

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

FAIRWAY GARDENS
5210 Likini Street
Honolulu, Oahu, Hawaii
REGISTRATION NO. 1229

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: March 27, 1980

Expires: April 27, 1981

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 JANUARY 16, 1980, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF MARCH 19, 1980. 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. FAIRWAY GARDENS is a proposed fee simple condominium project consisting of one existing fourteen-story apartment building of reinforced concrete construction, with 138 residential units, all of which will be sold by the Developer upon and subject to the terms and provisions of a condominium conveyance document to be issued by the owner of the fee simple title. There will be parking stalls for 172 automobiles, of which 34 will be compact stalls, and a recreational area.
2. 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.
3. The Developer advises that the Declaration of the Horizontal Property Regime and attached By-Laws has not been filed with the Office of the Assistant Registrar of the Land Court, State of Hawaii.
4. 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 has been submitted prior to public exposure.
5. 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.
6. This Preliminary Public Report is made a part of the registration of FAIRWAY GARDENS condominium project. The Developer has the responsibility of placing a true

copy of the Preliminary Final Public Report (yellow paper stock) together with Disclosure Abstract in the hands of all purchasers and prospective purchasers and for securing a signed copy for the receipt therefor from each such person.

7. This Preliminary Public Report automatically expires thirteen (13) months from the date of issuance, March 27, 1980, unless a Final or Supplementary Public Report is issued or the Commission, upon review of the registration, issues an order extending the effective period of this report.

NAME OF PROJECT: FAIRWAY GARDENS

LOCATION: 5210 Likini Street, Honolulu, Oahu, Hawaii. The site, comprising 85,231 square feet is located in Salt Lake.

TAX MAP KEY: First Division, 1-1-58-06

ZONING: A-3

DEVELOPER: 5210 LIKINI PARTNERS, a Hawaii limited partnership, whose business address is Suite 2002, 615 Piikoi Street, Honolulu, Hawaii 96814, Telephone: 523-0782. The General Partners:

K.K.H, INC., a Hawaii corporation, whose principal place of business and post office address is Suite 2002, 615 Piikoi Street, Honolulu, Hawaii 96814; TRANS WORLD TRADING CORP., a Hawaii corporation, whose principal place of business and post office address is Suite 2002, 615 Piikoi Street, Honolulu, Hawaii 96814; LEEALAN, INC., a Hawaii corporation, whose principal place of business and post office address is 1238 Kaumualii Street, Honolulu, Hawaii 96817; and ITTAM, INC., a Hawaii corporation, whose principal place of business and post office address is 2345 Kuhio Avenue, Honolulu, Hawaii 96815.

ATTORNEY REPRESENTING DEVELOPER: Edward J. Bybee (Rother & Bybee), Suite 322, Dillingham Transportation Building, 735 Bishop Street, Honolulu, Hawaii 96813, Telephone: 537-5311.

DESCRIPTION: The proposed Declaration of Horizontal Property Regime reflects that the proposed fee simple project shall contain one existing fourteen-story concrete apartment building. Two elevators serve the parking level and each of the fourteen residential floors. Additional access and egress is provided by stairwells, one at each end of the building and one in the elevator lobby. Apartments on the first floor are numbered 101, 102, 103, 104, 105, 108, 109 and 110, and apartments on the second through fourteenth floors are numbered consecutively 01 through 10, with each apartment number preceded by the appropriate number to designate the particular floor upon which that apartment unit is located.

The Project consists of eighteen (18) basic types of apartments, each apartment including reverses and each apartment being typical of all other apartments of the same type. Apartment types are designated as Types A, A-1, A-2, A-3, B, B-1, C, C-1, D, D-1, D-2, E, E(end), E-1, E-2, F, G and H.

1) Type A Units: Type A apartment units contain a combined living/dining area, kitchen, two bedrooms and one full bath. The total floor area of each Type A unit is 691 square feet. There are 24 Type A units numbered 206, 207, 208, 209, 306, 307, 308, 309, 406, 407, 408, 409, 506, 507, 508, 509, 606, 607, 609, 706, 707, 709, 806 and 809.

