

# 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

## FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT on

2325-B LILIHA STREET  
CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

REGISTRATION NO. 1454 (Partial 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 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: December 7, 1982  
Expires: January 7, 1984

### 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 buyer or prospective buyer is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED AUGUST 20, 1981, AND INFORMATION SUBSEQUENTLY FILED AS OF DECEMBER 1, 1982. THE DEVELOPER, 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 on 2325-B LILIHA STREET, dated May 12, 1982, the Developer has forwarded to the Commission additional information reflecting changes that have been made in the documents or otherwise for the Project.

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

3. The Developer advises that the Declaration of Horizontal Property Regime and By-Laws dated October 14, 1982, have been filed with the Office of the Assistant Registrar of the Land Court as Document Nos. 1137214 and 1137215, noted on Transfer Certificate of Title No. 218,911. The Condominium Map has been filed in said Office as Condominium Map No. 481.

4. No advertising or promotional matter has been submitted pursuant to the rules and regulations promulgated by the Commission.

5. The buyer or prospective buyer is advised to acquaint himself with the provisions of Chapter 514A, Hawaii Revised Statutes, as amended, and the Hawaii Real Estate Commission Rules and Regulations which relate to Horizontal Property Regimes.

6. This Final Public Report amends the Commission's Preliminary Public Report and is made a part of the registration of 2325-B LILIHA STREET condominium project. The Developer shall be responsible for placing a true copy of the Preliminary Public Report (yellow paper stock), this Final Public Report (white paper stock), and the Disclosure Abstract in the hands of all purchasers and prospective purchasers and for securing a signed receipt for same.

7. This Final Public Report automatically expires thirteen (13) months after the date of issuance, December 7, 1982, unless a Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the effective period of this report.

The information contained in the Preliminary Public Report of May 12, 1982, under the topical headings: DESCRIPTION, COMMON ELEMENTS, LIMITED COMMON ELEMENTS INTEREST TO BE CONVEYED TO PURCHASER, ENCUMBRANCES AGAINST TITLE, and STATUS OF PROJECT has been changed. A new topical heading ALTERATION OF PROJECT has been added. Developer reports that the other information in the Preliminary Public Report has not been changed. The changes are as follows:

DESCRIPTION OF PROJECT.

Buildings. Instead of two buildings constituting the Project as stated in the Preliminary Public Report, there will only be one building which is designated as Dwelling A. It is an existing single family residential building, which is constructed principally of wood on concrete slab. The building is one story in height, and has no basement or elevator.

Apartment Numbers and Location. Because Dwelling B is no longer to be included within the Project, the Preliminary Public Report is changed to include information for Dwelling A only: Dwelling A is located as shown on the Condominium Map. Dwelling A has the immediate access as previously stated in the Preliminary Public Report.

Description of Apartments. The Preliminary Public Report is changed as follows: (a). References to Dwelling B are deleted, (b) the net living area of Dwelling A is changed to 1642 square feet, and (c) only one freehold estate will be designated (and not two as stated in the Preliminary Public Report).

COMMON ELEMENTS. The Preliminary Public Report is changed to expressly state that the area designated on the Condominium Map as "Dwelling Lot B Reserved for Future Development" is included as a Common Element.

LIMITED COMMON ELEMENT. If the Declaration of Horizontal Property Regime is amended pursuant to section 19 of the Declaration to add Dwelling B, then Dwelling Lot B shall thereupon become a limited common element appurtenant to Dwelling B.

INTEREST TO BE CONVEYED TO PURCHASERS. The Preliminary Public Report is changed to provide that the purchaser securing an Apartment Deed for Dwelling A will obtain Dwelling A together with an undivided one hundred percent (100%) interest in the common elements of the project. (the Preliminary Public Report had provided for 50% for each of the two Apartments). However, if as provided for in Section 19 of the Declaration, an additional Dwelling is added to the Project, then the percentage of undivided interest in the Common Elements appurtenant to each Dwelling shall be fifty (50%) percent. If an additional Dwelling is not added to the Project but Developer transfers Dwelling A to a third party, then until the additional Dwelling is added to the Project, the Developer shall continue to be responsible and pay for 50% common expenses of the Project and the owner of Dwelling A shall be responsible and pay for 50% of the Common Expenses of the Project.

ENCUMBRANCES ON TITLE. The preliminary report issued by Title Guaranty of Hawaii, Incorporated, updated as of November 3, 1982 indicates the following encumbrances:

1. Real Property Taxes due and payable; reference is made to Finance Director, City and County of Honolulu.
2. -AS TO LOT 44-D ONLY:-
  - (A) An easement in the flow of water through the auwai ditch, as the same is delineated on Map 8, filed with Land Court Consolidation No. 18.
  - (B) Grant in favor of Hawaiian Electric Company, Inc. and Hawaiian Telephone Company, dated June 2, 1949, filed as Land Court Document No. 110635, granting a perpetual easement for utility purposes across Lot 44-D.

