

# 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

WAIPAHU PARKVIEW APARTMENTS  
94-494 Farrington Highway  
Waipahu, Hawaii

REGISTRATION NO. 1385 (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 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: March 3, 1981  
Expires: April 3, 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 JANUARY 14 1981, AND INFORMATION SUBSEQUENTLY FILED ON FEBRUARY 25, 1981. THE DEVELOPER BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514A OF THE HAWAII REVISED STATUTES, AS AMENDED.

1. WAIPAHU PARKVIEW APARTMENTS is a proposed fee simple condominium conversion project consisting of eighteen (18) condominium apartment units contained in one (1) existing five (5) story building. There are a total of twenty-three (23) parking stalls with eighteen (18) assigned parking stalls, one to each apartment unit, and five (5) unassigned parking stalls as part of the common elements.

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 issuance of this Preliminary Public Report.

3. The basic documents (Declaration of Horizontal Property Regime, By-Laws of the Association of Apartment Owners and a copy of the approved floor plans) have not been recorded in the Bureau of Conveyances of the State of Hawaii.

4. No advertising and promotional matter, other than the Condominium Pre-Sale Offering to Owner-Occupants required under Act 189, Session Laws of 1980, has been filed 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 and the Rules and Regulations promulgated thereunder which relate to the Horizontal Property Act.

6. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance, March 3, 1981, unless a final or supplementary public report is published 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 registration on WAIPAHAU PARKVIEW APARTMENTS condominium project. The Developer has the responsibility of placing a true copy of the Preliminary Public Report (yellow paper stock) and Disclosure Abstract in the hands of all purchasers and prospective purchasers. Securing a signed copy of the Receipt therefor from each such person is also the responsibility of the Developer.

NAME OF PROJECT: WAIPAHAU PARKVIEW APARTMENTS

LOCATION: The project is located at 94-494 Farrington Highway, Waipahu, Hawaii, and contains an area of approximately 12,823 square feet.

TAX MAP KEY: First Division, 9-4-25-12

ZONING: A-2 (Medium Density Apartment)

DEVELOPER: CLARENCE WAH YOUNG CHUN and SHIN YING CHUN, husband and wife, of 1116 Kaumailuna Place, Honolulu, Hawaii, 96817; Telephone: 595-4497

ATTORNEY REPRESENTING DEVELOPER: Leslie C. Togioka, Suite 604 333 Queen Street, Honolulu, Hawaii, 96813; Telephone: 531-6561

DESCRIPTION: The proposed Declaration of Horizontal Property Regime reflects that the project is to consist of eighteen (18) apartments. The apartments are contained in one (1) building, having five (5) stories, and constructed principally of hollow concrete block. The apartment numbers, floor location, approxi-

mate area in square feet, and the number of rooms of said apartments are as follows:

<u>Apt. No.</u>	<u>Floor Location</u>	<u>Approx. Area In Sq. Feet</u>	<u>No. of Rooms</u>
201	Second	548	4
202	Second	548	4
203	Second	548	4
204	Second	480	3
301	Third	548	4
302	Third	548	4
303	Third	548	4
304	Third	480	3
305	Third	580	4
306	Third	580	4
401	Fourth	548	4
402	Fourth	548	4
403	Fourth	548	4
404	Fourth	480	3
405	Fourth	580	4
406	Fourth	580	4
505	Fifth	580	4
506	Fifth	580	4

Each apartment contains a living room, kitchen and ONE (1) bathroom. In addition, apartment nos. 201, 202, 203, 301, 302, 303, 305, 306, 401, 402, 403, 405, 406, 505 and 506 each contain TWO (2) bedrooms, and apartment nos. 204, 304 and 404 each contain ONE (1) bedroom.

The apartments on all floors have immediate access to a service balcony in the center of the building connected to a stairway at the front of the building, which gives access to a service walkway at the front of the building at street level. The service balcony is also connected to a stairway at the rear of the building, which gives access to a service walkway at the rear of the building.

The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or interior load-bearing walls, the floors and ceilings

surrounding each apartment or 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 hereinafter provided. Each apartment shall be deemed to include the walls and partitions which are not load-bearing within its perimeter walls, doors and door frames, windows and window frames, the inner decorated or finished surfaces of all walls, floors and ceilings, and all fixtures originally installed therein.