2) Type A-1 Units: Type A-1 apartment units contain a combined living/dining area, kitchen, two bedrooms and one full bath. The total floor area of

each Type A-1 unit is 691 square feet. There are 20 Type A-1 units numbered 608, 708, 807, 808, 906, 907, 908, 909, 1006, 1007, 1008, 1009, 1106, 1107, 1108, 1109, 1206, 1207, 1208 and 1209.

3) Type A-2 Units: Type A-2 apartment units contain a combined living/dining area, kitchen, two bedrooms and one full bath. The total floor area of each Type A-2 unit is 755 square feet. There are 6 Type A-2 units numbered 710, 810, 910, 1010, 1110 and 1210.

4) Type A-3 Units: Type A-3 apartment units contain a combined living/dining area, kitchen, two bedrooms and one full bath. The total floor area of each Type A-3 unit is 755 square feet. There are 5 Type A-3 units numbered 210, 310, 410, 510 and 610.

5) Type B Units: Type B apartment units contain a combined living/dining area, kitchen, three bedrooms, one full bath and a one-half bath. The total floor area of each Type B unit is 816 square feet. There are 5 Type B units numbered 201, 301, 401, 501 and 601.

6) Type B-1 Units: Type B-1 apartment units contain a combined living/dining area, kitchen, three bedrooms, one full bath and a one-half bath. The total floor area of each Type B-1 unit is 816 square feet. There are 8 Type B-1 units numbered 701, 801, 901, 1001, 1101, 1201, 1301 and 1401.

7) Type C Units: Type C apartment units contain a combined living/dining area, kitchen, one bedroom and one full bath. The total floor area of each Type C

unit is 515 square feet. There are 7 Type C units numbered 202, 302, 402, 502, 602, 702 and 802.

8) Type C-1 Units: Type C-1 apartment units contain a combined living/dining area, kitchen, one bedroom and one full bath. The total floor area of each Type C-1 unit is 515 square feet. There are 6 Type C-1 units numbered 902, 1002, 1102, 1202, 1302 and 1402.

9) Type D Units: Type D apartment units contain a combined living/dining area, kitchen, two bedrooms and one full bath. The total floor area of each Type D unit is 688 square feet. There are 25 Type D units numbered 204, 304, 404, 504, 603, 604, 703, 704, 705, 803, 805, 903, 905, 1003, 1005, 1103, 1105, 1203, 1205, 1303, 1305, 1308, 1403, 1405 and 1408.

10) Type D-1 Units: Type D-1 apartment units contain a combined living/dining area, kitchen, two bedrooms and one full bath. The total floor area of each Type D-1 unit is 688 square feet. There are 22 Type D-1 units numbered 203, 205, 303, 305, 403, 405, 503, 505, 605, 804, 904, 1004, 1104, 1204, 1304, 1306, 1307, 1309, 1404, 1406, 1407 and 1409.

11) Type D-2 Units: Type D-2 apartment units contain a combined living/dining area, kitchen, two bedrooms and one full bath. The total floor area of each Type D-2 unit is 753 square feet. There are 2 Type D-2 units numbered 1310 and 1410.

12) Type E Units: Type E apartment units contain a combined living/dining area, kitchen, two bedrooms

and one full bath. The total floor area of each Type E unit is 715 square feet. There are 2 Type E units numbered 104 and 109.

13) Type E(end) Unit: Type E(end) apartment unit contains a combined living/dining area, kitchen, two bedrooms and one full bath. The total floor area of the Type E(end) unit is 706 square feet. There is one Type E(end) unit numbered 101.

14) Type E-1 Unit: Type E-1 apartment unit contains a combined living/dining area, kitchen, two bedrooms and one full bath. The total floor area of the Type E-1 unit is 690 square feet. There is one Type E-1 unit numbered 103.

15) Type E-2 Unit: Type E-2 apartment unit contains a combined living/dining area, kitchen two bedrooms and one full bath. The total floor area of the Type E-2 unit is 746 square feet. There is one Type E-2 unit numbered 110.

16) Type F Unit: Type F apartment unit contains a combined living/dining area, kitchen, two bedrooms and one full bath. The total floor area of the Type F unit is 669 square feet. There is one Type F unit numbered 102.

