

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

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

FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on

2375 OAHU AVENUE/2380 HOOMAHA WAY
2375 Oahu Avenue/2380 Hoomaha Way
Honolulu, Hawaii 96822

Registration No. 1462 (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: October 22, 1981
Expires: November 22, 1982

SPECIAL ATTENTION

A comprehensive reading of this report by the prospective purchaser is urged in order that personal requirements and expectations to be derived from the property can be ascertained. The attention of the prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION FILED SEPTEMBER 30, 1981 AND INFORMATION SUBMITTED AS OF OCTOBER 9, 1981. THE DEVELOPER IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. 2375 OAHU AVENUE/2380 HOOMAHA WAY Condominium Project is a two-unit, fee simple condominium project consisting of a 7,500 square foot parcel of land together with the existing improvements thereon, said improvements being two separate single-family wood-frame buildings.

2. The Developer of the Project has filed all documents and materials deemed necessary by the Commission for the registration of this condominium project and the issuance of this Final Public Report.
3. The basic documents (Declaration of Horizontal Property Regime, By-Laws of the Association of Apartment Owners, and a copy of Approved Floor Plans) have been filed in the Office of the Recording Officer. The Declaration of Horizontal Property Regime, with By-Laws attached, has been recorded in the Bureau of Conveyances of the State of Hawaii in Liber 15866 at Page 625. The Approved Floor Plans showing the layout, location, dwelling numbers, etc., have been designated on Condominium File Plan No. 824.
4. Pursuant to the Rules and Regulations promulgated by the Real Estate Commission, no advertising or promotional material has been submitted.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A of the Hawaii Revised Statutes, as amended, and the Rules and Regulations promulgated thereunder which relate to Horizontal Property Regimes.
6. This Final Public Report is made a part of the registration of the 2375 OAHU AVENUE/2380 HOOMAHA WAY Condominium Project. The Developer has the responsibility of placing a true copy of this Final Public Report (white paper stock) and attached Disclosure Statement in the hands of all purchasers and prospective purchasers and obtaining a signed receipt therefor from such party.
7. This Final Public Report automatically expires thirteen (13) months after the date of issuance, October 22, 1981, unless a Supplementary Report issues or the Commission upon a review of the registration issues an order extending the effective period of this Report.

NAME OF PROJECT: 2375 OAHU AVENUE/2380 HOOMAHA WAY

LOCATION: The site, consisting of approximately 7,500 square feet, is located at 2375 Oahu Avenue/2380 Hoomaha Way, Honolulu, Hawaii 96822.

TAX MAP KEY: First Division 2-9-5-20

ZONING: R-4 (7,500 square feet, Residential)

DEVELOPER: Roger V. Meeker; [REDACTED]

ATTORNEY REPRESENTING DEVELOPER: Roger V. Meeker; Courtyard Suite, 1110 Richards Street, Honolulu, Hawaii 96813.
PHONE: 524-6335.

DESCRIPTION: The Declaration of Horizontal Property Regime and plans submitted by the Developer indicate a fee simple project consisting of a 7,500 square foot parcel of land together with the existing improvements thereon, containing a total of two apartments. Said apartments are more particularly described as follows:

- (1) The "Oahu Avenue Apartment" is comprised of all the improvements located on that portion of the land designated on the Condominium Map as the "Oahu Lot" (described more fully hereinafter). Specifically, said improvements, or apartment, consist(s) of a single-story wood-frame structure, without basement, containing four bedrooms, two bathrooms, kitchen, pantry room, living room, dining room, porch/lanai, and laundry area; said structure is approximately 1,770 square feet in area. There is no carport or garage appurtenant to this apartment.
- (2) The "Hoomaha Way Apartment" is comprised of all the improvements located on that portion of the land designated on the Condominium Map as the "Hoomaha Lot" (described more fully hereinafter). Specifically, said improvements, or apartment, consist(s) of a two-story wood-frame structure, without basement, containing two bedrooms, one bath, kitchen, living room, balcony area, servant's quarters (including a half-bath), and carport; it is approximately 1,470 square feet in area, exclusive of said carport.

The apartments are located in the manner shown on the said Condominium Map.

The respective apartments shall not be deemed to include any pipes, wires, conduits or other utility lines running through such apartments which are utilized for or serve more than one apartment, the same being deemed common elements as hereinafter provided.

Each apartment has direct access to the limited common element areas, defined hereinafter, upon which it is located; said limited common element areas front on public streets.

COMMON ELEMENTS: One freehold estate is designated of all the remaining portions of the Project, herein referred to as "common elements", including but not limited to:

- (1) The land in fee simple;
- (2) All ducts, electrical equipment, wiring and other central and appurtenant installations for common services, if any, including power, light, water, sewage, irrigation and telephone;
- (3) Any and all other elements and facilities rationally in common use or necessary to the existence, upkeep and safety of the Project.

LIMITED COMMON ELEMENTS: Certain parts of the common elements herein referred to as the "limited common elements", are hereby designated and set aside for the exclusive use of one or more apartments, and such apartment(s) 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:

- (1) Each immediate lot upon which each respective apartment is located shall be deemed a limited common element appurtenant to and for the exclusive use of said apartment. The apartments and their respective appurtenant lots, as designated on the Condominium Map, are as follows:

Oahu Avenue Apartment -- OAHU LOT (said Oahu Lot consisting of all of the land fronting Oahu Avenue and located on the Oahu Avenue side of the wooden fence separating said Oahu Lot from the Hoomaha Lot referred to hereinafter; it measures APPROXIMATELY 50.0 feet wide by 86.0 feet deep, and is APPROXIMATELY 4,300 square feet in area.

