

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

KAWILI REGENCY
34 E. Kawili Street
Hilo, Hawaii

REGISTRATION NO. 1598 (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: May 16, 1984
Expires: June 16, 1985

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 SUBMITTED APRIL 13, 1984 AND INFORMATION SUBSEQUENTLY SUBMITTED AS OF MAY 11, 1984. THE DEVELOPER, IN 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. KAWILI REGENCY is a fee simple condominium project, consisting of twenty (20) apartment units contained in four (4) buildings of two stories each without basements, all of which were constructed in 1981. There are a total of forty (40) parking stalls which are assigned two (2) to each apartment per Exhibit "A" attached hereto.

2. The Developer of the project has filed all documents and materials deemed necessary by the Commission for the registration of this project as a condominium and issuance of the Final Public Report.
3. The basic documents (Declaration of Horizontal Property Regime, Bylaws of the Association of Apartment Owners, and a copy of the Approved Floor Plans) have been recorded in the Bureau of Conveyances of the State of Hawaii. These basic documents may be amended from time to time. The Declaration of Horizontal Property Regime executed on September 2, 1983 and the Bylaws of the Association, executed on March 9, 1984 were recorded in the Bureau of Conveyances in Liber 17725 at Page 391 and Liber 17725 at Page 420, respectively. The Approved Floor Plans (Condominium File Plan) showing the layout, location, apartment numbers, etc., have been designated No. 895 by the Bureau of Conveyances.
4. Advertising and promotional matters will be submitted pursuant to the rules and regulations promulgated by the Commission before their use.
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 KAWILI REGENCY. 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 obtaining a receipt therefor.
7. This Final Public Report automatically expires thirteen (13) months after date of issuance, May 16, 1984, unless a Supplementary Public Report issues, or the Commission upon review of registration, issues an order extending the effective period of this report.

NAME OF PROJECT: KAWILI REGENCY

LOCATION: The site comprising approximately 2.0 acres is located at 34 E. Kawili Street, Hilo, Hawaii.

TAX MAP KEY: 2-2-38:12 (Third Division)

ZONING: RM-4

DEVELOPER: Kawili Regency, Inc., a Hawaii corporation, 947 Pukana Street, Hilo, Hawaii 96720, Raymond M. Kobayashi, Jr., President/Treasurer and Gloria R. Kobayashi, Vice President/Secretary, both of 947 Pukana Street, Hilo, Hawaii 96720, Telephone: 959-4060.

ATTORNEY REPRESENTING DEVELOPER: Kazuhisa Abe, 1001 Bishop Street, Suite 1008, Honolulu, Hawaii 96813, Telephone: (808) 524-4925.

DESCRIPTION:

1. Building Description: The project consists of four (4) existing buildings of two (2) stories without basement. The buildings are constructed with a concrete slab on grade as the first floor and built principally of wood, gypsum board and related building material.
2. Apartment Designation and Location: The twenty (20) separate condominium apartments are located in four (4) buildings of two (2) stories each on the property. The apartments are numbered 1 through 20, respectively, beginning with the apartment closest to the northeast corner of the property being numbered one (1) and proceeding sequentially counterclockwise around the property ending with the apartment nearest to the northwest corner being numbered twenty (20). The buildings (beginning again at the northeast corner and proceeding counterclockwise) contain six (6), four (4), four (4) and six (6) apartment units, respectively.

Each apartment has immediate access to its entries, the parking areas of the project and to the public street.

3. Description of Apartments: Each apartment is a two-story unit consisting of an entry, kitchen, dining room, living room, one full bathroom and patio on the ground floor and three bedrooms, one full bathroom and two lanai's on the second floor. The approximate net living area is 1,216 square feet plus approximately 93 square feet of patio area and 208 square feet of balcony space.

The apartments consist of the spaces within the perimeter and party walls, floors and ceilings of each of the units. Each apartment shall also be deemed to include all the walls and partitions that are not load bearing within its perimeter or party walls, doors and door frames, windows, lanai air space (if any), the inner decorated or finished surfaces of all walls, floors, ceilings, and all fixtures originally installed within. The apartments shall not include unfinished perimeter or party walls, interior load bearing walls, wires, conduits or utility lines serving more than one apartment.

The odd numbered apartments have the entry to the left of the unit and the even numbered apartments are mirror images.

