

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

MAUKA WOODLANDS
45-627 Kulukeye Place
Kaneohe, Hawaii

REGISTRATION NO. 1376

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: January 22, 1981
Expires: February 22, 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 DECEMBER 11, 1980, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED WITH THE COMMISSION AS OF JANUARY 19, 1981. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT SET FORTH IN CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. MAUKA WOODLANDS is a proposed fee simple condominium project consisting of 25 apartments in eight buildings. Three (3) buildings have five (5) apartments therein and five (5) buildings each have two (2) apartments therein. There will be not less than sixty (60) parking

stalls located on the premises. Each apartment will have appurtenant to it two (2) parking stalls. The Developer reserves the right to build up to ten (10) extra parking stalls and to designate seven (7) stalls for guest parking.

2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of the condominium project and the issuance of this Preliminary Public Report.

3. The basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owners and a copy of the approved floor plans) have not been filed in the office of the recording officer.

4. This Preliminary Public Report is made a part of the registration of the MAUKA WOODLANDS condominium project. The Developer is responsible for placing this Preliminary Public Report (yellow paper stock) and Disclosure Statement in the hands of all purchasers and prospective purchasers and for securing a signed copy of the Receipt therefor.

5. Advertising and promotional matter has been submitted pursuant to the rules and regulations promulgated by the Commission.

6. 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.

7. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance, January 22, 1981, 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: MAUKA WOODLANDS

LOCATION: 45-627 Kulukeoe Place, Kaneohe, Hawaii.

TAX MAP KEY: 4-5-80:29

ZONING: R-5

DEVELOPER: Mauka Woodlands Venture, a Hawaii joint venture between BAL Corporation and Richard Cooke Developments, Ltd. The address of the joint venture is 1580 Makaloa Street, Suite 880, Honolulu, Hawaii, and its phone number is 947-1495.

ATTORNEY REPRESENTING DEVELOPER: Law Offices of Reuben S. F. Wong, Suite 1630, Pacific Trade Center, 190 South King Street, Honolulu, Hawaii, 96813. (Attention: Reuben S. F. Wong). Phone: 531-3526.

DESCRIPTION: The proposed project consists of eight (8) buildings. Seven (7) buildings have three (3) levels of living area. One (1) building has three (3) levels on one end and two (2) levels of living area on the other end. Three (3) buildings each have five (5) apartments therein and five (5) buildings each have two (2) apartments therein. The total number of apartments of all of the buildings is twenty-five (25). All of the buildings are constructed principally of wood floors and roof, supported on wood columns and beams, partition walls of wood or metal studs and gypsum board, wood exterior sidings, wood shake roofing, glass, aluminum and other related materials.

According to the proposed Declaration of Horizontal Property Regime submitted by the Developer, there will be twelve (12) types of apartments as described hereinbelow. The apartments are numbered by an alphabetical building designation, such as "A" followed by a number, such as "1." The Building designations, apartment numbers, the type of apartment, the total floor area, including interior and lanais area, and the common interest appurtenant to each apartment are as follows:

Building Designation and Apt. No.	Type of Apt.	Area (sq. ft.)			Common Interest %
		Interior	Lanais	Total	
A-1	V-RM	1,493	663	2,156	4.5352
A-2	III-R	1,315	225	1,540	3.2394
A-3	III	1,315	225	1,540	3.2394
A-4	III-R	1,315	225	1,540	3.2394
A-5	IV-M	1,721	581	2,302	4.8422
B-1	II-R	1,493	533	2,026	4.2617
B-2	I	1,299	225	1,524	3.2057
B-3	I-R	1,299	225	1,524	3.2057
B-4	I	1,299	225	1,524	3.2057
B-5	II	1,493	533	2,026	4.2617
C-1	II-R	1,493	533	2,026	4.2617
C-2	I-R	1,299	225	1,524	3.2057
C-3	I	1,299	225	1,524	3.2057
C-4	I-R	1,299	225	1,524	3.2057
C-5	II-M	988	336	1,324	2.7851
D-1	IV	1,721	581	2,302	4.8422
D-2	IV-R	1,721	581	2,302	4.8422
E-1	IV	1,721	581	2,302	4.8422
E-2	IV-R	1,721	581	2,302	4.8422
F-1	IV	1,721	581	2,302	4.8422
F-2	IV-R	1,721	581	2,302	4.8422
G-1	V	1,493	533	2,026	4.2617
G-2	V-R	1,493	533	2,026	4.2617
H-1	V	1,493	533	2,026	4.2617
H-2	V-R	1,493	533	2,026	4.2617

The Apartment Types referred to above are more particularly described as follows:

(a) Type "I" and "III". Each of the type "I" and type "III" apartment has seven (7) rooms, consisting of a kitchen, a living-dining room, three bedrooms and two bathrooms, together with two lanais, all on three levels of living area and all as shown on the Condominium Map.

