

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

LUNALILO GARDENS
1144 and 1150 Lunaliilo Street
Honolulu, Oahu, Hawaii

REGISTRATION NO. 1543 (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: June 9, 1983

EXPIRES: July 9, 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 prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED ON THE REQUIRED NOTICE OF INTENTION SUBMITTED APRIL 21, 1983, AND INFORMATION SUBSEQUENTLY FILED ON JUNE 8, 1983. 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. LUNALILO GARDENS is a six-unit, fee simple condominium conversion project consisting of a 16,215 square foot parcel of land, together with the existing improvements thereon, said improvements being six (6) detached, single-family, wood frame dwellings.

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 and By-Laws of the Association of Owners) were executed on April 6, 1983, and have been recorded in the Office of the Assistant Registrar of the Land Court of the State of Hawaii, as Document Nos. 1162133 and 1162134, respectively, and noted on Transfer Certificate of Title No. 247638. A copy of the floor plans has been filed as Condominium Map No. 491.

A First Amendment to Declaration of Horizontal Property Regime dated June 7, 1983, has been recorded as Document No. 1172924 on June 8, 1983.

4. No advertising or promotional matter has been submitted pursuant to the Rules and Regulations promulgated by the Real Estate 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 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 LUNALILO GARDENS Condominium Project. The Developer has the responsibility of placing a true copy of the Final Public Report (white paper stock) and disclosure abstract in the hands of all purchasers and prospective purchasers and of securing a signed copy of a receipt therefor.

7. This Final Public Report automatically expires thirteen (13) months after the date of issuance, June 9, 1983, unless a Supplementary Public Report issues or the Commission, upon review of the registration issues an order extending the effective period of this Report.

NAME OF PROJECT: LUNALILO GARDENS

LOCATION: The site, consisting of approximately 16,215 square feet, is located at 1144 and 1150 Lunalilo Street, Honolulu, Hawaii 96822.

TAX MAP KEY NO.: First Division: 2-4-19-38

ZONING: A-2, Apartment District

DEVELOPER: Lunalilo Gardens, Inc., a Hawaii corporation, whose principal place of business is 1144C Lunalilo Street, Honolulu, Hawaii 96822.

The officers of the corporation are:

EDWARD T. YAMADA	President/Treasurer
Phone: 533-3304	1144C Lunalilo Street
	Honolulu, Hawaii 96822

KAY K. YAMADA	Vice President/Secretary
Phone: 533-3304	1144C Lunalilo Street
	Honolulu, Hawaii 96822

ATTORNEYS REPRESENTING DEVELOPER: WOO, KESSNER & DUCA (attention: Vernon Y. T. Woo, Esq. and/or Emma S. Matsunaga, Esq.), Suite 300, James Campbell Building, 828 Fort Street Mall, Honolulu, Hawaii 96813 (Telephone: (808) 524-0955).

DESCRIPTION OF PROJECT: The Declaration of Horizontal Property Regime and the plans submitted by the Developer indicate a fee simple project consisting of a 16,215 square foot parcel of land, together with the existing improvements thereon, containing a total of six (6) detached, single-family dwellings, each one story in height. A picnic area of approximately 725 square feet exists upon the property. All six (6) dwellings are single-family residential buildings constructed principally of wood, glass, and allied building materials on concrete footings. All of the dwellings are one-story in height and have no basements or elevators. Said dwellings are more particularly described as follows:

Dwelling 1144 consists of a living room, kitchen, one bathroom and two (2) bedrooms. The net floor area of dwelling 1144 is approximately 686 square feet. There is parking adjacent to the dwelling but there is no carport or garage.

Dwelling 1144A consists of a living room, kitchen, one bathroom and two (2) bedrooms. The net floor area of dwelling 1144A is approximately 640 square feet. There is adjacent parking next to the dwelling but there is no carport or garage.

Dwelling 1144B consists of a living room, kitchen, one bathroom and two (2) bedrooms. The net floor area of dwelling 1144B is approximately 602 square feet. There is parking adjacent to the dwelling but there is no carport or garage.

Dwelling 1144C consists of a living room, kitchen, one bathroom, a washroom, two (2) bedrooms, a den/study, one storage room, and a detached storage shed of

approximately 96 square feet. The net floor area of Dwelling 1144C, exclusive of the storage shed, is 1,466 square feet. There is parking for two (2) vehicles adjacent to Dwelling 1144C, but there is no carport or garage.

Dwelling 1150 consists of a living room, kitchen, one bathroom and two (2) bedrooms. The net floor area of dwelling 1150 is 686 square feet. There is adjacent parking next to the dwelling but there is no carport or garage appurtenant.

Dwelling 1150A consists of a living room, kitchen, one bathroom and two (2) bedrooms. The net floor area of 1150A is 640 square feet. There is parking adjacent to Dwelling 1150A but there is no carport or garage.

