

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII
1010 RICHARDS STREET
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HONOLULU, HAWAII 96801

FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

WAIHONA
85-709 Piliuka Place
Waianae, Oahu, Hawaii

Registration No. 1315 (Conversion)

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 22, 1980
Expires: November 22, 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 or prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED MAY 14, 1980, AND INFORMATION SUBSEQUENTLY FILED AS OF OCTOBER 16, 1980. 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. The WAIHONA is a fee simple condominium project consisting of four (4) existing residential apartments located in two single-family dwellings and one two-family dwelling constructed in 1965.

2. The Developer has submitted to the Commission for examination all documents deemed necessary for the registration of this condominium project and the issuance of this Final Public Report.
3. The basic documents (Declaration of Horizontal Property Regime, By-Laws of the Association of Apartment Owners, and a copy of the approved floor plans) have been filed in the office of the recording officer.

The Declaration and By-Laws dated April 24, 1980 have been recorded in the Bureau of Conveyances of the State of Hawaii in Liber 14703 at Page 735. Said Declaration was amended by First Amendment to Declaration of Horizontal Property Regime and By-Laws of Waihona dated October 17, 1980, recorded in Liber 15070 at Page 594, (hereinafter referred to as "Declaration").

The Bureau of Conveyances has assigned Condominium Map No. 729 to the project.

4. Advertising and promotional materials 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, and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.
6. This Final Public Report automatically expires thirteen (13) months after date of issuance, October 22, 1980, unless a supplementary report issues or the Commission upon review of the 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 WAIHONA condominium project. The Developer is responsible for placing a true copy of this Final Public Report (white paper stock) and the Disclosure Abstract in the hands of all purchasers and prospective purchasers and securing a signed receipt therefor.

NAME OF PROJECT: WAIHONA

LOCATION: The project is located at 85-709 Piliuka Place, Waianae, Hawaii, on a parcel of 34,044 square feet.

TAX MAP KEY: 8-5-23-20 (1st Division).

ZONING: The property is presently zoned AG-1, restricted agricultural district.

DEVELOPER: The Developers are Henry S. L. Lai and Lily Tom Lai of 44-015 Malukai Place, Kaneohe, Hawaii, telephone: 247-3502.

ATTORNEY REPRESENTING DEVELOPER: Tamotsu Tanaka, Attorney At Law, A Law Corporation, 333 Queen Street, Suite 600, Honolulu, Hawaii 96813, telephone: 523-7581.

DESCRIPTION OF PROJECT: There are two single-family detached dwellings and one two-family dwelling, constructed primarily of wood. All dwellings are without basements and are one-story in height. The project is divided into four separate freehold estates consisting of the spaces enclosed by and within the outside surfaces of the exterior walls and roofs and the bottom surfaces of the slabs, footings, foundations and supporting structures of each of two separate residences, designated as A and B, and each of two residences attached as a duplex, designated as C and D, which spaces, defined and referred to herein as "apartments", together with their respective limited common elements, are designated and described on the condominium map. Said apartments are described as follows:

Apartment A. A one-story structure situated on the limited common element designated as A, which structure consists of three bedrooms, one kitchen, one living room, one dining room, and one bath, for a total living area of 800 square feet, excluding a one-car carport and laundry area in carport.

Apartment B. A one-story structure situated on the limited common element designated as B, which structure consists of three bedrooms, one kitchen, one living room, one dining room, and one bath, for a total living area of 800 square feet, excluding a one-car carport and laundry area in carport.

Apartment C. The half of the one-story duplex structure situated on the limited common element designated as C, which half of the structure consists of three bedrooms, one kitchen, one living room, and one bath, for a total living area of 720 square feet, excluding one-half of a two-car carport and laundry area extending from the rear of the apartment.

Apartment D. The half of the one-story duplex structure situated on the limited common element designated as D, which half of the structure consists of three bedrooms, one kitchen, one living room, and one bath, for a total living area of 720 square feet, excluding one-half of a two-car carport and laundry area extending from the rear of the apartment.

Each apartment shall have immediate access to the common driveway leading to a public road, all as more particularly located and shown on the floor and plot plans attached to said condominium map.

