

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION

DEPARTMENT OF COMMERCE & CONSUMER AFFAIRS

STATE OF HAWAII

1010 RICHARDS STREET

P. O. BOX 3469

HONOLULU, HAWAII 96801

## SUPPLEMENTARY - A HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on

DIAMOND HEAD HILLSIDE

3151 Monsarrat Avenue

Honolulu, Hawaii

(Apts. 104, 305, 306, 404, 506 and 601)

REGISTRATION NO. 1353 (CONVERSION)

### **This Report Is Not an Approval or Disapproval of This Condominium Project**

It was prepared as a supplement to ~~an~~ earlier Report dated <sup>October 7, 1980 and</sup> March 30, 1981 issued by the Real Estate Commission on the above 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: February 14, 1985

Expires: October 30, 1985

### 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 SEPTEMBER 18, 1980, AND INFORMATION SUBSEQUENTLY FILED AS OF FEBRUARY 11, 1985. THE OWNER, 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 dated October 7, 1980, and Final Public Report dated March 30, 1981, on the DIAMOND HEAD

HILLSIDE, which report has been extended to April 30, 1985, certain material changes have been made in the Project.

2. The Developer, by way of Assignments of Condominium Conveyance Documents, has conveyed all of the unsold condominium apartments, the easements and the interests in the common elements appurtenant thereto to two (2) companies and no longer owns any of the apartments. EASTERN PROPERTIES INC., a Hawaii corporation, whose principal place of business and post office address is Suite 1812, Grosvenor Center, 733 Bishop Street, PRI Tower, Honolulu, Hawaii 96813, Telephone (808) 521-0007 (the "Owner") is the Owner of all six (6) condominium apartments which are the subject of this Supplementary-A Public Report. The latter is to be used in connection with Owner's sale of only the six (6) apartments designated herein.

3. The Owner has filed all documents and materials deemed necessary by the Commission for the registration of this condominium project and the issuance of this Supplementary Public Report.

4. 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.

5. No advertising or promotional matter has been filed pursuant to the Rules and Regulations promulgated by the Commission.

6. This Supplementary Public Report amends the Preliminary and Final Public Reports, becoming a part of the DIAMOND HEAD HILLSIDE registration. The Owner is responsible for placing a true copy of this Supplementary Public Report (pink paper stock) in the hands of all purchasers and prospective purchasers along with a copy of the Preliminary Public Report (yellow paper stock), Final Public Report (white paper stock) and updated Disclosure Abstract, and securing a receipt therefor.

7. This Supplementary Public Report automatically expires on October 30, 1985, unless a Second Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the effective period of this report.

The information in the Final Public Report of March 30, 1981, under the topical headings OWNERSHIP TO TITLE and ENCUMBRANCES AGAINST TITLE, and in the Preliminary Public Report of October 7, 1980, under the topical headings PURCHASE MONEY HANDLING have been changed.

OWNERSHIP TO TITLE: According to an Owner's Title Policy issued by Title Guaranty of Hawaii, Inc. on September 17, 1984, and updated search by said Company on December 20, 1984, the condominium apartments described in Exhibit "A" attached hereto were conveyed to the Owner by Assignment of

Condominium Conveyance Documents, dated September 14, 1984 and filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document Nos. 1257773, 1257774, and 1257775, noted on Transfer Certificate of Title No. 228,947 and 232,241.

ENCUMBRANCES AGAINST TITLE: Said Owner's Title Policy issued to Owner by Title Guaranty of Hawaii, Inc. on September 17, 1984, as updated on December 20, 1984, reflects the following encumbrances:

1. Taxes which may be or become due and owing. Reference is made to the County Tax Assessor of the First Division for further information.

2. Restrictive covenant contained in Deed dated November 26, 1937, filed in said Office as Document No. 41809, to-wit:

"That no malt, vinous products or intoxicating liquor of any kind shall ever be sold or exposed for sale on any of said lots or any portion of said subdivision."