With respect to appliances, Units 1144A, 1144B, 1144C, 1150 and 1150A all have ranges, and Units 1144C, 1150 and 1150A have refrigerators. All dwellings contain water heaters.

The dwellings are located in the manner shown on the said Condominium Map. Each dwelling has direct access to the common element areas defined hereinafter.

There is parking for seven (7) vehicles. Parking for each condominium unit is located adjacent to each dwelling, with Unit 1144C having parking for two (2) cars. All the parking areas are uncovered. No other parking will be provided.

NOTE: The Declaration provides that the Developer reserves to itself, its successors, personal representatives or assigns and subsequent owners, the right to demolish and reconstruct each dwelling located on its respective location. Any new dwelling shall be built in accordance with the zoning ordinances and rules and regulations of the City and County of Honolulu and subject to the procedures set forth in Paragraph 21 of the Declaration.

COMMON ELEMENTS: Common elements shall include the limited common elements described below and all portions of the Property, excluding those items defined as part of any dwelling hereof, but including the portion of land on which the dwellings are located and all elements mentioned in the Act which are actually constructed on the land, and specifically shall include but not limited to:

- A. The land in fee simple;
- B. All yards, grounds, planters and planting areas, landscaping and picnic area;

C. The driveway, access areas, and parking areas which are limited common elements to the units;

D. All electrical and mechanical equipment and wiring and other central and appurtenant installations for services, including power, lights, and water;

E. All other parts of the Project existing for the common use where necessary to the existence, maintenance and safety of the Project.

F. The front portions of property located between and adjacent to Unit 1144 and Lunalilo Street and Unit 1150 and Lunalilo Street consisting of approximately 488 square feet and 253 square feet, respectively.

LIMITED COMMON ELEMENTS: Certain parts of the common elements called the "limited common elements" are hereby designated and set aside for the exclusive use of each dwelling, and each dwelling shall have appurtenant thereto exclusive easements for the use of such limited common elements. Unless otherwise specified, all costs of every kind pertaining to each limited common element, including but not limited to, costs of landscaping, maintenance, repair, replacement and improvement, shall be borne entirely by the dwelling to which it is appurtenant. The limited common elements so set aside and reserved are as follows:

A. The site of each dwelling consisting of the land beneath and immediately adjacent thereto, as shown and delineated on said Condominium Map, including without limitation, any private area shall be deemed a limited common element for the sole and exclusive use of the dwelling to which it is appurtenant.

COMMON INTERESTS: Each dwelling shall have appurtenant thereto an undivided percentage interest in all the common elements of the Project as follows:

<u>Unit No.</u>	<u>Percentage of Common Interest</u>
1144	13%
1144A	13%
1144B	13%
1144C	35%
1150	13%
1150A	13%

Each Dwelling shall have said percentage interest in all common profits and expenses of the Project and for all other purposes, including voting on all matters requiring action by the dwelling owners.

EASEMENTS: In addition to any easements designated in the limited common elements, the dwellings and common elements shall have and be subject to the following easements:

A. Each dwelling shall have appurtenant thereto non-exclusive easements in the common elements designed for such purposes for ingress to, egress from, utility services (including but not limited to electricity, water, and sewer) for and in support of such dwellings; in the other common elements for use according to their respective purposes;

B. If any common element now or hereafter encroaches upon any dwelling, a valid easement for such encroachment and maintenance thereof, so long as it continues, does and shall exist. If any building or other improvement shall be partially or totally destroyed and then rebuilt, minor encroachments by any common elements upon any unit or limited common element or by any dwelling upon any other dwelling lot due to reconstruction, shall be permitted, and valid easements for such encroachments and the maintenance thereof, so long as they continue, shall exist. PROVIDED, that in no event shall a valid easement for encroachment be created in favor of the owner of any dwelling or in favor of any owner of the common elements if such encroachment occurred due to the negligence or misconduct of said owner or owners;

C. The Association of Owners (the "Association") shall have the right to be exercised by its Board of Directors or the managing agent, if any, to enter each dwelling and limited common elements, from time to time, during reasonable hours as may be necessary for the operation of the Project, or at any time for making emergency repairs therein necessary to prevent damage to any dwelling or common element.

PURPOSE OF BUILDING AND RESTRICTION AS TO USE: The Declaration provides that the dwellings 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.

The proposed House Rules provide in part: (1) that no livestock, poultry or other animals or pets whatsoever shall be allowed or kept in any part of the Project, except for one (1) dog or one (1) cat, aquarium fish and a pair of small birds, subject to conditions more particularly set forth in the House Rules; (2) no

inflammable oils or fluids shall be stored in any part of the Project; (3) all units shall be occupied by no more than two (2) persons per bedroom; and (4) running, jumping, skateboarding, bicycling, roller skating and playing of any sort is prohibited in the driveway, parking areas and other common areas of the project.

