

# 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  
WAIAU GARDEN VILLA, PHASE II  
Noelani Street  
Waiiau, Ewa, Hawaii

REGISTRATION NO. 1228

### **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: October 7, 1980  
Expires: November 7, 1981

#### 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 and prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED JANUARY 16, 1980 AND INFORMATION SUBSEQUENTLY FILED AS OF SEPTEMBER 18, 1980. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES ACT, CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. Since the issuance of the Commission's Preliminary Public Report of February 27, 1980 on WAIAU GARDEN VILLA, PHASE II, the Developer reports that changes have been made in the plan and certain documentation as presented in the January 16, 1980 notice of intention to sell.

2. The Developer of the project has submitted to the Commission for examination all documents and exhibits deemed necessary for the issuance of this Final Public Report.
3. The basic documents (Declaration of Horizontal Property Regime, with By-Laws of Association of Apartment Owners attached and a copy of approved floor plans) have been recorded in the office of the recording officer. The Declaration and By-Laws dated August 7, 1980 have been recorded in the Bureau of Conveyances of the State of Hawaii in Liber 14975 at Page 732. Condominium Map No. 750 has been assigned to the project. The Regulatory Agreement between the Developer and the Federal Housing Administration dated August 7, 1980 has been recorded in said Bureau of Conveyances in Liber 14975 at Page 783.
4. Advertising and promotional matter required to be filed pursuant to the rules and regulations promulgated by the Commission will be submitted prior to public dissemination.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A, Hawaii Revised Statutes, as amended, and the Condominium Rules and Regulations which relate to Horizontal Property Regime.
6. This Final Public Report is made a part of the registration on WAI'AU GARDEN VILLA, PHASE II condominium project. The Developer has the responsibility of placing a true copy of this Final Public Report (white paper stock) along with a copy of the Preliminary Public Report (yellow paper stock) and Developer's Disclosure Abstract in the hands of all purchasers and prospective purchasers and for securing a signed copy of the receipt therefor.
7. This Final Public Report automatically expires thirteen (13) months from the date of issuance, October 7, 1980, unless a Supplementary Public Report is published, or the Commission, upon review of the registration, issues an order extending the effective period of this report.

The information under the topical headings of the Preliminary Public Report of February 27, 1980 remains unchanged, except for the following:

ATTORNEY REPRESENTING DEVELOPER: OKUMURA TAKUSHI FUNAKI & WEE, ATTORNEYS AT LAW, A LAW CORPORATION (Alfred M. K. Wong), Suite 1400, Grosvenor Center, 733 Bishop Street, Honolulu, Hawaii 96813, Tel. No. 543-9800.

DESCRIPTION OF PROJECT: The first paragraph under this topical heading is hereby amended by changing the words "two-story" appearing in the fourth line to "two and one-half story". The buildings in the project will be two and one-half story structures.

COMMON ELEMENTS: Subparagraph (b) under this topical heading is hereby amended by changing the word "supporters" appearing in the second line to "supports". In addition, a new subparagraph (g) is hereby added to read as follows:

(g) An easement for park and recreational purposes in common with owners of apartments in the condominium projects proposed to be developed as Phases I, III, IV, V and VI, Waiiau Garden Villa, on Lots 2, 3, 4, 6 and 5, respectively, of File Plan 1655, in the park and recreation area of approximately 23,597 square feet located in Lots 4, 6 and 5, File Plan 1655, of the proposed Phases IV, V and VI, respectively, subject to and with the benefit of that certain Declaration of Restrictive Covenants dated November 30, 1979, which was recorded in said Bureau of Conveyances in Liber 14479 at Page 777, as amended by instrument dated September 4, 1980, recorded in said Bureau of Conveyances in Liber 14975 at Page 666. In the event that said park and recreation area shall be conveyed to or condemned by the City and County of Honolulu, this easement shall automatically terminate.

LIMITED COMMON ELEMENTS: Subparagraph (c) under this topical heading is hereby amended to read as follows:

(c) Common entry ways outside of each main entrance to each building shall be appurtenant to the apartments located in that building.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: Subparagraph (c) under this topical heading is hereby amended to read as follows:

(c) The apartments shall be occupied and used only for residential purposes and no apartment shall be used as a tenement or rooming house or for or in connection with the carrying on of any business, trade or profession whatsoever. The respective apartments shall not be rented by the owners thereof for transient or hotel purposes, which shall be defined as (a) rental for any period less than thirty (30) days; or (b) any rental in which the occupants of the apartment are provided customary hotel services, such as room service for food and beverage, maid service, furnishing laundry and linen, and bellboy service. Other than the foregoing obligations and the restriction set forth in paragraph (d) below, the owners of the respective apartments shall have the absolute right to lease same provided that said lease is made subject to the covenants and restrictions contained in the Declaration and further subject to the By-Laws and Regulatory agreement.

