

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

PEARL HORIZONS
98-640 Moanalua Loop
Waimalu, Oahu, Hawaii

REGISTRATION NO. 1378

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: February 12, 1981
Expires: March 12, 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 23, 1980 AND INFORMATION SUBSEQUENTLY FILED AS OF FEBRUARY 5, 1981. THE SELLER, 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. PEARL HORIZONS is a proposed fee simple condominium project which will consist of 168 residential units in 7 buildings containing three floors each and 256 parking stalls.
2. The Developer has submitted to the Commission for examination all documents deemed necessary for the issuance of this Preliminary Public Report.
3. The Developer has submitted to the Commission for examination a proposed Declaration of Horizontal Property Regime, proposed By-Laws of the Association of Apartment Owners and the floor plans. A Final Public Report will not be issued until these items have been executed, approved and recorded where applicable.
4. No advertising or promotional matter has been submitted pursuant to the rules and regulations promulgated by 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 the Horizontal Property Regime.
6. This Preliminary Public Report automatically expires thirteen (13) months after the date of issuance, February 12, 1981, unless a Final or Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the effective period of this report.
7. This Preliminary Public Report is made a part of the registration of PEARL HORIZONS. The developer is responsible for placing this Preliminary Public Report (yellow paper stock) and the Disclosure Abstract in the hands of all purchasers and prospective purchasers and for securing a signed receipt therefor.

NAME OF PROJECT: PEARL HORIZONS

LOCATION: The 282,008 square feet of property to be committed to the regime as a fee simple condominium project is situated at 98-640 Moanalua Loop, Waimalu, Oahu, Hawaii.

TAX MAP KEY: 9-8-11:37

ZONING: A-1

DEVELOPER: PEARL HORIZONS ASSOCIATES, a Hawaii joint venture, whose address is 500 Hakaka Place, Honolulu, Hawaii 96816, telephone 735-2544. The parties to the joint venture are Waimalu Venture, a registered Hawaii general partnership, whose address is 1062 Kikowaena Place, Honolulu, Hawaii, and Pearl Sun Associates, a registered Hawaii limited partnership, whose address is 500 Hakaka Place, Honolulu, Hawaii.

ATTORNEYS REPRESENTING SELLER: Ikazaki, Devens, Lo, Youth & Nakano (Attention: Russell Saito or Richard Kaneko), 700 Bishop Street, Suite 1412, Honolulu, Hawaii 96813; telephone 521-1456.

DESCRIPTION: The proposed Declaration reflects that the project is to consist of seven (7) three-story buildings, containing a total of one hundred sixty-eight (168) residential apartment units, and two hundred fifty-six (256) parking spaces, of which two hundred eleven (211) are appurtenant to apartments, and forty-five (45) are for guest parking, all to be constructed in accordance with plans and specifications prepared by Paul Osumi, Jr., AIA.

Types of Residential Apartments: There are a total of one hundred sixty-eight (168) residential apartments in the project. The four (4) types of residential apartments, designated as Types PH, A, B and C are as follows:

Type PH apartment will consist of two bedrooms, two baths, a den, study, living room, kitchen, dining/family room and a patio/deck and shall have an approximate area of 1,064.038 square feet.

Type A apartment will consist of two bedrooms, two baths, a study, living room, kitchen, dining/family room and a patio, and shall have an approximate area of 947.08 square feet.

Type B apartment will consist of two bedrooms, two baths, a living room, kitchen, dining/family room and a patio/deck and shall have an approximate area of 941.18197 square feet.

Type C apartment will consist of two bedrooms, two baths, a living room, kitchen, dining/family room and a patio/deck and shall have an approximate area of 939.063 square feet.

Residential Apartment Location and Numbering: The residential apartments are numbered 101 through 112, inclusive, and 114 through 185, inclusive, 201 through 212, inclusive, and 214 through 285, inclusive, and are located as shown on the proposed Condominium Map.

Limits of Residential Apartments: The respective residential apartments shall be deemed to include the spaces within the perimeter walls, floors and ceilings. The residential apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or of the interior load-bearing walls, the floors and perimeter ceilings surrounding each apartment, or any pipes, wires, ducts, conduits, or other utility or service lines running through such apartments which are utilized for or serve more than one apartment, all of which are common elements. Each residential apartment shall be deemed to include the walls and partitions which are not load-bearing and which are within its perimeter walls, doors and door frames, windows and window frames, the inner decorated or finished surfaces of walls, floors and ceilings, adjoining and connected thereto, and all fixtures originally installed therein.