OWNERSHIP OF TITLE: A Preliminary Title Report issued by T.I. of Hawaii, dated April 15, 1983, indicates that title to the land is vested in LUNALILO GARDENS, INC., a Hawaii corporation, the developer.

ENCUMBRANCES AGAINST TITLE: Said Preliminary Title Report dated April 15, 1983, indicates the following encumbrances:

1. Real property taxes that are due and owing; reference is made to the Office of the Director of Finance, City and County of Honolulu.

2. A Mortgage dated June 28, 1979, filed as Land Court Document No. 949575, made by Edward Takeshi Yamada and Kay Kameko Yamada, husband and wife, as Mortgagors, to First Hawaiian Bank, a corporation organized and existing under the laws of the State of Hawaii, as Mortgagee, in the principal amount of FIFTY THOUSAND AND NO/100 DOLLARS (\$50,000.00).

3. Condominium Map No. 491 filed on April 15, 1983.

4. The covenants, agreements, obligations, conditions and other provisions set forth in Declaration of Horizontal Property Regime dated April 6, 1983, filed as Land Court Document No. 1162133 and the By-Laws of the Association of Owners of LUNALILO GARDENS filed as Land Court Document No. 1162134.

PURCHASE MONEY HANDLING: An executed Escrow Agreement dated March 24, 1983, identifies T.I. of Hawaii, Inc., as the escrow agent. Upon examination, the executed Escrow Agreement and specimen sales contract are found to be in conformance with Chapter 514A, Hawaii Revised Statutes, as amended, and particularly Sections 514A-37, 514A-39, 514A-40, and 514A-63 through 514A-66. Among other provisions, the Escrow Agreement provides that the escrow agent shall refund to purchaser all of the purchaser's funds, without interest, less a cancellation fee of TWENTY-FIVE AND NO/100 DOLLARS (\$25.00), if purchaser shall request refund of his funds and any one of the following shall have occurred:

a. Developer has requested escrow agent in writing to return to purchaser the funds of purchaser then held under the Escrow Agreement by escrow agent; or

b. The Final Public Report differs in a material respect and the purchaser's written approval of such change shall not have been obtained.

It is incumbent upon the purchaser and prospective purchasers to read and understand the Escrow Agreement before executing the sales contract since the Escrow Agreement prescribes the procedure for receiving and disbursing purchasers' funds.

Among other provisions, the specimen sales contract provides that the Developer makes NO WARRANTIES AS TO ANY DEFECTS IN THE DWELLINGS AND THE COMMON ELEMENTS OF THE PROJECT. THE PURCHASER IS TO INSPECT THE PROJECT AND UNDERSTAND AND AGREE THAT HE IS BUYING THE UNIT IN AN "AS-IS" CONDITION, WITHOUT WARRANTY OF ANY NATURE FROM THE DEVELOPER.

Note: The Disclosure Abstract, which is a part of the specimen sales contract, provides that no warranties exist. Purchasers are advised to conduct their own inspection of the dwelling they desire to buy. The dwellings are sold "As-Is". The Project is a conversion of fully constructed and existing dwellings to condominium status; said improvements are legal but not conforming under present zoning ordinances. In the event of destruction of one or more of the dwellings comprised in the improvements portion of the Project, rebuilding or reconstruction must be in conformance with the Variance Decision and Order dated February 23, 1983, Case No. 82/ZBA-121, by the Zoning Board of Appeals of the City and County of Honolulu.

MANAGEMENT OF THE PROJECT: The By-Laws which are incorporated in the Declaration provide that the operation of the Project shall be conducted for the Association of Owners under the direction of its Board of Directors by a responsible managing agent. No managing agent has been appointed as of the date of this Report.

The Declaration provides that the owner of each dwelling shall be solely responsible for the maintenance, repair, replacement and restoration of such dwelling, appurtenant limited common elements and its parking area and the Association shall be responsible for all common elements of the project.

STATUS OF PROJECT: The Developer estimates that the dwellings were constructed as follows: Four of the dwellings were constructed in 1928 and are approximately 55 years old. One dwelling (1144B) was constructed in 1940, and is approximately 43 years old. The sixth dwelling (1144C) was constructed in approximately 1900, and is approximately 83 years old.

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.

The existing buildings are non-conforming structures as defined under Section 21-110 Revised Ordinances, meaning "any structure which was previously lawful but which does not comply with the bulk, yard, set-back or height regulations of the district in which it is located, either on the effective date of Chapter 21 Revised Ordinances, or as a result of any subsequent amendment thereto".