Hoomaha Way Apartment -- HOOMAHA LOT (said Hoomaha Lot consisting of all of the land fronting Hoomaha Way and located on the Hoomaha Way side of the Oahu Lot; it measures APPROXIMATELY 50.0 feet wide by 64.0 feet deep, and is APPROXIMATELY 3,200 square feet in area.

- (2) The existing wooden fence located between and separating the Oahu Lot from the Hoomaha Lot is hereby deemed a limited common element appurtenant to and for the exclusive use of the Hoomaha Way Apartment.

COMMON INTEREST: Each apartment and its owner(s) shall have appurtenant thereto the following percentage interest in the common elements of the Project, for all purposes including voting, said interest being referred to herein as the "common interest":

Oahu Avenue Apartment ----- 57 1/3 percent
Hoomaha Way Apartment ----- 42 2/3 percent

EASEMENTS: Each apartment shall have appurtenant thereto easements in the other apartment for the purposes of utility services for, and the maintenance and repair of said utility services, including electricity, gas, water, sewage, and telephone.

PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE: The Declaration provides that the apartments of the Project shall be occupied and used only as private residential dwellings by the respective owners thereof, their families, domestic servants, personal guests and tenants, and for no other purposes.

OWNERSHIP OF TITLE: The Certificate of Title dated September 2, 1981, issued by Long & Malone, Ltd., indicates that fee simple title to the property is vested in ROGER V. MEEKER, unmarried, the Developer.

ENCUMBRANCES AGAINST TITLE: The above-mentioned certificate of title indicates the following encumbrances:

- (1) A reservation in favor of the State of Hawaii of all mineral and metallic mines.
- (2) A Restrictive Condition contained in that certain Agreement dated July 1, 1919, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 569 at Page 350, to wit:
"That no malt, vinous, spirituous or intoxicating liquors or any kind shall ever be sold or exposed for sale or manufactured on the premises or any part thereof."
- (3) Any taxes that may be due and owing; reference is made to the Office of the Finance Director, City and County of Honolulu.
- (4) A Mortgage in favor of HERRON CHAFFEE FOLK, dated August 26, 1981 and recorded in said Bureau of Conveyances in Liber 15794 at Page 299. Consideration: \$265,000.00.

PURCHASE MONEY HANDLING: No escrow agreement with an escrow agent was executed prior to issuance of this Final Public Report. The choice as to who shall escrow the transaction is to be made mutually by the Seller and Purchaser at the time of entering a Sales Contract.

NOTE: The Disclosure Abstract, which is a part of the specimen Sales Contract, provides that "NO WARRANTIES FOR FITNESS OF USE OR MERCHANTABILITY OR ANY OTHER KIND ARE MADE AS TO EITHER OF THE APARTMENTS OR COMMON ELEMENTS OF THE PROJECT. PURCHASERS ARE ADVISED TO CONDUCT THEIR OWN INSPECTION OF THE APARTMENT THEY DESIRE TO BUY. THE APARTMENTS ARE SOLD 'AS IS'". The Project is a conversion of fully constructed and existing buildings to condominium status; SAID IMPROVEMENTS ARE LEGAL BUT NON-CONFORMING UNDER PRESENT ZONING CODES. IN THE EVENT OF DESTRUCTION OF ONE OR BOTH OF THE DWELLINGS COMPRISING THE IMPROVEMENTS PORTION OF THE PROJECT, AND RE-BUILDING OR RECONSTRUCTION WOULD HAVE TO CONFORM WITH ZONING CODES IN EFFECT AT THE TIME OF SAID RE-BUILDING OR RECONSTRUCTION. The present zoning code allows only one single-family residence on 7,500 square feet of land area.

MANAGEMENT OF PROJECT: The By-Laws which are incorporated in the Declaration provide that the operation of the Project may be conducted for the Association of Apartment Owners under the direction of the Board of Directors by a responsible Managing Agent. No Managing Agent has been appointed as of the date of this report.

STATUS OF PROJECT: The Developer estimates that the 2375 Oahu Avenue Apartment dwelling was constructed in 1917, and the 2380 Hoomaha Way Apartment dwelling was constructed in 1941.

To the best of the Developer's knowledge, information and belief, there are no outstanding notices of uncured violations of the building code or other municipal regulations of the City and County of Honolulu. No variance has been granted from any ordinance, code, rule, regulation, or other requirement in force at the time of their construction or from any current ordinance, code, rule, regulation, or other requirement.

NOTE: The Developer will retain the Hoomaha Way Apartment as his personal residence, and the registration of this Project is intended primarily for the public sale of the Oahu Avenue Apartment. Future sale of Developer's apartment shall comply with the requirements of Chapter 514A, Hawaii Revised Statutes, as amended, particularly Sections 514A-41 and 514A-105.

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 September 30, 1981, and information subsequently filed as of October 9, 1981.

This FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of Registration No. 1462 filed with the Commission on September 30, 1981. This report when reproduced shall be a true copy of the Commission's Public Report. The paper stock used in making facsimilies must be white.


G. A. "RED" MORRIS, Chairman
Real Estate Commission
State of Hawaii

DISTRIBUTION:

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REGISTRATION NO. 1462

October 22, 1981