - Margaret Philomena Daily, and Jack Ward - Secretary.

ATTORNEY REPRESENTING DEVELOPER: MUKAI, ICHIKI, RAFFETTO & MACMILLAN, 345 Queen Street, Suite 800, Honolulu, Hawaii 96813, Telephone: (808) 531-6277 (Attn: Wesley Y. S. Chang, Esq.).

DESCRIPTION OF PROJECT: The Declaration, as amended, indicates that the project consists of a total of four (4) separate condominium apartments. Two (2) of such apartments will be tri-story buildings without basements constructed principally of wood, metal, plaster and concrete, and two (2) of such apartments will be two-story buildings without basements constructed principally of wood, metal, plaster and concrete.

Each apartment has been designated by a number. As viewed from Lilipuna Road, each apartment is situated so that the numbers of the apartments progressively ascend in a clockwise fashion. The apartments are located as shown on said Condominium Map Nos. 371 and 437 and filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii.

Each apartment contains the number of rooms and the approximate floor area according to the Declaration and Condominium Map Nos. 371 and 437 as follows:

(a) Apartment 1 consists of nine (9) rooms exclusive of the garage located on the lower floor, including two (2) bedrooms, a bathroom, a kitchen, a dining room, a family room, a living room and a master bedroom and a bathroom located on the upper floor. This apartment contains a net floor area of approximately 2,302 square feet. There is also a lanai of approximately 152 square feet and a patio of approximately 233 square feet.

(b) Apartment 2 consists of eleven (11) rooms exclusive of a garage located on the ground level, and includes an entryway located on the ground level, a living room, a den, a kitchen, a dining room and a half bath located on the middle level, and a master bedroom and bath, two (2) bedrooms and a bathroom located on the upper level. This apartment contains a net floor area of approximately 2,163 square feet. There are also two (2) lanais of approximately 875 and 200 square feet.

(c) Apartment 3 consists of nine (9) rooms exclusive of the garage, and includes three (3) bedrooms, two and one-half (2-1/2) bathrooms, a kitchen, a dining room and a living room. This apartment contains a net floor area of approximately 2,023.62 square feet.

(d) Apartment 4 consists of nine (9) rooms exclusive of the garage, and includes a living room/den, a dining room, a kitchen, three (3) bedrooms and two and one-half (2-1/2) bathrooms. This apartment contains a net floor area of approximately 2,062.5 square feet. The apartment also includes two (2) lanai/decks consists of approximately 363 square feet.

The respective apartments shall not be deemed to include any pipes, wires, conduits or other utility lines running through such apartment which are utilized for or serve more than one apartment, the same being deemed common elements as hereinafter provided.

Each apartment shall be deemed to include all the walls and partitions within its perimeter walls, all walls, floor slabs, footings, interior floors, ceilings and roofs, doors and door frames, windows and window frames, the appurtenant lanai(s) (if applicable), and appurtenant terrace(s) (if applicable), the appurtenant entry (if applicable), the appurtenant deck(s) (if applicable), the appurtenant balcony or balconies (if applicable), the appurtenant court yard(s) (if applicable), the appurtenant motor court (if applicable), the appurtenant garden(s) (if applicable), and all fixtures originally installed therein.

Each apartment has immediate access to the grounds of the Project.

NOTE: The Declaration, as amended, provides that the owner of any apartment shall have the right at any time and from time to time, at his sole cost and expense and without the consent or joinder of the Board or any other person or group, to install, maintain, remove, and rearrange partitions and other structures from time to time within his apartment, and may paint, paper, panel, plaster, tile, finish, and do such other work on the interior surfaces of the ceilings, floors and walls within any such apartment and may finish, alter or substitute any plumbing, electrical or other fixtures attached to said ceiling, floors and walls as shall be

appropriate for the utilization of such apartment; provided, that such plumbing and electrical alterations and/or substitutions shall not adversely interfere with the use and enjoyment of the common elements by the other owners. Any owner of an apartment which shall be divided by a common element which is a wall shall have the right at any time, and from time to time, to alter or remove all or portions of the intervening wall so long as such alteration or removal shall not interfere with the use or enjoyment of any other apartment if the structural integrity of the Project is not thereby affected and if the finish of the common element then remaining is restored to the condition substantially comparable to that of the common element prior to such alterations; provided, that any alteration of a common element shall be performed under the supervision of a licensed architect. Prior to commencing any alteration of a common element, such owner shall present to the Board of Directors of the Association of Apartment Owners the signed statement of a professional engineer certifying that all requisite building or other permits have been obtained and that the proposed alteration will not affect the structural integrity of the Project and shall secure a performance and payment bond naming as obligees such owner, the mortgagee of the apartment and collectively the owners and mortgagees of all other apartments, as their interests may appear, in a penal sum of not less than one hundred percent (100%) of the cost of the construction, guaranteeing completion of construction free and clear of all mechanics' and materialmen's liens. Upon the completion of any alteration which results in a change in the Project as depicted in the Condominium Map, said owner shall have the right to and shall, in connection with the alteration, to execute and file an amendment to the Declaration and said Condominium Map to accurately describe and depict said alteration; provided, however, that any such amendment shall be at the altering owner's sole cost and expense.