17) Type G Unit: Type G apartment unit contains a combined living/dining area, kitchen, one bedroom and one full bath. The total floor area of the Type G unit is 422 square feet. There is one Type G unit numbered 105.

18) Type H Unit: Type H apartment unit contains a combined living/dining area, kitchen, one bedroom and

one full bath. The total floor area of the Type H unit is 541. There is one Type H unit numbered 108.

All of the apartments, except those on the first level, have immediate access to the corridor and lobby on the floor on which it is located leading to the elevators and stairways of the building leading to the grounds of the Project and on to the public streets. Units on the first level have direct access to the grounds of the Project.

On each floor of the building there will be located a space for storage. There is also a space for recreation on the ground floor.

Each apartment shall be deemed to include all of the walls and partitions which are not load-bearing within its perimeter or party walls, door and door frames, window and window frames, the lanai air space (if any), the inner decorated or finished surfaces of all walls, floors and ceilings, and all fixtures and appurtenances originally installed therein. Each apartment unit will be equipped with a garbage disposal, washer/dryer unit, range with cleaning oven, refrigerator, plumbing and electrical fixtures, and kitchen and bath cabinetry. Kitchens will have formica countertops.

The apartments will be numbered in the manner shown on the Condominium File Plan. All apartment square footage figures are approximate and are based on measurements to the center of party walls, to the inside of outside walls and omitting duct space.

COMMON ELEMENTS: The common elements will include the limited common elements hereinafter described and all other

portions of the land and improvements other than the apartments. They shall specifically include but not be limited to: (a) the above-described land in fee simple; (b) all foundations, columns, girders, beams, supports, bearing walls, roofs, chases, entries, corridors, lobbies, stairways, elevators, walkways and entrances of the building; (c) all yards, grounds, landscaping, mailboxes, storage rooms, refuse facilities; (d) all parking areas, guest parking stalls numbers 88, 89, 90, 91 and 92, sidewalks and driveways; (e) all ducts, electrical equipment, wiring and other central and appurtenant installations including all utilities; (f) the recreation area with its furniture, swimming and wading pools, tot-lot, fixtures and equipment; and (g) all other elements and facilities rationally in common use or necessary to the existence, upkeep and safety of the project.

LIMITED COMMON ELEMENTS: The proposed Declaration reflects that certain parts of the common elements, called "limited common elements", are designated and set aside for the exclusive use of certain apartments. Such apartments shall have appurtenant thereto easements for the use of such limited common elements as follows:

(a) Parking space(s) as assigned to apartments according to the schedule described in Exhibit "A" attached hereto and becoming a part hereof.

(b) All load-bearing walls within the perimeter of each apartment, the entirety of perimeter non-party walls and the interior one-half of all perimeter party walls, whether or not load-bearing, will be appurtenant to that apartment in which they are located; PROVIDED, HOWEVER, that

the interior painted or decorated surfaces of each such wall will not be a limited common element; neither will the interior painted, stained, or otherwise treated party fence or wall separating the lanai and concrete patio areas of each respective condominium apartment unit be deemed a limited common element.

INTEREST TO BE CONVEYED TO PURCHASER: The undivided percentage interest in the common elements appurtenant to each apartment, herein called "Common Interest", and the same proportionate share in all common profits and expenses of the Project and for all other purposes, including voting, are as follows:

TYPE APT.	Net. Flr. Area (Sq.Ft.)	%Common Interest In Common Elements Each Apartment	No. Apts.	Total Area Each Type Sq. Ft.	%Common Interest per Type - Total
A	691	.72692	24	16,584	17.44608
A-1	691	.72692	20	13,820	14.53849
A-2	755	.79425	6	4,530	4.76551
A-3	755	.79425	5	3,775	3.97125
B	816	.85842	5	4,080	4.29211
B-1	816	.85842	8	6,528	6.86738
C	515	.54177	7	3,605	3.79242
C-1	515	.54177	6	3,090	3.25064
D	688	.72377	25	17,200	18.09425
D-1	688	.72377	22	15,136	15.92294
D-2	753	.79216	2	1,506	1.58432
E	715	.75218	2	1,430	1.50436
E-1	690	.72589	1	690	.72589
E-2	746	.78479	1	746	.78479
E (end)	706	.74271	1	706	.74271
F	669	.70379	1	669	.70379
G	422	.44394	1	422	.44394
H	541	.56913	1	541	.56913
			<u>138</u>	<u>95,058</u>	<u>100.00000</u>

