

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII  
1010 RICHARDS STREET  
P. O. BOX 3469  
HONOLULU, HAWAII 96801

## SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on

WAILUNA I-C  
Mauka End of Kaahumanu Street  
Waiau, Ewa, Oahu

Registration No. 1364

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

It was prepared as a supplement to an earlier Report dated November 21, 1980 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: April 13, 1982  
Expires: December 21, 1982

### 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 ON OCTOBER 31, 1980 AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF MARCH 31, 1982. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, AND SUBMITTING INFORMATION ON MATERIAL CHANGES IN THE PROJECT, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIME LAW, CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. Since the issuance of the Commission's Final Public Report on November 21, 1980, on WAILUNA I-C, the Developer reports that changes have been made in the

plan or setup previously presented. The changes subsequently made, which consist mainly of the creation of a maintenance building as part of the common element for Wailuna I-C and merger of this project, along with others, are determined to be material revisions to the information disclosed earlier.

2. The Developer of the Project has submitted to the Commission for examination all documents and materials deemed necessary for the registration of a condominium project and issuance of this Supplementary Public Report.
3. The basic documents (Declaration of Horizontal Property Regime, Bylaws of the Association of Apartment Owners, and a copy of the Condominium Map) have been recorded in the Bureau of Conveyances of the State of Hawaii. Since the issuance of the Final Public Report, three amendments to the Declaration of Horizontal Property Regime and Bylaws, which were recorded in said Bureau of Conveyances in Liber 15107, page 55 have been filed. The First Amendment thereto was recorded in said Bureau in Liber 15339, page 39; the Second Amendment was recorded in said Bureau in Liber 15404, page 330; and the Third Amendment was recorded in said Bureau in Liber 16241, Page 309. The Recording Officer has designated Condominium Map No. 678 to the project.
4. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A, Hawaii Revised Statutes, and the rules and regulations of the Hawaii Real Estate Commission which relate to Horizontal Property Regimes.
5. This Supplementary Public Report automatically expires on December 21, 1982, unless another Supplementary Public Report is issued or the Commission, upon review of the registration, issues an order extending the effective period of this report.
6. This Supplementary Public Report amends the Final Public Report, becoming a part of the WAILUNA I-C registration. The Developer is responsible for placing this Supplementary Public Report (pink paper stock) and the Final Public Report (white paper stock) and the revised Disclosure Abstract in the hands of all purchasers, and for securing a signed copy of the receipt therefor.

The Developer has informed the Commission that there are no changes in the information set forth in the Commission's Final Public Report issued on November 21, 1980, except for the changes under the topical headings entitled COMMON ELEMENTS, INTEREST TO BE CONVEYED TO PURCHASER, MERGER OF PROJECTS, WAILUNA RECREATION ASSOCIATION and STATUS OF THE PROJECT hereinbelow set forth:

COMMON ELEMENTS: Under the heading "COMMON ELEMENTS" of the Final Public Report, paragraph (c) is amended to include the following as a common element:

"maintenance building"

This amendment is required because the Association of Apartment Owners of Wailuna I-C held a meeting and unananimously voted to arrange for the construction of a maintenance building within the common elements of the project adjacent to the rubbish enclosure which is directly across the private street from Buildings 49 and 50 and approved a third amendment to the Declaration of Horizontal Property Regime which would provide that said maintenance building would be a common element. A map showing the location of this facility and a floor plan therefor have been submitted to the Commission.

NOTE: The Association of Apartment Owners did not approve of the construction costs of the maintenance building. At such time as construction costs of this maintenance building is approved by the Association, the construction costs will have to be paid for by the apartment owners in accordance with their respective ownership interests in the common elements, and the costs of maintenance, repair and upkeep will be a common expense.

INTEREST TO BE CONVEYED TO PURCHASER: The last apartment number, "67-C", found on page 3 of Exhibit "A" of the Final Public Report, is a typographical error and is amended by deleting said "67-C" and inserting in lieu thereof "67-D".