COMMON ELEMENTS. The Declaration, as amended, states that the common elements shall include the limited common elements described below, and all portions of the land and improvements other than the apartments, including the buildings, the land on which the buildings are located and all common elements mentioned in the Horizontal Property Act which are actually constructed on the land described in the Declaration. Said common elements shall include, but shall not be limited to:

- (a) The land described in the Declaration, as amended.
- (b) All yards, grounds, landscaping and like facilities.
- (c) All roads, driveways, loading areas, parking area entryways and exitways and other areas, outlined in black on said Condominium Map.
- (d) The Project sign situate on Lilipuna Road.
- (e) All central and appurtenant installations for services such as power, lights, telephone, gas, hot and cold water lines, television pipes, sewage disposal and other utilities (including all pipes, ducts, wires, cables and conduits used in connection therewith, whether located in common areas or in

apartments), and other apparatus and installations existing for common use.

(f) Any and all other apparatus and installations of common use and all other parts of the property necessary or convenient to its existence, maintenance and safety, and normally in common use and which are not part of any apartment.

LIMITED COMMON ELEMENTS. Certain parts of the common elements, hereinafter called the "limited common elements", are set aside and reserved by the Declaration, as amended, for the exclusive use of certain apartments, which apartments shall have appurtenant thereto exclusive easements for the use of such limited common elements. The limited common elements so set aside are as follows:

1. The site of each apartment and the private yard area and driveway areas adjacent thereto, as shown and delineated in color on Sheet No. 1 of said Condominium Map, shall be a limited common element for the exclusive use of the apartment to which it is appurtenant; provided that each such apartment owner shall be responsible for and shall bear the expense of installing and maintaining all landscaping within such limited common element area, and of repairing, restoring or reinstating any walkways, fences, walls, pavement, water and sewer lines, and other improvements located within such designated limited common element area; provided, further, that in the event of any sewer stoppage which affects the individual apartment, the owner of such apartment shall be responsible for and shall bear the expense of cleaning the sewer line which connects to the main sewer line running beneath the streets of the Project.

2. The electronic gate located at the driveway of Apartment 1 shall be appurtenant to and for the exclusive use of Apartment 1.

All costs of every kind pertaining to each limited common element, including but not limited to costs of maintenance, repair, replacements, additions and improvements, shall be charged to and borne entirely by the owner of the apartment to which it is appurtenant.

INTEREST TO BE CONVEYED TO PURCHASERS. The Declaration, as amended, indicates that the purchasers securing an apartment deed will obtain an apartment together with an undivided twenty-five percent (25%) interest (herein referred to as the "common interest") in all common elements of the Project. This same percentage interest for each apartment shall be used in determining each purchaser's proportionate share of all common profits and expenses of the project and shall be used for all other purposes including determining the proportionate representation for voting purposes in the Association of Apartment Owners of the Project.

PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE. The apartments shall be occupied and used only as private dwellings by the respective owners thereof, their tenants, families, domestic servants and social guests and may be utilized for long-term or transient rentals, including vacation rentals, but specifically excluding timesharing plans. Subject to the foregoing

limitations, the owners of the respective apartments shall have the absolute right to rent or lease the same subject to the limitations, restrictions, covenants and conditions of the Declaration, as amended.

OWNERSHIP OF TITLE: A Preliminary Title Report dated April 30, 1982, issued by Aloha Title Co., Inc. states that the property is vested in Sammy George Daily and Margaret Philomena Daily, husband and wife, as to Parcels First and Second (Apartments 1 and 2), and Lilipuna Hill, Inc., a Hawaii corporation, as to Parcels Third and Fourth (Apartments 3 and 4).

ENCUMBRANCES AGAINST TITLE: Said Preliminary Title Report reports that title to the land is subject to the following:

AS TO PARCELS FIRST AND SECOND:

1. The covenants, agreements, obligations, conditions, easements and other provisions set forth in that certain Declaration of Horizontal Property Regime of "Lilipuna Hill" dated April 2, 1979, and filed on May 23, 1979 in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 940266, (Condominium Map No. 371), and the By-Laws attached thereto.

By instrument dated December 19, 1979, and filed on December 31, 1979 in said Office as Document No. 989123, the foregoing Declaration was amended.

By instrument dated April 7, 1982, and filed on April 16, 1982 in said Office as Document No. 1112889, the foregoing Declaration and Condominium Map No. 371 was amended and merged with and into Lilipuna Hill II Condominium Project. Said merged projects are now known as "The Point At Lilipuna".

2. That certain Mortgage dated October 25, 1979, and filed on November 27, 1979 in said Office as Document No. 981046, made by Sammy George Daily and Margaret Philomena Daily, husband and wife, as Mortgagor, in favor of Hickam Federal Credit Union, a Federal corporation, as Mortgagee.