(b) Type "II" and "V". Each type "II" and type "V" apartment has seven (7) rooms, consisting of a kitchen, a living-dining room, three bedrooms and two bathrooms, together with three lanais, all on three levels of living area and all as shown on the Condominium Map.

(c) Type "IV". Each type "IV" apartment has eight (8) rooms, consisting of a kitchen, a living room, a dining room, three bedrooms and two bathrooms, together with four lanais, all on three levels of living area and all as shown on the Condominium Map.

(d) Type "I-R," "II-R," "III-R," "IV-R" and "V-R". Each of the type "I-R," type "II-R," type "III-R," type "IV-R" and type "V-R" apartment shall be a mirror image of a type "I," type "II," type "III," type "IV" and type "V" apartment, respectively.

(e) Type "II-M". The one type "II-M" apartment has four (4) rooms, consisting of a kitchen, a living-dining room, one bedroom and one bathroom, together with two lanais, all on two levels of living area and all as shown on the Condominium Map.

(f) Type "IV-M". Each of the type "IV-M" apartment shall be basically the same as a type "IV" apartment except that the apartment shall have its parking stalls directly below the apartment all as shown on the Condominium Map.

(g) Type "V-RM". Each one of the type "V-RM" apartment shall be a mirror image of a type "V" apartment, except that the apartment shall have a larger lanai area and have its parking stalls below and in front of the apartment all as shown on the Condominium Map.

Each apartment has immediate access to its entry or entries from the common driveway then to a private entry walkway, private entry area, shared private entry passageway, and private entry passageway, as the case may be and as shown on the Condominium Map, thereby permitting ingress to and egress from the public streets.

Each apartment shall include all of the walls and partitions which are not load-bearing walls within its perimeter walls; all glass windows and sliding glass panels, if any, along its perimeter and the perimeter doors; the interior half of the party walls; the entire wall of a perimeter non-party

wall except for the exterior decorated surfaces thereof; the adjacent lanais to the exterior edge of the lanai floors; the inner decorated or finished surfaces of the floors and ceilings, including exposed roof ceilings within the apartment and the fixtures installed therein; and all air space encompassed within the apartment, including all interior stairways; provided, however, the exterior decorated surfaces of perimeter walls and all utility chase located within an apartment shall be a common element.

COMMON ELEMENTS: The common elements will include all of the limited common elements set forth hereinbelow, and all of the remaining portions and appurtenances of the Project other than the apartments themselves, including specifically, but not limited to:

(a) said property in fee simple;

(b) all foundations, floor slabs, columns, girders, beams, supports, exterior decorated surfaces of perimeter walls, load-bearing walls (but not including the undecorated surfaces within each apartment), the entirety of the columns located within each lanai including the exterior decorated surfaces of such columns, and roofs;

(c) all yards, grounds, landscaping, fences, mailboxes, lobbies, refuse facilities, recreational facilities, including the swimming pool;

(d) all ducts, sewer lines, electrical equipment, pipes, wiring and other central and appurtenant transmission facilities, installations which serve more than one apartment for services such as power, light, water, gas, refuse, telephone and radio and television signal distribution;

(e) all driveways, ramps, parking areas, loading areas, stairways, private entry walkways, private entry areas, shared private entry passageways, and private entry passageways; Parking Stall Nos. 1, 2, 3, 4, 7, 8 and 10 for guest parking, and

(f) any and all other apparatus and installations of common use and all other parts of the Project necessary or convenient to its existence, maintenance or safety or normally in common use.

