

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

AKULE-AU CONDOMINIUM  
68-092 Akule Street  
Waialua, Hawaii 96791

REGISTRATION NO. 1565 (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: November 14, 1983  
Expires: December 14, 1984

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 purchaser or prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION FILED AUGUST 30, 1983 AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF NOVEMBER 8, 1983. 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. AKULE-AU CONDOMINIUM is a fee simple residential condominium project consisting of two residential dwelling units completed in 1976. The project involves the conversion of the two jointly owned dwelling units into condominium dwelling units to be separately owned and occupied by the present joint owners. Each condominium unit will consist of a detached, existing one story building. Each unit will have an exclusive carport with exclusive rights of egress and ingress. NOTE: SALE OF THE UNITS TO A THIRD PARTY IS NOT INVOLVED NOR CONTEMPLATED.

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. Advertising matter has not been filed pursuant to the rules and regulations promulgated by the Commission since no sale to a third party is involved.

4. The basic condominium documents, Declaration of Horizontal Property Regime, By-laws of the Association of Unit Owners of AKULE-AU CONDOMINIUM and a copy of the Floor Plans, have been recorded in the Bureau of Conveyances in Book 17373, Page 370 and Book 17373, Page 395, respectively. The Floor Plans have been designated Condominium Map No. 885.

5. There is no purchaser or prospective purchaser to be advised of the provisions of the Horizontal Property Act, Chapter 514A of the Hawaii Revised Statutes, as amended, and the Condominium Rules and Regulations which relate to horizontal property regimes.

6. This Final Public Report automatically expires thirteen (13) months after the date of issuance, November 14, 1983, unless the Commission, upon review of the registration, issues an order extending the period of this report.

7. This Final Public Report (white paper stock) is made a part of AKULE-AU CONDOMINIUM project. The attached Disclosure Abstract is also made a part of this Report.

THE DEVELOPERS HAVE FILED WITH THE COMMISSION A NOTARIZED AFFIDAVIT DATED SEPTEMBER 6, 1983 STATING THEY INTEND TO USE THE PROPERTY EXCLUSIVELY FOR THEIR RESIDENCE AND THAT THEY HAVE NO INTENTION OF SELLING THE WHOLE OR PART OF THE PROPERTY. ON THIS BASIS, THE COMMISSION HAS WAIVED THE PUBLICATION OF ANNOUNCEMENT REQUIRED UNDER CHAPTER 514A-102.

NAME OF PROJECT: AKULE-AU CONDOMINIUM

LOCATION: 68-092 Akule Street, Waialua, Hawaii, with 12,157 square feet of fee simple land committed to the Horizontal Property Regime.

TAX MAP KEY: FIRST DIVISION: 6-8-11:8

ZONING: Apartment A-2

DEVELOPER: ERLINDA VERONICA FRANCISCO and VIRGILIO FRANCISCO, husband and wife, whose residence and post office address is 68-092 Akule Street, Waialua, Hawaii 96791; and LUCILLE GERALDINE ENRIQUES, wife of Vernon L. Enriques, whose residence and post office address is [REDACTED]

ATTORNEY REPRESENTING DEVELOPER: Yoshiro Nakamura, 710 Olive Avenue, Wahiawa, HI 96786. Phone: 621-7822.

DESCRIPTION OF THE PROJECT: The Declaration of Horizontal Property Regime and plans submitted by the Developer indicate a fee simple residential condominium project of two jointly owned residential units presently occupied by the joint owners.

The project consists of two residential dwelling units, each an existing single story, detached building completed in 1976. Surrounding the parcel is a hollow block fence together with a chain link gate fronting the carport of each dwelling unit. Each residential unit will be separately conveyed as a condominium unit to the present occupant. The two residential units have been constructed according to floor plans drawn for each unit.

1. Dwelling Units:

(a) The dwelling units are spaces within the perimeter walls, floors and ceilings of each of the two (2) dwelling units of the project. Each unit is a detached, single story building constructed principally of wood, reinforced concrete, glass, and allied building materials. The buildings have no basement. The spaces, as above described, together with appurtenant driveway and cesspool are referred to hereby as "dwelling unit" and are designated on the Condominium Map.

(b) Both of the dwelling units are identical, and are constructed according to a single floor plan except that the floor plan of each unit is a reverse of the other. Each dwelling unit consists of eight rooms: a living room, a dining room, a kitchen, three bedrooms, two bathrooms. Each dwelling unit contains 1136 square feet of living area. Additionally, attached to each dwelling unit and a part thereof for purposes of description and division of the property is a covered carport with an area of 400 square feet. Should the descriptions and divisions set forth in the Declaration conflict with the descriptions and divisions shown on the Condominium Map, the Condominium Map shall control; and provided, further, that the Condominium Map is intended to show only the layout, location, unit number and dimensions of the units and elevations and is not intended and shall not be deemed to contain or make any other representation or warranty.