PURPOSE OF BUILDING AND RESTRICTION AS TO USE: All apartments of the project may be used only for residential purposes. No apartments shall be used in connection with the carrying on of any trade or business whatsoever. The owners of the respective apartments shall have the absolute right to lease

the apartment subject to the limitations, restrictions, covenants and the conditions of the proposed Declaration.

According to the proposed House Rules submitted to the Commission, each one-bedroom apartment shall have no more than two (2) permanent occupants therein, each two-bedroom apartment shall have no more than four (4) permanent occupants therein, and each three-bedroom apartment shall have no more than six (6) permanent occupants therein.

OWNERSHIP OF TITLE: A Policy of Title Insurance dated November 23, 1979, and issued by Title Insurance and Trust Company, indicates that title to the land is vested in 5210 LIKINI PARTNERS, a Hawaii limited partnership, the Developers.

ENCUMBRANCES AGAINST TITLE: Said Policy of Title Insurance indicates that said land is presently subject to the following:

1. Real Property Taxes. Refer to Tax Assessor, First Division, City and County of Honolulu.
2. Excepting and reserving unto the Trustees under the Will and of the Estate of Samuel M. Damon, deceased, all artesian and other underground water and rights thereto appurtenant to the land as reserved in deed dated October 7, 1965, filed as Land Court Document No. 372554 and also recorded in Liber 5163 at page 496. By release dated October 12, 1965, filed as Document No. 372562 and also recorded in Liber 5163 at page 572, said Trustees released all right to enter upon the surface of the land to exercise said exception and reservation, including any rights of ingress and egress upon said land.
3. Covenants contained in Declaration dated November 24, 1970, filed as Document No. 520605.
4. Mortgage in favor of International Savings and Loan Association, Ltd., a Hawaii corporation, dated November 21, 1979, filed as Land Court Document No. 979875.
5. Second Mortgage in favor of W.T. Investment Co., Ltd., a Bermuda corporation, and Peter Pei Te Song, Husband of Mary Kay Ling Song, both doing business as W.S. Properties, a joint venture.

NOTE: The Developer advises that said mortgage(s) mentioned above will be released prior to the recordation of the Purchaser's apartment conveyance document.

PURCHASE MONEY HANDLING: An executed Escrow Agreement, dated January 14, 1980, identifies Hawaii Escrow & Title, Inc., as Escrow Agent. Upon examination of the Escrow Agreement, it is found to be on consonance with Chapter 514A, Hawaii Revised Statutes, and particularly Section 514A-39 and Section 514A-63 through Section 514A-67. Among other provisions, the Escrow Agreement provides that Escrow Agent shall refund to Purchaser all of Purchaser's funds, without interest, if Purchaser shall request refund of his funds and any one of the following shall have occurred:

a) Developer has requested Escrow Agent in writing to return to Purchaser the funds of Purchaser then held under the Escrow Agreement by Escrow Agent; or

b) Developer has notified Escrow Agent of Developer's exercise of the option to rescind the sales contract pursuant to any right of rescission stated therein or otherwise available to Developer; or

c) Developer has notified Escrow Agent that Purchaser's funds were obtained prior to the issuance of a Final Public Report for the Project and that either (i) such Final Public Report differs in any material respect from the Preliminary Public Report or (ii) there is any material change in the condominium building plans for Purchaser's apartment or the common elements of the Project subsequent to the execution of the sales contract requiring approval of a county officer having jurisdiction over issuance of permits for construction

of buildings, unless in either case the Purchaser has given written approval or acceptance of the specific change; or

d) Developer has notified Escrow Agent that a Final Public Report has not been issued within one (1) year of the date of the issuance of this Preliminary Public Report and Purchaser has not waived its right of refund and cancellation of obligation pursuant to Section 514A-39, Hawaii Revised Statutes.