LIMITED COMMON ELEMENTS: Certain parts of the common elements, herein called and designated "limited common elements," are hereby set aside and reserved for the exclusive use of an apartment and such apartment shall have appurtenant thereto exclusive easements for the use of such limited common elements. The limited common elements so set aside and reserved are as follows:

(a) Two (2) automobile parking stalls shall be appurtenant to each apartment and are located as shown

on the Condominium Map. The two parking stalls bear the designation (alphabet-number-alphabet) which corresponds to the apartment designation (alphabet-number) and are further designated with an alphabet, such as an "a" and a "b"; provided, however, the Developer specifically reserves the right during construction of the Project to build up to ten (10) extra parking stalls which are located as shown on the Condominium Map and numbered 1 to 10, inclusive, and the Developer shall designate any seven (7) out of these ten (10) parking stalls, namely Parking Stall Nos. 1, 2, 3, 4, 7, 8 and 10 for guest parking and the Developer specifically reserves the right to grant, bargain, convey and assign or otherwise transfer to any owner or owners of any apartment or apartments the other three (3) parking stalls namely, Parking Stall Nos. 5, 6 and 9. These three parking stalls shall be appurtenant to Apartment No. A-5 until such time that the Developer transfers any of these stalls, in which case such parking stall(s) shall be appurtenant to the apartment to which the parking stall is transferred. Each apartment shall always have at least two parking stalls appurtenant to it, but otherwise any parking stall easement may be transferred from one apartment to another in the Project.

(b) Each apartment shall have appurtenant thereto an exclusive easement for the use of the adjacent private entry walkway, adjacent private entry area, or adjacent private entry passageway together with the shared private passageway, if any, all as shown on the Condominium Map for access to and from the apartment and to and from the common driveway.

INTEREST TO BE CONVEYED TO PURCHASER: Each apartment shall have appurtenant thereto an undivided percentage interest in all common elements of the Project and the same proportionate share in all common profits and expenses of the Project and for all other purposes, including voting in the Association of Apartment Owners set forth hereinabove under DESCRIPTION.

PURPOSE OF BUILDING AND RESTRICTION AS TO USE: The apartments shall be occupied and used only as dwellings by the respective owners thereof, their tenants, families, domestic servants and social guests. Until all other units are sold by the Developer, the latter reserves the right to use any apartments in the Project as a "model apartment," for sales offices and for other uses reasonably related to sales and development of the Project.

The House Rule provides, in part: (1) that pets are allowed only upon approval by the Board of Directors of the Association and shall be confined to the respective apartment, and (2) fires and barbecuing are prohibited on any apartment lanai.

OWNERSHIP: Commitment for Title Insurance issued on December 10, 1980 by First American Title Insurance Company

certifies that title to the land is vested in Michael Kealiikanakaole Nakaahiki and Katharine Haunani Morrison Nakaahiki, husband and wife. By Option Agreement dated April 24, 1980; the said Michael Kealiikanakaole Nakaahiki and Katharine Haunani Morrison Nakaahiki granted an option to Mauka Woodlands Venture, the Developer, to acquire and develop the land on which the project will be built, which option shall expire on December 14, 1980. The Commission has been advised that the Developer has exercised the option.

ENCUMBRANCES AGAINST TITLE: Said Commitment for Title Insurance reflects the following encumbrances:

1. For any taxes that may be due and owing, reference is made to the Office of the Tax Assessor, first division.
2. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
3. Easement "D-1," for storm drain purposes as delineated on File Plan No. 887.
4. Slope Easement "3" situate along the easterly boundary of Lot 441-C, as shown on the tax map.
5. An easement over Kapunahala Homestead Road situate within and running along the southeasterly portion of Lot 441-C in favor of the State of Hawaii until such time as the State of Hawaii releases and/or quitclaims said easement.
6. Abutter's rights of vehicle access appurtenant to Lot 441-C into and from Kahekili Highway, as delineated on File Plan No. 887.
7. Grant in favor of the City and County of Honolulu dated March 29, 1963, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 5026 Page 478, granting Easement "D-1".
8. The restrictions, covenants and conditions as contained in that certain Declaration of Restrictive Covenants dated September 25, 1962, recorded in said Bureau of Conveyances in Liber 4377, Page 280, to which reference is hereby made, but deleting restrictions, if any, based on race, color, religion or national origin.

9. Mortgage:

Mortgagor: Michael Kealiikanakaole Nakaahiki and Katharine Haunani Morrison Nakaahiki, husband and wife

Mortgagee: American Savings & Loan Association, a corporation organized and existing under the laws of the State of Utah

Dated: June 15, 1978

Recorded: June 16, 1978

Liber: 12957

Page: 414

To Secure: \$40,600.00

EASEMENTS: The proposed Declaration provides that in addition to any easement hereby established in the limited common elements, the apartments and common elements shall also 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 to the exclusive use of the limited common elements as provided herein and in all other adjoining apartments of the building for support.

2. If any part of the common elements now or hereafter encroaches upon any apartment or limited common element, a valid easement for such encroachment and the maintenance thereof, so long as it continues, shall exist. In the event any building 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. Each apartment shall be subject to an easement in favor of the owners of all other apartments and the Board of Directors of the Association of Apartment Owners for access to any common elements located in such apartment.