COMMON ELEMENTS: The proposed Declaration of Horizontal Property Regime designates all of the remaining portions of the project as common elements, including specifically, but not limited to:

- (a) Said land in fee simple.
- (b) All foundations, columns, girders, beams, supports, main walls, roofs, entrances and exits of said buildings.
- (c) All driveways, the forty-five (45) guest parking spaces (Stall Nos. 169-182, 187-193, 198-205 and 241-256), yards, gardens, and trash areas and loading zones.
- (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, radio and television signal distribution.
- (e) All tanks, pumps, motors, fans, compressors, ducts, and, in general, all apparatus and installations existing for common use.

(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, and normally in common use.

LIMITED COMMON ELEMENTS: The proposed Declaration reflects that certain parts of the common elements, herein called the limited common elements, are designated and set aside for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto easements for the use of such limited common elements, as follows:

(a) One (1) automobile parking space shall be assigned to each of the residential apartments as designated on the Exhibit attached hereto, upon the original conveyance thereof and shall be appurtenant to and for the exclusive use of such apartment. Each residential apartment shall always have at least one parking space appurtenant to it but otherwise any automobile parking space easement may be transferred from residential apartment to residential apartment in the Project.

(b) Entry patios, porches, decks and steps, if any, and entry walkways which would be used only for the purposes of ingress and egress for a specific unit.

(c) All other common elements of the Project which are rationally related to less than all of said apartments shall be limited common elements appurtenant to the apartments to which they are so related.

PERCENTAGE OF UNDIVIDED INTEREST IN THE COMMON ELEMENTS:
The percentage of undivided interest in the common elements appertaining to each apartment shall be as follows:

Type PH	.63676	x	70 apts.	=	44.5732%
Type A	.56677	x	70 apts.	=	39.6739%
Type B (except					
Apt. 285)	.56323	x	13 apts.	=	7.32199
Apt. 285	.56333	x	1 apt.	=	.56333
Type C	.56197	x	14 apts.	=	7.86758%
					<u>100.00000%</u>

For purposes of voting on all matters requiring action by the owners the above percentage shall govern.

PURPOSES FOR WHICH THE BUILDINGS AND EACH APARTMENT MAY BE USED: The residential apartments shall be occupied and used only for residential purposes and no apartment shall be used as a tenement or rooming house or for or in connection with carrying on or any business, trade or profession whatsoever.

The parking spaces may be used as a parking space for a motor vehicle or such other purposes as the Developer shall determine in its sole discretion, provided that such determination shall be made prior to the sale of any parking spaces to a bond fide purchaser.

According to the proposed House Rules, occupancy is limited to two persons per bedroom (with certain exceptions), pets must be registered, no barbecuing will be permitted from lanais, and no water beds are permitted.

OWNERSHIP OF TITLE: The Preliminary Title Report dated November 4, 1980, issued by Security Title Corporation, reports that title to the land is vested in Elizabeth Marks Stack, Les Marks, and Cynthia Marks Salley.

By Agreement of Sale dated June 1, 1979, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 13864 at Page 521, as amended, said fee owner agreed to sell to Jack H. Ujimori said land, who, by Sub-Agreement of Sale dated January 3, 1980, recorded as aforesaid in Liber 14402 at Page 39, agreed to sell his interest to Richard E. Uyehara and Victor K. B. Young.

By Assignment of Sub-Agreement of Sale dated November 17, 1980, recorded as aforesaid in Liber 15209 at Page 296, said Richard E. Uyehara and Victor K. B. Young assigned all of their interest under said Sub-Agreement of Sale to Pearl Horizons Associates. Title to Developer will be issued upon closing.

ENCUMBRANCES AGAINST TITLE: Said Preliminary Title Report dated November 4, 1980 reports that title to the land is subject to the following encumbrances:

1. Real property taxes as may be due and owing. For further information on taxes, check with the Tax Assessor, First Division.

2. Assessment for Improvement District No. 207 - Moanalua Road, Assessment Lot No. 83-005 - Balance \$5,045.63. Interest (6.00% for 20 years) - \$303.74, 15th installment - \$860.61. Total - Due August 1, 1980 \$1,163.35.

3. The terms and provisions of that certain Lease of Right-of-way dated July 5, 1941, recorded on July 15, 1941 in the Bureau of Conveyances of the State of Hawaii in Book 1657 Page 225, made by and between A. LESTER MARKS, Executor, and BISHOP TRUST COMPANY, LIMITED, Administrator with the will annexed, of the Estate of LINCOLN LOY McCANDLESS, deceased, as Lessors,

and THE HAWAIIAN ELECTRIC COMPANY, LIMITED, a Hawaiian corporation, as Lessee(s), for a term beginning with the date hereof and ending on the 31st day of December, 1965. Said lease demises a right and easement to build, etc., pole and wire lines, etc., as may be necessary for the transmission of electricity to be used for light and power and/or telephone, etc., as may be necessary for the transmission of electricity to be used for light and power and/or telephone, etc., along, across and over the land herein described; as extended by instrument dated October 27, 1965, recorded on November 15, 1965 in said Bureau of Conveyances in Book 5188 Page 171.