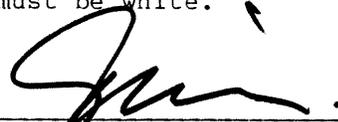
The Developer has obtained a variance (Case No. 82/ZBA-121) to increase the density of the existing structures and to allow the dwellings to encroach into side and front yards subject to the following conditions:

1. That the applicant shall first consult with the Department of Land Utilization staff to obtain landscaping suggestions, and then prepare a landscaping plan and obtain approval for it from the Director of Land Utilization before a building permit shall be issued. The Developer informs the Commission that a plan was submitted and verbal approval was rendered subject to submissions of actual building plans to the Department of Land Utilization.
2. That approval shall be obtained under the regulations of the Punchbowl District.
3. That the variance may be revoked by the Board when due to a material change in circumstances one or more of the three Charter-required findings of hardship can no longer be made or there is a breach of any of the conditions stated above.

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 intentions submitted April 21, 1983 and information subsequently filed on June 8, 1983.

This is the FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT which is made a part of Registration No. 1543 filed with the Commission on April 21, 1983. This Report, when reproduced, shall be a true

copy of the Commission's Public Report. The paper stock used in making facsimiles must be white.



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

DISTRIBUTION:

Department of Finance
Bureau of Conveyances
Planning Department, City and County of Honolulu
Federal Housing Administration
Escrow Agent

Registration No. 1543
June 9, 1983

DEVELOPER'S DISCLOSURE ABSTRACT

Name and Address of Project:

Name: LUNALILO GARDENS
Address: 1144 and 1150 Lunalilo Street
Honolulu, Hawaii 96822

Name, Address and Telephone Number of Developer and Project Manager:

Developer: LUNALILO GARDENS, INC.
A Hawaii corporation
1144C Lunalilo Street
Honolulu, Hawaii 96822
(808) 533-3304
(Attn.: Edward T. Yamada)

Breakdown of Maintenance Fees: The breakdown of the annual maintenance fees and the monthly estimated costs for each unit, as determined by generally accepted accounting principles, is attached hereto as Exhibit "A".

Use: The Project contains six detached, fee simple single-family dwellings. All of the Units shall be used only for residential purposes consistent and in conformance with the required uses for the zoning of the Project and with the aforesaid Declaration.

Warranties: The existing units were constructed as follows: Units 1144, 1144A, 1150, and 1150A in approximately 1928 and are fifty-five (55) years old; Unit 1144B in 1940 and is approximately forty-three (43) years old; and Unit 1144C in approximately 1900 and is approximately eighty-three (83) years old. NO WARRANTIES EXIST. NO WARRANTIES FOR FITNESS OF USE OR MERCHANTABILITY OR ANY OTHER ARE MADE AS TO EITHER THE UNITS OR COMMON ELEMENTS OF THE PROJECT. PURCHASERS ARE ADVISED TO CONDUCT THEIR OWN INSPECTION OF THE UNIT THEY DESIRE TO PURCHASE. THE UNITS ARE SOLD "AS IS".

Disclosure: Based upon the report of an independent registered engineer, the Developer represents that the dwellings and all of their structural components and mechanical and electrical installations material to the use and enjoyment of the condominium project are in accordance with the plans and specifications originally

filed with the Building Department of the City and County of Honolulu; are in satisfactory condition; and contain the following components: plumbing and electrical fixtures and related piping and wiring. The Developer further represents that the dwellings are constructed of wood floors and walls, which appear in fair condition given the age of the dwellings. The mechanical and electrical installations are expected to last beyond ten (10) years with proper maintenance. NO OTHER REPRESENTATIONS CAN BE MADE REGARDING THE EXPECTED USEFUL LIFE OF THE STRUCTURAL COMPONENTS AND MECHANICAL AND ELECTRICAL INSTALLATIONS.

The Developer knows of no outstanding notices of uncured violations of building codes or other municipal regulations regarding the dwellings or the Project.

Dated this 6 day of April, 1983.

LUNALILO GARDENS, INC.

By Edward T. Yamada
Its President

LUNALILO GARDENS

PROJECTED ANNUAL MAINTENANCE BUDGET

ESTIMATED OPERATING EXPENSES:

Water & Sewer Assessment	\$ 900.00
Insurance for Common Areas	\$ 106.00
Yard Service	\$ 900.00
Maintenance Reserve	\$ 300.00
CPA Audit	<u>\$ 150.00</u>
TOTAL	\$2,356.00 per year

ESTIMATED MONTHLY EXPENSES: \$ 196.33

ESTIMATED MONTHLY MAINTENANCE FEE FOR EACH UNIT:

Unit	Monthly Fee
1144	\$ 25.52
1144A	\$ 25.52
1144B	\$ 25.52
1144C	\$ 68.72
1150	\$ 25.52
1150A	\$ 25.52

LUNALILO GARDENS, INC.

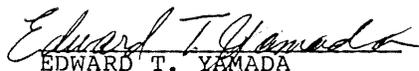

EDWARD T. YAMADA
Its President

EXHIBIT "A"