3. 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 November 5, 1980, filed in said Office as Document No. 10403438, and the Bylaws attached thereto, as the same are or may hereafter be amended in accordance with law, said Declaration or said Bylaws. (Project covered by Condominium Map No. 436.) Said Declaration was amended by instrument dated June 18, 1982, filed as Document No. 1120758.

4. Terms, easements, restrictions, agreements, reservations, covenants, conditions and provisions contained in Condominium Conveyance Documents described in Exhibit "B" attached hereto.

5. That certain Mortgage, Security Agreement and Financing Statement dated September 17, 1984, by and between the Owner, as Mortgagor, and Honolulu Mortgage Company, Inc., a Hawaii corporation, as Mortgagee, filed in said Office as Document No. 1257776.

PURCHASE MONEY HANDLING: The Owner has entered into an Escrow Agreement dated December 20, 1984, with Title Guaranty Escrow Services, Inc. The Escrow Agreement and Deposit Receipt, Offer and Acceptance contract ("DROA") to be used by Owner have been submitted to the Commission and have been found to be in compliance with Chapter 514A, Hawaii Revised Statutes, as amended. The provisions of the DROA should be carefully read by the purchasers.

Among other provisions, the Escrow Agreement (as well as the DROA) provides that a purchaser shall be entitled to a refund of his funds, and Escrow shall pay said funds to the purchaser without interest, less an escrow cancellation fee,

if the purchaser requires financing and is unable to obtain a mortgage loan within 30 days of the date of his execution of the DROA and either Seller (Owner) or Buyer elects to terminate the DROA.

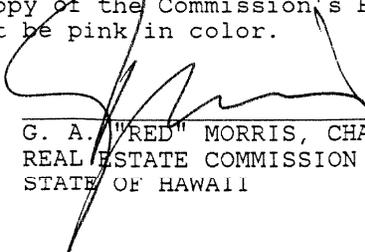
The Escrow Agreement also provides that Escrow shall deposit all funds received in a bank or savings and loan institution selected by Owner and that any interest earned thereon shall accrue to Owner.

The specimen DROA filed with the Commission provides, among other things, as follows:

The building was completed in 1967. It is being sold in an "as is" condition. The seller does not warrant the structural quality or integrity of the building or the mechanical soundness of any of the systems of the building or the individual apartments. Seller has made no warranties whatsoever, express or implied, with respect to the apartments, appliances, equipment, the project, the building, or any common elements or anything installed therein. When purchaser buys the property, the purchaser accepts the same "as is" without warranties or representations as to the condition thereof and assumes all risks of defects known or unknown. BUYER FURTHER ACKNOWLEDGES THAT HIS ATTENTION HAS BEEN DIRECTED TO THIS PARAGRAPH 6, THAT HE HAS READ AND UNDERSTANDS SELLER'S DISCLAIMERS OF WARRANTY AND THAT HE EXPRESSLY, KNOWINGLY AND INTELLIGENTLY WAIVES AND RELEASES ANY AND ALL RIGHTS, CLAIMS, ACTIONS OR CAUSES OF ACTION HE NOW HAS OR MAY HAVE IN THE FUTURE ARISING OUT OF, RELATED TO, OR CONNECTED IN ANY WAY WITH, ANY DEFECTS OR DEFICIENCIES IN THE APARTMENT, APPLIANCES, EQUIPMENT, THE COMMON ELEMENTS OR THE PROJECT.

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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 Notice of Intention submitted September 18, 1980, and additional information filed by Owner as of February 11, 1985.

THIS SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1353 filed with the Commission on September 18, 1980. This report when reproduced shall be a true copy of the Commission's Public Report. The paper stock must be pink in color.

  
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 HOUSING ADMINISTRATION  
TITLE GUARANTY ESCROW SERVICES, INC.

Registration No. 1353

February 14, 1985

EXHIBIT A

<u>APARTMENT NUMBER</u>	<u>UNDIVIDED PERCENTAGE INTEREST</u>	<u>CONDOMINIUM CONVEYANCE DOCUMENT LAND COURT DOCUMENT NUMBER</u>
104	0.02457	1131729
305	0.02934	1131740
306	0.03309	1131741
404	0.02934	1095998
506	0.03309	1095992
601	0.05744	1131744