4. Agreement of Sale dated June 1, 1979, recorded on July 23, 1979 in the Bureau of Conveyances of the State of Hawaii in Book 13864 Page 521, made by and between Elizabeth Marks Stack, wife of Allen McIntyre Stack, and Les Marks, unmarried, and Cynthia Marks Salley, wife of Raymond Leo Salley, as Seller(s), and Jack H. Ujimori, husband of Harumi Ujimori, as Purchaser(s), wherein said Seller(s) agree(s) to sell, and said Purchaser(s) agree(s) to buy, the land herein described, for the consideration and on the terms and conditions therein contained.

By instrument dated December 1, 1979, recorded on December 20, 1979 in the Bureau of Conveyances of the State of Hawaii in Book 14335 Page 73, the foregoing Agreement of Sale was amended.

5. Sub-Agreement of Sale dated January 3, 1980, effective the 1st day of June, 1979, recorded on January 11, 1980 in the Bureau of Conveyances of the State of Hawaii in Book 14402 Page 39, made by and between Jack H. Ujimori, no marital status shown, as Seller(s), and Richard E. Uyehara, husband of Irene S. Uyehara, and Victor K. B. Young, husband of Betty H. Young, no tenancy shown, as Purchaser(s), wherein said Seller(s) agree(s) to sell, and said Purchaser(s) agree(s) to buy, the land herein described, for the consideration, and on the terms and conditions therein contained. Consent thereto recorded in Book 14401 Page 796.

6. Conditions set forth in that certain Unilateral Agreement and Declaration for Conditional Zoning dated September 22, 1980, recorded on September 23, 1980 in said Bureau of Conveyances in Book 15005 Page 320.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated December 17, 1980 between Security Title Corporation, as Escrow, and the Developer, has been filed with the Commission. On examination, the executed Escrow Agreement and specimen Sales Contract filed with the Commission are found to be in compliance with Chapter 514A, Hawaii Revised Statutes, and particularly Sections 514A-39, 514A-40, 514A-62 through 514A-66. The Escrow Agreement recites that no purchasers funds will be utilized by the Developer until it is vested with legal title to the property.

Among other provisions, the Escrow Agreement provides that a purchaser shall be entitled to a refund of his funds, and Escrow shall pay said funds to said purchaser, without interest and less Escrow's cancellation fee, if purchaser shall in writing request refund of his funds and any one of the following shall have occurred:

(a) Seller requests Escrow Agent to return to Buyer the funds of Buyer then being held hereunder by Escrow Agent; or

(b) Seller notifies Escrow Agent of Seller's exercise of the option to rescind the Sales Contract pursuant to any right of rescission stated therein or otherwise available to Seller; or

(c) If a Buyer's funds were obtained prior to the issuance of a Final Public Report and the request is prior to the time the Final Public Report is issued; or

(d) If the Final Public Report differs in any material respect from the Preliminary Public Report, unless the Buyer has receipted for the Final Public Report; or

(e) If the Final Public Report is not issued within one year from the date of issuance of the Preliminary Public Report.

Upon return of such funds to Buyer, Escrow Agent shall return to Seller Buyer's Sales Contract and any conveyancing. The Escrow Agreement also contains the following provisions, among others: that the Escrow Agent shall make no disbursements of Buyer's funds unless and until Developer has acquired title to the real property and Developer has complied with all the provisions of the Escrow Agreement.

It is incumbent upon the purchaser and the prospective purchaser that he read with care the Sales Contract and the executed Escrow Agreement. The latter establishes how the

proceeds from the sale of apartments are placed in trust, as well as the retention and disbursement of said trust funds.

The specimen Sales Contract specifically provides that the purchaser approves said Escrow Agreement, assumes the benefits and obligations therein provided, that such contract is subordinate to the lien of any construction loan, and that Seller makes no warranties with respect to the project.

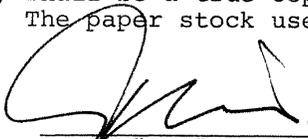
MANAGEMENT OF THE PROJECT: The proposed Declaration provides that the management of the project shall be conducted for the Association of the Apartment Owners under the direction of the Board of Directors by a responsible managing agent. The Sales Contract to be signed by the purchasers provides the Seller may appoint the initial managing agent of the project. The Developer intends to select Aaron M. Chaney, Inc. as the initial managing agent for the project.