ENCUMBRANCES AGAINST TITLE: The Developer has filed with the Commission an updated Preliminary Title Report dated September 10, 1980 by Security Title Corporation, which reports that title to the land is subject to the following:

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

2. Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent No. 4475.

3. The terms and provisions of that certain Lease No. 24,300 dated April 14, 1976, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 11364 at Page 191, made by and between the Trustees of the Estate of Bernice Pauahi Bishop, as Lessors, to Central Oahu Land Corporation, a Hawaii corporation, and Lear Siegler Properties, Inc., a Delaware corporation authorized to do business in Hawaii, which corporations are associated in a joint venture known as CENTRAL-TROUSDALE, as Lessees.

4. Declaration of Restrictive Covenants dated November 30, 1979, recorded in said Bureau of Conveyances in Liber 14479 at Page 777, as amended by instrument dated September 4, 1980, recorded in said Bureau of Conveyances in Liber 14975 at Page 666.

5. Grant dated March 28, 1980, recorded in said Bureau of Conveyances in Liber 14697 at Page 291, in favor of the Hawaiian Electric Company, Limited and Hawaiian Telephone Company, for utilities.

6. Covenants, conditions, restrictions, easements, reservations and all other provisions set forth in Declaration of Horizontal Property Regime dated August 7, 1980, recorded in said Bureau of Conveyances in Liber 14975 at Page 732, and the By-Laws attached thereto, as the same are or may hereafter be amended in accordance with law, said Declaration or By-Laws. (Project covered by Condominium Map No. 750.)

7. Regulatory Agreement dated August 7, 1980, recorded in said Bureau of Conveyances in Liber 14975 at Page 783, by and between the Association of Apartment Owners of Waiiau Garden Villa, Phase II, and Lawrence B. Simons, as Federal Housing Commissioner acting pursuant to authority granted to him by the National Housing Act, as amended.

PURCHASE MONEY HANDLING. A copy of the amended specimen Sales Contract and executed Amended Escrow Agreement dated March 11, 1980 have been submitted as part of the registration. Upon examination, the specimen Sales Contract, as amended, and the executed Amended Escrow Agreement are found to be in compliance with Chapter 514A, Hawaii Revised Statutes, as amended. It is incumbent upon the purchaser and prospective purchaser that he reads with care the amended specimen Sales Contract and the executed Amended Escrow Agreement. The latter agreement establishes how proceeds from the sale of apartments and all sums received from any source are placed in escrow, as well as the methods of disbursement of said funds.

A new topical heading entitled "PARK AND RECREATION AREA" is hereby added, as follows:

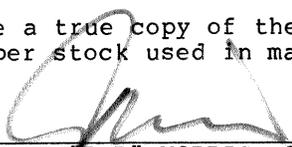
PARK AND RECREATION AREA: As set forth in the Declaration, an area containing approximately 23,597 square feet and which is a part of Lots 4, 5 and 6, File Plan 1566, will be restricted for use as a park and playground for all occupants of Phases I through VI, Waiau Garden Villa, as required by Rule 10 of the Park Dedication Rules and Regulations of the City and County of Honolulu, State of Hawaii, adopted pursuant to Ordinance 4621 of the City and County of Honolulu, and that all apartment owners will contribute proportionately according to their common interest to the perpetual maintenance of the park. The restrictions and obligations of apartment owners are set forth in that certain Declaration of Restrictive Covenants, dated November 30, 1979, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 14479 at Page 777, as amended by instrument dated September 4, 1980, recorded in said Bureau of Conveyances in Liber 14975 at Page 666.

STATUS OF PROJECT: The Developer advises that the estimated date of completion of the project is on or about November 25, 1980.

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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 January 16, 1980 and information subsequently filed as of September 18, 1980.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1228 filed on January 16, 1980.

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 in color.

  
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G. A. "RED" MORRIS, Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII

Distribution:

Department of Taxation  
Bureau of Conveyances  
Department of Planning, City and  
County of Honolulu  
Federal Housing Administration  
Escrow Agent

Registration No. 1228

Dated: October 7, 1980