The apartments are numbered and located in the manner shown on Condominium Map No. 729, previously recorded in said Bureau.

COMMON ELEMENTS: A freehold estate consisting of all remaining portions of the project, specifically including but not being limited to all items shown as common elements on the condominium map and more particularly described as follows:

- (a) The land;
- (b) The common ingress and egress driveway, areas adjacent to the ingress and egress driveway, drainage ditches, roadway, grounds, landscaping, fences, and refuse areas;
- (c) All central and appurtenant installations, including all pipes, wires, cables, conduits and other utility lines running within said land for services such as power, light, gas, water, and radio and TV signal distribution;
- (d) Any and all other apparatus and installations existing for common use, and
- (e) All other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

LIMITED COMMON ELEMENTS: Certain parts of the common elements called "limited common elements" are set aside and reserved for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto an exclusive easement for the use of such limited common elements. The limited common elements so set aside and reserved include, but are not limited to, all items set forth in the condominium map as limited common elements and are as follows:

- (a) The site of each apartment, consisting of the land beneath and immediately adjacent to such apartment as designated on said condominium map, shall be appurtenant to and for the exclusive use of such apartment.
- (b) The one-car carports and laundry area in the carports, all as more particularly located and shown on the floor plans, attached to said condominium map, for each of apartments A and B shall be appurtenant to and for the exclusive use of such apartments.
- (c) The half of the two-car carport immediately adjacent to apartments A and B, and the laundry areas extending from the rear of the apartments, all as more particularly located and shown on the floor plans attached to said condominium map, shall be appurtenant to and for the exclusive use of such apartments.
- (d) The water closet extending from the rear of Apartment D's half of the two-car carport, as more particularly shown on the plot plans attached to said condominium map, shall be appurtenant to and for the exclusive use of apartment D.

- (e) The separate pipes, wires, cables, conduits, and other utility lines running to each of the dwellings for services such as sewage, power, gas, water, and radio and TV distribution signals shall be appurtenant to and for the exclusive use of such apartments.
- (f) All other elements of the project which are normally and usually associated with the ownership of a single-family dwelling on his own parcel of land. Since this project consists of only four apartments, it is the intent of the developer to have the apartment owners have exclusive and complete use and responsibility for each apartment and its respective limited common elements.

COMMON INTEREST: Each apartment shall have appurtenant thereto an undivided percentage interest in the common elements of .25 or a 1/4 fractional interest, such interest being referred to herein as the "common interest". The common interest, the proportionate shares in the profits and common expenses of the project and the proportionate representation for voting purposes in the Association of Apartment Owners of the project, shall be in said percentage for each apartment.

USES: 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 for no other purpose. The apartments shall not be rented for transient or hotel purposes, which are defined as (a) rental for any period less than 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, laundry and linen, or bellboy service. Except for such transient or hotel purposes, the owners of the respective apartments shall have the absolute right to lease the same subject to the limitations, restrictions, covenants and conditions of said Declaration.

The House Rules prohibit the use of waterbeds in the project and limits the maximum number of occupants of any apartment to six (6) persons; provided that the Association by majority vote of its members may increase the number of occupants; and provided, that the Board of Directors upon application may permit a larger number of occupants in any apartment for a temporary period not to exceed three months in any one calendar year.

OWNERSHIP OF TITLE: The Preliminary Title Report by Title Guaranty of Hawaii, Inc., dated August 15, 1980, reflects that the ownership of the property is vested in Henry S. L. Lai and Lily Tom Lai, husband and wife.

ENCUMBRANCES: Said Preliminary Title Report dated August 15, 1980 shows title to the property to be subject to the following encumbrances:

1. Easement (10 feet wide) for pole and wire lines and/or underground lines along the Northwesterly boundary of Lot 2 as shown on File Plan No. 837; which said Easement

was granted to Hawaiian Electric Company, Inc., a Hawaii corporation and Hawaiian Telephone Company, also a Hawaii corporation, by instrument dated July 7, 1964, recorded in Liber 4796, Page 39.