COMMON ELEMENTS: The proposed Declaration reflects that the common elements include specifically but not limited to the following:

- (a) Said land in fee simple.
- (b) All foundations, floor slabs, columns, girders, beams, supports, unfinished perimeter and load-bearing walls and roofs of the building.
- (c) All yards, grounds and landscaping, recreational facilities, refuse facilities, mailboxes, whether within or appurtenant to the project.
- (d) All parkway areas, driveways, stairways, walkways, and guest parking spaces nos. 6, 7, 21, 22, and 23.
- (e) All ducts, electrical equipment, wiring, pipes and other central and appurtenant transmission facilities and installation over, under and across the project which serve more than one apartment for services such as power, light, water, gas, sewer, telephone and radio and television signal distribution.
- (f) Any and all other apparatus and installations of common use and all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

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

One parking stall shall be appurtenant to and for the exclusive use of each apartment unit. The location and identifying numbers for the parking stalls are shown on the proposed File Plan. The assignment of each parking stall to an apartment is as follows:

<u>Parking Space No.</u>	<u>Apartment No.</u>
14	201
17	202
18	203
19	204
12	301
16	302
11	303
20	304
15	305
13	306
2	401
3	402
4	403
1	404
5	405
8	406
10	505
9	506

INTEREST TO BE CONVEYED TO PURCHASER: Each apartment shall have appurtenant thereto an undivided 18 percent interest (9/50 fractional interest) in all of the common elements of the project, herein called "common interest", and the same proportionate share in all profits and expenses of the project and for all other purposes including voting.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The proposed Declaration reflects 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. The apartments shall not be rented for transient or hotel purposes, which are defined as (a) rental for any period less than 30 days, or (b) any rental in which the occupants of the apartment are provided customary hotel services such as room service for food and beverage, maid service, laundry and linen or bellboy service. Except for such transient or hotel purposes the owners of the respective apartments shall have the right to lease such apartments subject to all provisions of this Declaration.

The By-Laws attached to the proposed Declaration provide in part that no livestock, poultry, rabbits or other animals whatsoever shall be allowed or kept in any part of the project except dogs, cats and other household pets in reasonable number may be kept by the apartment owners and occupants in their respective apartments but shall not be kept, bred or used therein for any commercial purpose nor allowed on any common elements except in transit when carried or on leash, provided that if any such pet causes a nuisance or unreasonable disturbance to any other occupant of the project, the Board of Directors of the Association of Apartments Owners may require the prompt and permanent removal of such pet from the project.

OWNERSHIP OF TITLE: A Preliminary Report dated December 16, 1980, issued by First Land Title Corporation certifies that title is vested in Clarence Wah Young Chun and Shin Ying Chun, husband and wife, as tenants by the entirety.

ENCUMBRANCES AGAINST TITLE: The Preliminary Report dated December 16, 1980 reflects the following encumbrances:

(a) For any taxes that may be due and owing and a lien on the land, reference is made to the Office of the Tax Assessor of the First Division, Island of Oahu, Hawaii.

(b) Title to all mineral and metallic mines reserved to the State of Hawaii.

(c) Easement A for drainage purposes as shown on File Plan No. 623, as granted to the City and County of Honolulu, a municipal corporation, by instrument dated October 7, 1959, recorded in the Bureau in Book 3751, Page 58. (Affects Parcel I).

(d) Abutter's rights of vehicle access into and from Farrington Highway, Federal Aid Project No. F-090-1(5) in favor of State of Hawaii, as conveyed by Deed dated August 13, 1964, recorded in the Bureau in Book 4858, Page 490. (Affects Parcel I).

(e) Slope Easement G, conveyed to the State of Hawaii by Deed dated August 13, 1964, recorded in the Bureau in Book 4858, Page 490. (Affects Parcel I).

(f) Reservation unto the State of Hawaii, its successors and assigns, in perpetuity, Slope Easement F, by Deed dated May 8, 1965, recorded in the Bureau in Book 5051, Page 447. (Affects Parcel II).

(g) Covenants, conditions, restrictions, reservations, agreements, obligations and other provisions set forth in the Deed dated April 3, 1959, recorded in the Bureau in Book 3594, Page 347. (Affects Parcel I).

(h) Covenants, conditions, restrictions, reservations, agreements, obligations and other provisions set forth in the Deed dated November 4, 1959, recorded in the Bureau in Book 3750, Page 80. (Affects Parcel II).

(i) Covenants, conditions, restrictions, reservations, agreements, obligations and other provisions set forth in the Deed dated May 18, 1965, recorded in the Bureau in Book 5051, Page 447. (Affects Parcel II).