(c) The dwelling units are designated 77-A and 77-B in the manner shown on the Condominium Map. Each dwelling unit, including the carport, is identical to the other except as follows:

(i) Floor plan of each unit is a reverse of the other.

(ii) Attached to Unit 77-A only is a concrete patio with an overhead roof, area 208 square feet.

(d) The perimeter wall of the respective units shall be the exterior face of the perimeter walls which are not party walls (whether or not load-bearing); the exterior face of any glass windows, doors, panels or railings along the perimeter; and the inner decorated or finished surfaces of the perimeter floors and ceilings. The gross floor area of each unit is calculated based on the perimeter, as thus established. The gross floor area does not include the appurtenant patio and carport areas.

COMMON ELEMENTS: One freehold estate is designated in all of the remaining portions of the project called "common elements", including specifically but not limited to:

- (a) Said land in fee simple;
- (b) All grounds and landscaping not otherwise designated limited common elements;
- (c) All pipes, cables, conduits, ducts, electrical equipment, wiring and other central and appurtenant transmission facilities and installations over, under and across the project which serve more than one apartment for services such as power, light, gas, water, sewer, telephone and television signal distribution, if any;
- (d) Any and all other apparatus and installations of common use and all other parts of the property necessary or convenient to its experience, maintenance and safety, or normally in common use.

LIMITED COMMON ELEMENTS: Certain parts of the common elements called the "limited common elements", are designated and set aside for the exclusive use of each dwelling unit, and such dwelling unit shall have appurtenant thereto easements for the use of such limited common elements as follows:

- (a) The concrete driveway leading to the appurtenant carport of each dwelling unit from a public roadway shall be appurtenant to and for the exclusive use of each dwelling unit.
- (b) A cesspool connected to each dwelling unit and its connecting pipe shall be appurtenant to and for the exclusive use of such dwelling unit, being designated on said Condominium Map as follows:

Cesspool #1 - appurtenant to Unit 77-A

Cesspool #2 - appurtenant to Unit 77-B.

The owner of the dwelling unit to which a cesspool is appurtenant to shall be exclusively liable for the maintenance and repairs of such cesspool, including all costs, charges and expenses of maintaining and repairing same.

INTEREST TO BE CONVEYED TO JOINT OWNERS: Each joint owner will secure a condominium deed conveying fee simple interest as follows:

Unit 77-A = Lucille Geraldine Enriques, wife of Vernon L. Enriques

Unit 77-B = Virgilio Francisco and Erlinda Veronica Francisco

together with an undivided fifty percent interest in the common elements of the project and the same proportionate share in all common profits and expenses of the property and for all other purposes, including voting.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The Declaration

provides that the dwelling units 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 purposes. The owners of the respective dwelling units shall have the absolute right to lease the same subject to the limitations, restrictions, covenants and conditions of the Declaration.

OWNERSHIP OF TITLE: A Preliminary Title Report, dated August 2, 1983, issued by Long & Melone, Ltd. and updated by the latter on October 11, 1983 represents that the fee simple title to the property submitted to the regime is vested as Tenants In Common in the following named persons:

Virgilio Francisco and Erlinda Veronica Francisco,  
husband and wife - undivided one half interest

Lucille Geraldine Enriques, wife of Vernon L.  
Enriques - undivided one half interest

ENCUMBRANCES AGAINST TITLE: Said Preliminary Title Report as updated states that the following are encumbrances against title to the property:

1. Real property taxes as may be due and owing. For further information, check with the Office of the Tax Assessor.
2. Title to all minerals and metallic mines reserved to the State of Hawaii.
3. Covenants, conditions, restrictions, reservations, agreements, obligations and other provisions set forth in a Declaratory Instrument,  
Dated: August 2, 1963  
Recorded: Bureau of Conveyances in Honolulu in Liber 4568,  
Page 346
4. That certain first mortgage made in favor of Territorial Savings and Loan Association dated September 7, 1976, recorded in the Bureau of Conveyances in Honolulu in Liber 11664, Page 579.
5. That certain second mortgage made in favor of CIT Financial Services Corporation, a Delaware corporation, dated March 4, 1983, recorded in the Bureau of Conveyances in Honolulu in Liber 16896, Page 320.
6. Declaration of Horizontal Property Regime, Bylaws and Condominium Map as described on page 2 of this report.