MERGER OF PROJECTS: The Declaration of Horizontal Property Regime provides the right to merge the project into adjoining Condominium Projects known as Wailuna I, Wailuna I-A, and Wailuna I-B, and this is set forth in the Final Report under the heading MERGER OF PROJECTS. The Associations of Apartment Owners for the four projects held meetings on December 2, 1980 (Wailuna I, I-A, and I-B) and December 9, 1981 (Wailuna I-C) and unanimously approved of said merger on the following terms and conditions, all as set forth in a Partial Revocation of Declaration of Merger for Wailuna I, I-A, and I-B, and Declaration of Merger for Wailuna I, I-A, I-B, and I-C, as recorded in Liber 16241, Page 313, at said Bureau:

"1. The owners of apartments in each of the aforesaid four (4) condominium projects shall have non-exclusive rights to use the common elements of the merged projects to the same extent and subject to the same limitations as are imposed upon an owner of an apartment in each of the aforesaid four (4) condominium projects, as though the four projects had been developed as a single condominium project.

2. WAILUNA I shall bear 0.2358445 Percent, WAILUNA I-A shall bear 0.2225925 Percent, WAILUNA I-B shall bear 0.2408931 Percent, and WAILUNA I-C shall bear 0.3006699 Percent of the total common expenses of the merged projects as the term "common expenses" is defined by the Horizontal Property Act, the Declaration of Horizontal Property Regime and By-Laws for each project, treating the four (4) projects as one project, and each individual apartment owner's share of the total common expenses shall be his percentage share of ownership of the common elements as set forth in the

Declaration of Horizontal Property Regime for said project in which his condominium apartment is located times the percentage allocated in this paragraph 2 to the project in which his apartment is located; PROVIDED, HOWEVER, notwithstanding the provisions of this paragraph, the apartment owners of each project shall not be assessed for nor shall they have any obligation with respect to the debts, deficits or obligations of the other projects existing prior to the merger.

3. The apartment owners shall be entitled to vote in the same proportion of the total vote as set forth above for the sharing of common expenses, and each individual apartment owner's share of the total vote shall be his percentage vote as set forth in the Declaration of Horizontal Property Regime for said project in which his condominium apartment is located times the percentage allocated above in paragraph 2 hereof to the project in which his apartment is located.

4. There shall be one Board of Directors for the merged projects composed of not less than six (6) persons. At the annual meeting of the owners of the condominium apartments next following the merger and at all subsequent such meetings, the Board of Directors to be elected shall govern the merged projects pursuant to the terms of the four (4) respective Declarations of Horizontal Property Regime and ByLaws. At a special meeting called for the purpose after the merger, the owners may remove the existing Board and elect a Board to govern the merged projects until the next annual meeting.

5. Each of the four (4) projects shall be treated as part of a single project developed as a whole from the beginning and the four respective Declarations of Horizontal Property Regime and By-Laws applicable to each shall be construed as one document applicable to the entire project as merged hereunder except to the extent expressly otherwise provided for therein. It is the purpose of the merger to provide that from and after the date of merger all of the property subject to the merger shall be treated as though it had been developed, divided into condominium apartments, held, occupied, and used by the owners thereof as a single condominium project.

6. Additional merger or mergers may occur as set forth in the aforesaid Declarations of Horizontal Property Regime and as permitted and allowed by the Horizontal Property Act, and the Declaration of Merger may be amended, modified, cancelled or superseded by any such additional merger or mergers."

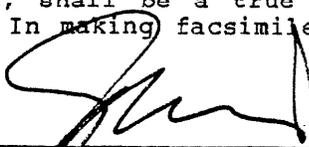
WAILUNA RECREATION ASSOCIATION. The Developer has informed the Commission that Wailuna Recreation Association holds an additional Bishop Estate lease for an additional active park on about 0.562 acres of land in the near vicinity of the Project consisting of certain landscaping, a recreation center, jacuzzi, two (2) tennis courts and fencing.

STATUS OF THE PROJECT: The Developer has advised the Commission that construction of the project was substantially completed on or about April 10, 1981.

-----  
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 October 31, 1980, and additional information subsequently filed as of March 31, 1981.

This SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1364 filed with the Commission on October 31, 1980.

This report, when reproduced, shall be a true copy of the Commission's Public Report. In making facsimiles the paper stock shall be pink in color.

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

Distribution:

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

Registration No. 1364

April 13, 1982