It is incumbent upon the Purchaser and prospective Purchaser to read and understand the Escrow Agreement before executing the Sales Contract since the Escrow Agreement prescribes the procedure for receiving and disbursing Purchaser's funds.

Among other provisions, the specimen Sales Contract provides that the Project was completed in 1971 and the Seller makes no warranty as to any defects in the apartments, the appliances therein, and the common elements of the Project. The Buyer is to inspect the Project and understand and agree that he is buying the property in an "as is" condition without warranty of any nature from the Seller.

MANAGEMENT OF PROJECT: The By-Laws which are incorporated in the proposed Declaration 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 Developer has submitted a copy of an executed Management Agreement to the Commission dated January 2, 1980, with Certified Management, a Hawaii corporation, the principal place of business is Suite 404, 98-1238 Kaahumanu Street, Pearl City, Hawaii, as initial Agent.

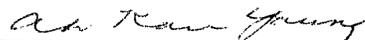
CONVERSION OF PROPERTY: The Project consists in part of an existing structure being converted to a condominium and the Project is in compliance with all ordinances, codes, rules, regulations or other requirements in force at the time of its construction. No variances has been granted from any ordinance, code, rule, regulation or other requirement in force at the time the Project was constructed or from any current ordinance, code, rule, regulation or other requirement.

STATUS OF PROJECT: The Project is presently under renovation and Developer estimates that it will be completed and ready for occupancy March 30, 1980.

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 March 19, 1980.

This is a PRELIMINARY HORIZONTAL PROPERTY REGIMES CONDOMINIUM PUBLIC REPORT which is made a part of REGISTRATION NO. 1229, filed with the Commission 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 yellow.


AH KAU YOUNG, CHAIRMAN, REAL ESTATE
COMMISSION, STATE OF HAWAII

Distribution:
DEPARTMENT OF TAXATION
BUREAU OF CONVEYANCES
PLANNING COMMISSION, CITY AND COUNTY OF HONOLULU
FEDERAL HOUSING ADMINISTRATION
ESCROW AGENT

Registration No. 1229
March 27, 1980.

FAIRWAY GARDENS
Parking Stall Assignment

APT. #	Parking Stall #						
101	171	407	167	801	81	1105	15
102	100	408	168	802	82	1106	16
103	99	409	169	803	93	1107	17
104	98	410	170	804	94	1108	18
105	99			805	125	1109	19
*108	60	501	131	806	126	1110	20
109	40	502	132	807	127		
110	39	503	133	808	128	1201	21
		504	134	809	129	1202	22
201	141	505	135	810	130	1203	23
202	142	506	136			1204	24
203	143	507	137	901	31	1205	25
204	144	508	138	902	38	1206	26
205	145	509	139	903	113	1207	27
206	146	510	140	904	112	1208	28
207	147			905	111	1209	29
208	148	601	61	906	96	1210	30
209	149	602	62	907	7		
210	150	603	63	908	8	1301	51
		604	64	909	97	1302	52
301	151	605	65	910	95	1303	53
302	152	606	66			1304	54
303	153	607	67	1001	101	1305	55
304	154	608	68	1002	102	1306	56
305	155	609	69	1003	103	1307	57
306	156	610	70	1004	104	1308	58
307	157			1005	105	1309	9
308	158	701	71	1006	106	1310	10
309	159	702	72	1007	107		
310	160	703	73	1008	108	1401	41
		704	74	1009	109	1402	42
401	161	705	75	1010	110	1403	43
402	162	706	76			1404	44
403	163	707	77	1101	11	1405	45
404	164	708	78	1102	12	1406	46
405	165	709	79	1103	13	1407	47
406	166	710	80	1104	14	1408	48
						1409	49
						1410	50

Guest Parking: 88, 89, 90, 91, 92 (all for compact cars)

*Apt. #108, Additional Stalls: 1, 2, 3, 4, 5, 6, 32, 33, 34, 35, 36, 37, 83, 84, 85, 86, 87, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 172 (all for compact cars, not including #60)