(j) Mortgage dated April 3, 1974, recorded in the Bureau in Book 9817, Page 330 made by Benjamin C. F. Lum and Dolores B. S. Lum, husband and wife, as Mortgagor, to Amfac Financial Corporation, a Hawaii corporation, as Mortgagee. By instrument dated April 3, 1974, recorded in the Bureau in Book 9817, Page 339, said mortgage was assigned to Far West Federal Savings, a savings and loan association.

(k) Mortgage dated September 17, 1979, recorded in the Bureau in Book 14000, Page 696, made by Clarence Wah Young and Shin Ying Chun, husband and wife, as Mortgagor, to Benjamin C. F. Lum and Dolores B. S. Lum, husband and wife, as Mortgagee.

Note: All existing mortgages will be satisfied and released prior to the issuance of apartment deeds as required by law.

PURCHASE MONEY HANDLING: A copy of the Escrow Agreement dated November 19, 1980, between First Escrow Corporation, as Escrow, and Clarence Wah Young Chun and Shin Ying Chun, as Seller, has been submitted to the Commission as part of this registration. On examination, the Sales Contract with the executed Escrow Agreement are found to be in compliance with Chapter 514A, Hawaii Revised Statutes and particularly Section 514A-39 and Section 514A-63 through 514A-66, Hawaii Revised Statutes, as amended.

Among other provisions, the executed Escrow Agreement states that a Purchaser under contract of sale, upon written request shall be entitled to a refund of all monies deposited with Escrow without interest, less Escrow's \$35.00 cancellation fee, if any, if the following events shall have occurred:

(a) Escrow receives a written request from Seller to return to purchaser the funds of such purchaser then held hereunder by Escrow; or

(b) If purchaser's funds were obtained prior to the issuance of a Final Public Report and if there is any change in the building plans, subsequent to the execution of purchaser's contract, requiring the approval of the county officer having jurisdiction over the issuance of permits for construction, unless the purchaser has given written approval or acceptance of the change; or

(c) If the request is prior to the issuance of a Final Public Report, or if after such time, if the Final Public Report differs in any material respect from the Preliminary Public Report, unless the purchaser has given written approval or acceptance of the difference; or

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

The specimen Sales Contract provides that the Developer shall have the option to cancel the Sales Contract if Purchaser desires to obtain a mortgage loan on the demised premises at an established lending institution in Hawaii and the application for such loan or credit is rejected by such lending institution or not approved within forty-five (45) days from the date of execution of the Sales Contract.

It is incumbent upon the purchaser and prospective purchaser that he reads with care the Sales Contract and the executed Escrow Agreement.

MANAGEMENT AND OPERATIONS: The proposed Declaration of Horizontal Property Regime states that the administration of the project shall be vested in the Association of Apartment Owners, consisting of all apartment owners of the project in accordance with the By-Laws of the Association. The Developer has not entered into a Management Agreement as of this date and will not enter into such an agreement in the future.

STATUS OF PROJECT: The project involves the conversion of an existing apartment building originally constructed in 1974. Based upon the report of Elmer D. Phillips, AIA, of E. D. Phillips & Associates, a planning and design firm, a copy of which has been filed with the Real Estate Commission, the building appears to be structurally sound.

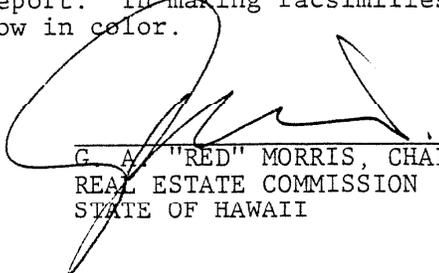
No representations are made herein or in the report described hereabove concerning the useful life of existing improvements.

A statement from the City and County of Honolulu Building Department confirms that the building in this project met all code requirements at the time of construction and that no variances or special permits were granted to allow deviations from any applicable codes.

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The purchaser or prospective purchaser shall be cognizant of the fact that this published report represents information disclosed by the Developer in the required Notice of Intention submitted on January 14, 1981, and information subsequently filed on February 25, 1981.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of Registration No. 1385 filed with the Commission on January 14, 1981.

This report, when reproduced, shall be a true copy of the Commission's public report. In making facsimilies, the paper stock shall be yellow in color.

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

Distribution:

DEPARTMENT OF TAXATION  
BUREAU OF CONVEYANCES  
PLANNING DEPARTMENT, CITY AND COUNTY OF HONOLULU  
FEDERAL HOUSING ADMINISTRATION  
ESCROW AGENT

Registration No. 1385

March 3, 1981