- (C) Easement for sanitary sewer across Lot 44-D, as shown on Map 24, as set forth by Land Court Order No. 10745, filed November 2, 1951.
3. Easement for sanitary sewer across Lot 44-B, as shown on Map 23, as set forth by Land Court Order No. 10744, filed November 2, 1951.
  4. Grant in favor of City and County of Honolulu, dated September 30, 1952, filed as Document No. 143547, granting easement to construct & underground sewer pipelines &c.
  5. MORTGAGE  
MORTGAGOR: NOBORU MATSUMOTO and CLAIRE TERUYE MATSUMOTO, husband and wife  
MORTGAGEE: MANOA FINANCE COMPANY, INC., a Hawaii corporation  
DATED: November 16, 1979  
FILED: Land Court Document No. 978846  
AMOUNT: \$102,083.37
  6. ADDITIONAL CHARGE MORTGAGE TO THE MORTGAGE SET FORTH AS ENCUMBRANCE NO. 5.  
MORTGAGOR: NOBORU MATSUMOTO and CLAIRE TERUYE MATSUMOTO, husband and wife  
MORTGAGEE: MANOA FINANCE COMPANY, INC., a Hawaii corporation  
DATED: March 22, 1980  
FILED: Land Court Document No. 1003414  
AMOUNT: \$60,309.50
  7. 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 October 14, 1982, filed in the Land Court of the State of Hawaii as Land Court Document No. 1137214, as the same may hereinafter be amended in accordance with law or with said Declaration. (Project covered by Condominium map No. 481)
  8. By-Laws of Association of Apartment Owners of the Condominium Project known as "2325-B LILIHA STREET" dated October 14, 1982, filed as Land Court Document No. 1137215, as the same may hereinafter be amended.

ALTERATION OF PROJECT. The Preliminary Public Report is changed to reflect that the Developer has reserved to themselves, their successors, personal representatives and

assigns the right at any time within ten (10) years after the date of the Declaration (which right will lapse thereafter) at their sole discretion to amend the Declaration by establishing one additional Apartment to be designated as "Dwelling B" and to be situated on that portion of the Land shown on the Condominium Map as "Dwelling Lot B Reserved for Future Development" which right to add Dwelling B shall be transferable, and which right is subject to the following conditions:

(i) All Building plans for Dwelling B must be prepared by a licensed architect or professional engineer and conform with County building or zoning laws and

(ii) The distance between Dwelling A and Dwelling B may not be less than would be required under applicable City or County ordinances if each Dwelling Lot were a separate and legally subdivided lot.

(iii) All such changes shall be at the expense of the Dwelling Owner and such shall be expeditiously made and in a manner that will not unreasonably interfere with the other owners' use of the Dwelling Lot A.

(iv) During the entire course of such construction, the Dwelling B Lot owner will cause to be maintained at his expense builder's all-risk insurance in an amount not less than the estimated cost of construction. The Association shall be named as an additional insured and evidence of such insurance shall be deposited with the Association's Managing Agent;

(v) Prior to commencement of such construction, and as a condition thereto, the Dwelling B owner shall give reasonable assurance to the Association of his financial ability to complete and to pay for the change.

(vi) If the Declaration is amended to establish Dwelling B, then the common interest appurtenant to each Dwelling shall be changed to fifty (50%) percent; otherwise, no change shall cause any modification in the common interest appurtenant to each Dwelling.

(vii) The Owner of Dwelling B shall have the right to utilize, relocate and realign existing, and/or to develop additional, central and appurtenant installations for services to the Dwelling for electricity, sewer and other utilities and services and when applicable, to add, delete, relocate, realign, designate and grant easement and rights-of-way over, under and on the common elements as necessary or desirable in connection therewith; provided that the same shall not cause any interruption in the service of such utilities to any other part of the project;

(viii) The Developer with respect to establishing Dwelling B shall have the right and duty without the consent or joinder of any other person to amend and shall be required to amend the Declaration and the Condominium Map to accomplish any such changes. If required by the Act, then promptly upon completion of such changes, the Owner of Dwelling B or the Developer, as the case may

be, shall duly record any amendment to the Declaration with the Office of the Assistant Registrar of the Land Court of the State of Hawaii, together with a complete set of the floor plans of the Project as so altered, certified as built by a registered architect or professional engineer. All existing Dwelling Owners and all future Dwelling Owners and their mortgagees, by accepting an interest in a Dwelling, shall be deemed to have given the Developer and all other Dwelling Owners a Power of Attorney to execute an amendment to the Declaration solely for the purpose of describing the changes to any Dwelling on the Declaration so that the Developer and each Dwelling Owner shall hereafter have a Power of Attorney from all the other Dwelling Owners to execute such amendment to the Declaration.

STATUS OF PROJECT. Since the date of the Preliminary Public Report, the Developer has advised the Commission that the Dwelling A was completed in October 1980 and that he does not intend to build Dwelling B presently.

-----  
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 on August 20, 1981 and information subsequently filed as of December 1, 1982.

This FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1454 filed with the Commission on August 20, 1981.

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

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

Distribution:

DEPARTMENT OF FINANCE  
CITY AND COUNTY OF HONOLULU  
BUREAU OF CONVEYANCES  
DEPARTMENT OF LAND UTILIZATION,  
CITY AND COUNTY OF HONOLULU  
FEDERAL HOUSING ADMINISTRATION  
ESCROW AGENT

REGISTRATION NO. 1454

DATED: December 7, 1982.