CONSOLIDATION OF APARTMENTS: The Developer reserves the right to consolidate, at any time during construction of the Project, two or more adjoining apartments as described in the said condominium map into a single apartment unit to be known as a "townhouse" in accordance with complete plans and specifications therefor prepared by a registered architect, subject, however, to appropriate filing of as-built plans reflecting such consolidation. Upon completion of the project and the issuance of a certificate of occupancy, an apartment owner may likewise consolidate two or more of his apartments into a single apartment unit upon the conditions more fully set forth in paragraph O of the Declaration.

PURCHASE MONEY HANDLING: An Escrow Agreement dated December 4, 1980 has been executed and a copy of same has been filed with the Commission. The Escrow Agent is First American Title Company of Hawaii, Inc., a Hawaii corporation. Upon examination, the Specimen Reservation Agreement And Sales Contract and the executed Escrow Agreement are found to be consonant with Chapter 514A, Hawaii Revised Statutes, and particularly Sections 514A-40(6), 514A-39 and 514A-63 through 514A-66.

It is incumbent upon the prospective purchaser that he reads with care the Reservation Agreement and Sales Contract and the executed Escrow Agreement. The latter Agreement establishes how the proceeds from the sale of condominium units are placed in trust as well as the retention and disbursement of said funds. The former sets forth the terms of the purchase, which terms include the right of Developer to treat the Sales Contract as a reservation agreement until the Purchaser and Developer execute a formal acceptance for the purchase of the apartment pursuant to the terms of the Sales Contract.

The Escrow Agreement provides that purchaser shall be entitled to a refund of his funds, and Escrow shall pay the funds to the purchaser, without interest, if purchaser requests in writing refund of his funds, provided, one of the following has occurred:

1. Seller has requested Escrow in writing to return to purchaser the funds of purchaser then being held hereunder by Escrow; or
2. Purchaser's funds were obtained prior to the issuance of a Final Public Report and subsequent to the execution of purchaser's sales contract there is a change in the condominium building plans requiring the approval of a county officer having jurisdiction over the issuance of permits for the construction of buildings (unless purchaser has given written approval or acceptance of the specific change); or
3. The Final Public Report differs in any material respect from the Preliminary Public Report; or
4. If the Final Public Report is not issued within one year from the date of issuance of the Preliminary Public Report.

Additionally, the specimen Reservation and Sales Contract provides:

1. That the Purchaser's interest in the Sales Contract is subordinate to the Interim Lender of the Project as well as any extensions, renewals and modifications thereof.
2. That the Seller makes no warranties, express or implied with respect to the apartment or common elements and the Seller merely assigns to Purchasers all warranties given by General Contractor, sub-contractors or materialmen of the Project, including manufacturer's or dealer's warranties covering furnishings and appliances for the apartment and common elements.

MANAGEMENT AND OPERATIONS: The By-Laws of the Association of Owners vest the Board of Directors with the powers and duties necessary for the administration of the affairs of

the project. The Developer is negotiating with Realty Management and Sales Corp. as the initial managing agent.

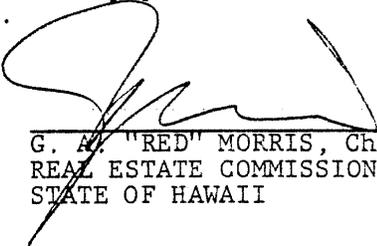
STATUS OF PROJECT: Developer has advised the Commission that construction has not started. A construction contract for the apartment buildings has not yet been executed.

FINANCING CONSTRUCTION: The Developer is negotiating for, but has not obtained, commitments for interim financing for the construction of the project and for permanent financing for the apartments. However, upon obtaining such interim financing, Developer reserves the right to give such lender a security interest in the project, which security interest shall remain at all times a lien on the project, including the apartments and common elements. The lien shall have priority over any interests whatsoever that a purchaser may obtain by any sales contract and the purchaser in any sales contract agrees to subordinate any interest he may acquire thereby in favor of said lien for the construction loan.

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 on December 11, 1980 and information subsequently filed on January 19, 1981.

THIS PRELIMINARY HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1376 filed with the Commission on December 11, 1980.

The report, when reproduced, shall be a true copy of the Commission's Public Report. The paper stock used in making facsimilies must be yellow.



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

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REGISTRATION NO. 1376

January 22, 1981