2. Mortgage in favor of Honolulu Federal Savings and Loan Association, a federal savings and loan association, dated December 30, 1976, recorded in Liber 11943, Page 174.
3. For real property taxes that may be due and owing, check with the Tax Assessor, First Division.
4. The restrictions on use and other restrictions and all other of the covenants, agreements, obligations, conditions, reservations, easements, and other provisions set forth in Declaration of Horizontal Property Regime dated April 24, 1980 recorded in the Bureau of Conveyances in Liber 14703 at Page 735 and the By-Laws attached thereto. (Project covered by Condominium Map No. 729). Said Declaration and By-Laws was amended by instrument dated October 17, 1980 and recorded in Liber 15070, Page 594.

PURCHASE MONEY HANDLING: The executed escrow agreement dated May 20, 1980, identifies Title Guaranty Escrow Services, Inc. as the "Escrow" and provides that a purchaser shall be entitled to a return of his funds, and Escrow shall pay such funds to such purchaser, without interest, promptly after purchaser has requested such return if Escrow shall have received from Developer a written notice that any one of the following has occurred:

(a) Developer and the purchaser shall have requested Escrow in writing to return to purchaser the funds of purchaser then being held by Escrow; or

(b) Developer shall have notified Escrow of Developer's exercise of the option to cancel or rescind the sales contract pursuant to any right of cancellation or rescission stated therein or otherwise available to Developer.

Upon refund of said funds to purchaser as aforesaid, Escrow shall return to Seller such purchaser's sales contract and any Apartment Deed therefore delivered to Escrow, and thereupon neither the purchaser nor Seller shall be deemed obligated thereunder.

Among other provisions, the specimen Sales Contract provides: (1) that Developer may terminate all sales contracts if less than three (3) apartments have been sold by December 30, 1982; (2) the purchaser agrees to purchase the apartment in an "as is" condition; and (3) Purchaser agrees that all rights of Purchaser are subject and subordinate to the lien of any mortgage(s) made by Seller and to any and all sums which may become a lien pursuant to the terms of such mortgage(s).

Upon examination, the specimen Sales Contract and the executed Escrow Agreement are found to be in compliance with Chapter 514A, Hawaii Revised Statutes, and particularly with Sections 514A-37, 514A-39 and 514A-63 to 514A-66. A prospective purchaser should carefully examine the form of specimen sales contract and escrow agreement to understand the time for and the amount of the installment payments on the purchase price, the payment of closing costs, and the handling of funds.

MANAGEMENT AND OPERATION: Article IV, Section 1, of the By-Laws states that the Board of Directors shall at all times employ a responsible managing agent to manage and control the property subject at all times to direction by the Board of Directors. The Developer entered into an initial property management contract with Lee Realty on March 31, 1980, and has submitted a copy thereof with its Notice of Intention.

STATEMENT OF FINANCING: The Developer has informed the Commission that it intends to cause the issuance of apartment deeds to purchasers upon the confirmed sale of 3 apartments and use proceeds from its sale of the 3 apartments to pay off the mortgages and any other liens that may be outstanding.

The project involves the conversion of existing buildings into a condominium project.

STATUS OF PROJECT: The apartments were built in 1965 and will be sold in "as is" condition. No renovations or improvements will be undertaken. The project's existing structures were built in compliance with all ordinances, codes, rules, regulations in force at the time of its construction and no variances or special permits have been requested or granted except that Special Permit L.U.C. No. 394 dated January 22, 1963 was granted by the State Land Use Commission to allow the subdivision of the parcel for single-family residential use at the minimum of 5,000 square feet per dwelling.

The buildings are non-conforming with respect to the present zoning of AG-1 Restricted Agricultural District and the current subdivision requirements. Therefore if any structure is destroyed, it shall not be reconstructed except in conformity with the provisions of the State Land Use Commission Special Permit, the Subdivision Rules and Regulations and the Comprehensive Zoning Code.

The purchaser or prospective purchaser should be cognizant of the fact that this Public Report represents information disclosed by the Developer in the required Notice of Intention submitted May 14, 1980, and information subsequently filed as of October 16, 1980.

This FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1315 filed with the Commission on May 14, 1980.

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 in color.



G.A. "Red" Morris, Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII

Distribution:

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Bureau of Conveyances
Planning Department,
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REGISTRATION NO. 1315

Dated: October 22, 1980