3. That certain Mortgage dated December 19, 1979, and filed on December 27, 1979 in said Office as Document No. 988088, made by Sammy George Daily and Margaret Philomena Daily, husband and wife, as Mortgagor, in favor of Weyerhaeuser Mortgage Company, a California corporation, as Mortgagee.

By instrument dated June 27, 1980, and filed on August 18, 1980 in said Office as Document No. 1027083, the foregoing mortgage was assigned to San Antonio Savings Association, a corporation organized and existing under the laws of the United States.

4. Agreement of Sale dated December 27, 1979, and filed on December 28, 1979 in said Office as Document No. 988420, made by and between Sammy George Daily and Margaret Philomena Daily, husband and wife, as Seller, and Bruce Warren Wulfsberg and Cynthia Beth Wulfsberg, husband and wife, as Tenants by the Entirety, as Purchaser.

By instrument dated September 12, 1980, filed on October 2, 1980 in said Office as Document No. 1034307, the foregoing Agreement of Sale was amended.

5. Sub-Agreement of Sale dated September 8, 1980, filed on September 30, 1980 in said Office as Document No. 1033816, made by and between Bruce Warren Wulfsberg and Cynthia Beth Wulfsberg, husband and wife, as Sellers, and Mary Carlene Fitzgerald, wife of Gerald Fitzgerald, as Purchaser. Consent thereto filed as Document No. 1033817.

6. Grant dated March 31, 1980, filed on May 9, 1980 in said Office as Document No. 1011834, in favor of Hawaiian Electric Company, Inc., a Hawaii corporation, granting a perpetual right and easement to build, etc., poles and wire lines, etc., as may be necessary for the transmission and distribution of electricity for light and power and/or communications and control circuits, over, under, upon, across and through a portion of the land described in said Preliminary Report.

7. Real Estate Mortgage dated May 16, 1980, filed on May 23, 1980 in said Office as Document No. 1013877, made by Sammy George Daily and Margaret Philomena Daily, husband and wife, as Mortgagor, in favor of Household Finance Corporation of Hawaii, a Delaware corporation.

8. Reservations as set forth in that certain Quitclaim Deed dated April 11, 1980, filed on April 15, 1980 in said Office as Document No. 1007318.

9. Designation of Easement 10 over and across Lot 56-A-1, as shown on Map 165, as set forth by Land Court Order No. 58213, filed November 12, 1980.

AS TO PARCELS THIRD AND FOURTH:

1. The covenants, agreements, obligations, conditions, easements and other provisions set forth in that certain Declaration of Horizontal Property Regime of "Lilipuna Hill II", dated September 24, 1980, filed on November 7, 1980 in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 1040574, (Condominium Map No. 437), and the By-Laws attached thereto.

By instrument dated April 7, 1982, and filed on April 16, 1982 in said Office as Document No. 1112889, the foregoing Declaration and Condominium Map No. 371 was amended and merged with and into Lilipuna Hill Condominium Project. Said merged projects are now known as "The Point At Lilipuna".

2. Mortgage and Security Agreement dated November 21, 1980, filed on November 24, 1980 in said Office of the Assistant Registrar as Document No. 1042827, made by Lilipuna Hill, Inc., a Hawaii corporation, to Territorial Savings and Loan Association, a Hawaii corporation.

3. Financing Statement recorded on November 24, 1980 in the Bureau of Conveyances of the State of Hawaii in Book 15157 at Page 71, made by Lilipuna Hill, Inc., 45-1045 Kam Highway, Suite 100, Kaneohe, Hawaii 96744, to Territorial Savings and Loan

Association, 900 Bishop Street, Honolulu, Hawaii, (also affects other property).

4. Notice of Mechanics' & Materialmen's Lien dated November 2, 1981 and filed on November 2, 1981 in the Circuit Court, First Judicial Circuit, State of Hawaii, as Mechanics' Lien No. 3802, in favor of Marc Johnson, Lienor, in the amount of \$6,446.93 for labor and material supplies for construction on the land described in said Preliminary Report.

5. Real property taxes due and payable: (a) Apartment No. 2, delinquent second installment of 1981-1982 fiscal period and (b) parcels third and fourth affecting Apartment Nos. 3 and 4, delinquent second installment of fiscal period 1981-1982.

STATUS OF PROJECT: The Developer has advised that construction of the Project has been completed as evidenced by a copy of the Notice of Completion dated November 29, 1979 and October 23, 30, 1981.

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 November 5, 1979 and information subsequently filed as of June 15, 1982.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT, is made a part of REGISTRATION NO. 1199 filed with the Commission on November 5, 1979.

The Report, when reproduced, shall be a true copy of the Commission's Public Report. The paper stock used in making facsimiles must be white.


G. A. "RED" MORRIS, Chairman
Real Estate Commission
State of Hawaii

Distribution:

Department of Finance,
City and County of Honolulu
Bureau of Conveyances
Planning Department,
City and County of Honolulu
Federal Building Administration
Escrow Agent

Registration No. 1199

Dated: June 22, 1982