

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
2751-C BOOTH ROAD
2751-C Booth Road
Honolulu, Hawaii

REGISTRATION NO. 1317 (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 29, 1980
Expires: November 29, 1981

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 and prospective purchaser is particularly directed to the following:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED MAY 22, 1980, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF OCTOBER 14, 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. 2751-C BOOTH ROAD is a fee simple condominium project consisting of one building containing two (2) residential apartments. The plans for the project show a carport large enough for two cars.
2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of a condominium project and the issuance of this Final Public Report.

3. The basic condominium documents have been filed in the Bureau of Conveyances of the State of Hawaii, as follows:

The Declaration of Horizontal Property Regime of 2751-C Booth Road, with Bylaws of the Association of Apartment Owners, dated February 28, 1980 was recorded in said Bureau in Liber 14643, at Page 221.

The floor plans of the project have been designated Condominium Map No. 712.
4. No advertising or promotional matter has been submitted to the Commission.
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 regimes.
6. This Final Public Report is made a part of the registration on the 2751-C BOOTH ROAD condominium project. The Developer is responsible for placing a true copy of this Final Public Report and a copy of the Disclosure Abstract in the hands of all purchasers and prospective purchasers and securing a signed receipt therefor.
7. This Final Public Report automatically expires 13 months from the date of issuance, October 29, 1980, unless a Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the effective period of this report.

NAME OF PROJECT: 2751-C BOOTH ROAD

LOCATION: The project is located on 9,515 square feet of land situate in Pauoa, City and County of Honolulu, State of Hawaii. The description of the land and the undivided interest in the roadway lot leading to the land are more fully set forth in the Declaration.

TAX KEY: First Division, 2-2-27-47

ZONING: R-6

DEVELOPER: The Notice of Intention reveals the Developer to be the owners, Robert M. McNamara, Yoko McNamara and Forbes Robert Springer, all of whom live at [REDACTED] Hawaii.

ATTORNEY REPRESENTING DEVELOPER: Ashford & Wriston (Galen C. K. Leong), 235 Queen Street, Honolulu, Hawaii 96813 (Phone: 524-4787).

DESCRIPTION OF PROJECT: The Declaration states that there will be one building in the project containing two apartments which are connected by a carport containing two parking stalls. The building is constructed principally of wood and has no basement.

The apartments are more particularly described as follows:

(a) Apartment A (designated on the plans as "Unit A") consists of seven rooms, a living-dining room, a kitchen, two bathrooms and three bedrooms, with a lanai, containing an approximate total floor area of 1,152 square feet, including the lanai.

(b) Apartment B (designated on the plans as "Unit B") consists of eight rooms, a living-dining room, a kitchen, two bathrooms and four bedrooms, with a lanai, containing an approximate total floor area of 1,352 square feet, including the lanai.

(c) Except as specifically otherwise provided in the Declaration, an apartment shall not be deemed to include any pipes, wires, conduits or other utility or service lines running through such apartment which are utilized for or serve more than one apartment, the same being deemed common elements as herein provided. Each apartment shall be deemed to include all perimeter walls to their exterior surfaces, the floors and foundations of the apartment, the ceilings and roof of the apartment, its adjoining lanai and all fixtures and appliances originally installed therein for its exclusive use. All windows and window frames, doors and door frames and glass walls serving an apartment and the railings of the lanai appurtenant to an apartment shall be deemed a part of the apartment.

COMMON ELEMENTS: The remaining portions of the project are designated as "common elements", including specifically but not limited to:

1. The land in fee simple;
2. The carport;
3. The yards and grounds, fences, driveways and pavement;
4. Central facilities and appurtenant installations for utility and other common services such as power, light, gas and water.
5. 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 are designated in the Declaration as "limited common elements" and are set aside for the use of certain apartments, and such apartments shall have appurtenant thereto exclusive easements for the use of such limited common elements as follows:

All common elements which are necessary or convenient for the use of an apartment and which are situated within that certain area referred to as the "house site" in the Declaration, the perimeter of which is delineated on the Condominium Map, are designated as limited common elements appurtenant to and for the exclusive use of the apartment contained within the respective house site, including that portion of the carport situated within said house site.