STATUS OF PROJECT: The construction of the building will commence on or about March 1, 1981 and is scheduled for completion on or about September 1, 1982.

The purchaser or prospective purchaser should be cognizant of the fact that this published report represents information disclosed by the Seller in the required Notice of Intention submitted December 23, 1980 and information subsequently filed as of February 5, 1981.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1378, filed with the Commission on December 23, 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 yellow.



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. 1378

February 12, 1981

PARKING ASSIGNMENT

EXHIBIT

<u>Bldg. Nbr.</u>	<u>Apt. No.</u>	<u>Type</u>	<u>Parking Stall No.</u>	<u>Bldg. Nbr.</u>	<u>Apt. No.</u>	<u>Type</u>	<u>Parking Stall No.</u>
I	101	A	1	I	201	PH	2
I	102	A	3	I	202	PH	4
I	103	A	5	I	203	PH	6
I	104	A	7	I	204	PH	8
I	105	A	9	I	205	PH	10
I	106	A	11	I	206	PH	12
I	107	A	13	I	207	PH	14
I	108	A	15	I	208	PH	16
I	109	A	17	I	209	PH	18
I	110	A	19	I	210	PH	20
I	111	A	21	I	211	PH	22
I	112	A	23	I	212	PH	24
I	114	A	25	I	214	PH	26
I	115	A	27	I	215	PH	28
I	116	A	29	I	216	PH	30
I	117	A	31	I	217	PH	32
II	118	A	33	II	218	PH	34
II	119	A	35	II	219	PH	36
II	120	A	37	II	220	PH	38
II	121	A	39	II	221	PH	40
II	122	A	41	II	222	PH	42
II	123	A	43	II	223	PH	44
II	124	A	45	II	224	PH	46
II	125	A	47	II	225	PH	48
II	126	A	49	II	226	PH	50
II	127	A	51	II	227	PH	52
II	128	A	53	II	228	PH	54
II	129	A	55	II	229	PH	56
II	130	A	57	II	230	PH	58
II	131	A	59	II	231	PH	60
II	132	A	61	II	232	PH	62
II	133	A	63	II	233	PH	64
II	134	A	65	II	234	PH	66
III	135	A	67	III	235	PH	68
III	136	A	69	III	236	PH	70
III	137	A	71	III	237	PH	72
III	138	A	73	III	238	PH	74
III	139	A	75	III	239	PH	76
III	140	A	77	III	240	PH	78
III	141	A	79	III	241	PH	80
III	142	A	81	III	242	PH	82
III	143	A	83	III	243	PH	84
IV	144	A	85	IV	244	PH	86
IV	145	A	87	IV	245	PH	88

IV	146	A	89	IV	246	PH	90
IV	147	A	91	IV	247	PH	92
IV	148	A	93	IV	248	PH	94
IV	149	A	95	IV	249	PH	96
IV	150	A	97	IV	250	PH	98
IV	151	A	99	IV	251	PH	100
IV	152	A	101	IV	252	PH	102
V	153	A	103	V	253	PH	104
V	154	A	105	V	254	PH	106
V	155	A	107	V	255	PH	108
V	156	A	109	V	256	PH	110
V	157	A	111	V	257	PH	112
V	158	A	113	V	258	PH	114
VI	159	A	115	VI	259	PH	116
VI	160	A	117	VI	260	PH	118
VI	161	A	119	VI	261	PH	120
VI	162	A	121	VI	262	PH	122
VI	163	A	123	VI	263	PH	124
VI	164	A	125	VI	264	PH	126
VI	165	A	127	VI	265	PH	128
VI	166	A	129	VI	266	PH	130
VI	167	A	131	VI	267	PH	132
VI	168	A	133	VI	268	PH	134
VI	169	A	135	VI	269	PH	136
VI	170	A	137	VI	270	PH	138
VI	171	A	139	VI	271	PH	140
VII	172	C	142	VII	272	B	141*
VII	173	C	144	VII	273	B	143
VII	174	C	146	VII	274	B	145
VII	175	C	148	VII	275	B	147
VII	176	C	150	VII	276	B	149
VII	177	C	152	VII	277	B	151
VII	178	C	154	VII	278	B	153
VII	179	C	156	VII	279	B	155
VII	180	C	158	VII	280	B	157
VII	181	C	160	VII	281	B	159
VII	182	C	162	VII	282	B	161
VII	183	C	164	VII	283	B	163
VII	184	C	166	VII	284	B	165
VII	185	C	168	VII	285	B	167

*183-186, inclusive, 194-197
inclusive, and 206-240, inclusive