PURCHASE MONEY HANDLING: Since no sale is involved in this case, there is no Escrow Agreement or Sales Contract.

MANAGEMENT AND OPERATION: The Declaration provides that the operation of the project shall be conducted for the Association of Unit Owners by a managing agent duly appointed by the Association in accordance with the Bylaws. Erlinda Veronica Francisco, one of the owners and developers, shall be the initial managing agent.

STATUS OF PROJECT: No new construction is involved. The buildings in the project were constructed in 1976. By letter dated August

24, 1983, the City's Director of Buildings confirmed that the dwellings met all code requirements at the time of construction and that no variances or special permits were granted.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1565 filed with the Commission on August 30, 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  
DEPARTMENT OF LAND UTILIZATION,  
CITY AND COUNTY OF HONOLULU  
FEDERAL HOUSING ADMINISTRATION

REGISTRATION NO. 1565

November 14, 1983

AKULE-AU CONDOMINIUM

DISCLOSURE ABSTRACT

NAME OF PROJECT: AKULE-AU CONDOMINIUM  
68-092 Akule Street  
Waialua, Hawaii 96791

DEVELOPER: ERLINDA VERONICA FRANCISCO and  
VIRGILIO FRANCISCO  
[REDACTED]

LUCILLE GERALDINE ENRIQUES  
[REDACTED]

MANAGING AGENT: ERLINDA VERONICA FRANCISCO  
[REDACTED]

RESIDENTIAL USE: Both units are to be used  
exclusively for residential  
dwelling by present owners.  
No sale involved.

WARRANTIES:

This project involves conversion of a jointly owned property consisting of two separate dwelling units. The purpose of this project is to create two condominium dwelling units to be used exclusively as a residence by each of the present joint owners and to permit the owner of each dwelling unit to have separate ownership and to obtain separate mortgage financing. Accordingly, the joint owners will sever the joint ownership and transfer to each joint owner a separate condominium estate.

The Developer makes no warranties to the owner-transferee regarding the unit, the common elements or household appliances, if any. The execution, delivery and recordation of the Condominium Deed shall constitute the assignment by the Owner-Developer of any and all warranties, if any. Unit owner acknowledges that the Developer has made no warranties, express or implied, with respect to the property or any common element or anything installed therein.

MAINTENANCE FEES:

The Developer hereby certifies that the attached Distribution of Operating Expenses and Budget Work Sheet are based on generally accepted accounting principles. However, the Developer advises that costs and expenses of maintenance and operation of a condominium project are difficult to estimate

initially and even if such maintenance fees have been accurately estimated, such fees will tend to increase in an inflationary economy and as the improvements age. Maintenance fees can vary depending on services desired by unit owners. The owners should check the attached Distribution of Operating Expenses and Budget Work Sheet to see what services are included therein.

MANAGEMENT AGENT:

The initial management agent contract between the Association of Unit Owners and ERLINDA VERONICA FRANCISCO, one of the developers of this project, shall be limited to a term of one year, subject to cancellation and termination thereof on not more than sixty day written notice by either party.

DATED: August 17, 1983.

AKULE-AU CONDOMINIUM  
68-092 Akule Street  
Waialua, Hawaii 96791

Virgilio Francisco  
VIGILIO FRANCISCO

Brenda Veronica Francisco  
ERLINDA VERONICA FRANCISCO

Lucille Geraldine Enriquez  
LUCILLE GERALDINE ENRIQUEZ

ASSOCIATION OF UNIT OWNERS

AKULE-AU CONDOMINIUM

BUDGET WORK SHEET

2 Units

ESTIMATED RECEIPT

|                         | <u>Monthly</u>  | <u>Annual</u>     |
|-------------------------|-----------------|-------------------|
| Maintenance Fees        | <u>\$140.00</u> | <u>\$1,680.00</u> |
| TOTAL ESTIMATED RECEIPT | <u>\$140.00</u> | <u>\$1,680.00</u> |

ESTIMATED DISBURSEMENTS

|  |                 |                   |
|--|-----------------|-------------------|
| Fire and liability insurance of<br>units and common elements | \$100.00        | \$1,200.00        |
| Bonding Fee for Management Agent                             | 20.00           | 240.00            |
| Grounds Maintenance  | 10.00           | 120.00            |
| Miscellaneous  | <u>10.00</u>    | <u>120.00</u>     |
| TOTAL ESTIMATED DISBURSEMENTS                                | <u>\$140.00</u> | <u>\$1,680.00</u> |