INTEREST TO BE CONVEYED TO PURCHASER: Each apartment shall have appurtenant thereto an undivided percentage interest in all common elements of the project (herein called "common interest") and the same proportionate share in the common expenses of the project and for all other purposes, as follows:

Unit A: 48.5%
Unit B: 51.5%

EASEMENTS: The Declaration provides that the apartments and common elements shall have and be subject to the following easements:

1. Each apartment shall have appurtenant thereto nonexclusive easements in the common elements designed for such purposes for ingress to, egress from, utility services for and support of such apartment; in the other common elements for use according to their respective purposes, subject always to the exclusive or limited use of the limited common elements as provided in the Declaration.

2. If any part of the common elements encroaches upon any apartment or limited common element or if any apartment or limited common element encroaches upon the common elements, a valid easement for such encroachment and the maintenance thereof, so long as it continues shall and does exist. If any portion of the project shall be partially or totally destroyed and then rebuilt, minor encroachments of any parts of the common elements due to construction shall be permitted, and valid easements for such encroachments and the maintenance thereof shall exist.

3. The Association of Apartment Owners of the project shall have the right, to be exercised by its Board of Directors or Managing Agent, to

enter any apartment and limited common element from time to time for making emergency repairs therein required to prevent damage to any apartments or common elements or for the installation, repair or replacement of any common elements.

USE AND RESTRICTIONS: The Declaration provides that 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. Except for the foregoing restriction, the owners of the respective apartments shall have the absolute right to lease such apartments subject to all provisions of the Declaration.

OWNERSHIP OF TITLE: A Preliminary Title Report issued by Title Guaranty of Hawaii on September 26, 1980 verifies that the property is owned in fee simple by Robert M. McNamara and Yoko McNamara, an undivided 51.5% interest as tenants by the entirety, and Forbes Robert Springer, an undivided 48.5% as tenant in severalty.

ENCUMBRANCES AGAINST TITLE: Said Preliminary Report indicates that the only encumbrances on title are:

1. Improvement Assessment: Pauoa Valley Sewers (District No. 245, Lot No. 62).
2. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
3. Grant of Easement dated August 30, 1946 recorded in said Bureau in Liber 1988, at Page 227.
4. Declaration of Horizontal Property Regime dated February 28, 1980, recorded in Liber 14643, at Page 221. (Condominium Map No. 712).
5. A mortgage in favor of American Savings & Loan Association dated September 21, 1974, recorded in said Bureau in Liber 8662, at Page 278.
6. A mortgage in favor of Central Pacific Bank dated May 11, 1979, recorded in said Bureau in Liber 13685, at Page 587.
7. Grant of sewer easement in favor of the City and County of Honolulu recorded in Liber 10196, at Page 404.
8. Real property taxes as may be due and owing. For further information, check with the Tax Assessor, First Division.

PURCHASE MONEY HANDLING: A copy of a specimen Sales Contract has been submitted as part of the registration. An escrow agreement has not been submitted because it is not the present intent of the Developer to sell either unit. When a unit is sold, an individual escrow will be established for the sale.

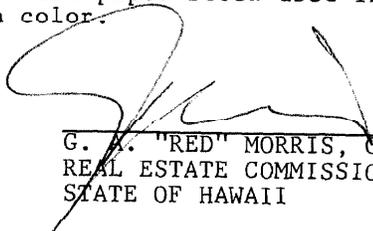
MANAGEMENT AND OPERATIONS: The Declaration discloses that the administration of the project shall be vested in the Association of Apartment Owners. The project shall be self-managed.

STATUS OF PROJECT: The building was constructed in 1972. A statement from the Building Department of the City and County of Honolulu reveals that the building met code requirements at the time of construction and no variances or special permits were granted to allow deviations from any applicable codes.

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 May 22, 1980 and information subsequently filed as of October 14, 1980.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1317.

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.



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

Distribution:
Department of Taxation
Bureau of Conveyances
Planning Commission, County of Honolulu
Federal Housing Administration
Escrow Agent

Registration No. 1317

October 29, 1980