COMMON ELEMENTS: The remaining portions of the project are designated "common elements". The common elements shall include but not be limited to:

- a. The land on which the project is located;
- b. All foundations, floor slabs, columns, girders, beams, supports, unfinished perimeter, party and load-bearing walls, roofs, entries, stairways, utility areas, walkways, entrances and exits of said building;
- c. All yards, grounds and landscaping;
- d. All parking areas;

- e. All pipes, cables, conduits, ducts, electrical equipment, wiring and other central 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.
- 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: Certain parts of the common elements, herein called the "limited common elements", are designated and set aside for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto easements for the use of such limited common elements as follows:

- a. Parking Stalls. Each apartment shall be assigned two (2) parking stalls which shall be numbered with the apartment number and the letters A and B, respectively. The location of each numbered stall is as shown on the Condominium Map.
- b. Mail Boxes. Each apartment shall have appurtenant to it the exclusive right to use a mail box in the mail facilities located as shown on the Condominium File Plan.

INTEREST TO BE CONVEYED TO PURCHASER: An interest in each apartment will be conveyed to each purchaser under an apartment deed from the developer. Each apartment shall have appurtenant thereto an undivided five percent (5%) interest in all the common elements of the project and the same proportionate share in the common expenses of the project and for all other purposes, including voting.

PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE: The Declaration and Bylaws of the Association of Apartment Owners reflect that the apartments shall be occupied and used for residential purposes only. Apartment owners have the absolute right to rent or lease their apartments, subject to the Declaration, the Bylaws and the House Rules, provided, however, that no apartment shall be rented for hotel operations which are defined as (a) rental for a period of less than thirty (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, provided, further, that no apartment owner may lease less than the entire apartment.

OWNERSHIP OF TITLE: A commitment for Title Insurance issued by First American Title Insurance Company and dated March 28, 1984 identifies the developer as the fee owner of the property.

ENCUMBRANCES AGAINST TITLE: Said title commitment identifies the following encumbrances against the property:

- 1. Any taxes or assessments that may be due and owing. Reference is hereby made to the Office of the Tax Assessor of the Third Division, County of Hawaii.

2. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
3. Mortgage in favor of State Savings & Loan recorded at the Bureau of Conveyances in Liber 15836, Page 267.
4. Loan modification agreement with State Savings, recorded at said Bureau in Liber 17598, Page 346.
5. Assignment of rents to State Savings as recorded in Liber 17202, Page 43.
6. Condominium Declaration and Bylaws as mentioned in Page 2 of this Public Report.

NOTE: Upon initial conveyance of each apartment, all liens thereon must first be discharged by seller.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated February 13, 1984, identifies First American Title, a Hawaii corporation, as Escrow Agent. On examination the specimen Deposit Receipt and Sales Contract and the executed Escrow Agreement are found to be in compliance with Hawaii Revised Statutes, Section 514A-37, Section 514A-39 and Section 514A-63 through Section 514A-66. A prospective purchaser should carefully examine the form of Sales Contract and the Escrow Agreement to determine the time for and the amount of the installment payments on the purchase price and his obligations to pay the closing costs. It is incumbent upon the purchaser to read and understand the Escrow Agreement before signing the Sales Contract since the Escrow Agreement prescribes the procedure for receiving and disbursing the purchaser's down payments and the Sales Contract provides that the purchaser approves the Escrow Agreement. Among other provisions the executed Escrow Agreement states that no money received by the Escrow Agent shall be disbursed until the Seller has a valid and binding contract for the sale of the unit for which money was received and the requirements of Sections 514A-39, 514A-63, 514A-64 and 514A-66 have been met, all as provided in Section 514A-65, Hawaii Revised Statutes.

MANAGEMENT OF THE PROJECT: The Declaration of Horizontal Property Regime provides that the operation of the property shall be conducted by a reasonable corporate entity as managing agent. By virtue of a Management Agreement dated March 20, 1984, the initial managing agent shall be Management Realty, Inc., a Hawaii corporation, 161 Banyan Drive, Suite 101, Hilo, Hawaii 96720.

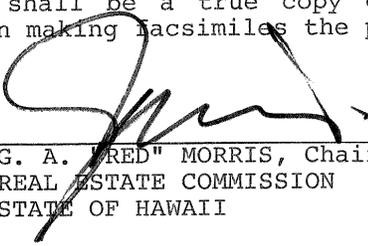
STATUS OF PROJECT: The project involves the conversion of existing apartment buildings originally constructed in 1981 and used for rental purposes.

A statement from the County of Hawaii, Planning Department, dated July 14, 1983, a copy of which has been filed with the Real Estate Commission and which is also attached to the Disclosure Abstract, confirms that the buildings met the building code requirements at the time of construction and that no variances were applied for. The letter does not indicate that there are any outstanding notices of uncured violations of the building code.

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 April 13, 1984 and information subsequently filed as of May 11, 1984.

This FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1598 filed with the Commission on April 13, 1984.

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

Distribution:

DEPARTMENT OF FINANCE, COUNTY OF HAWAII
BUREAU OF CONVEYANCES
PLANNING DEPARTMENT, COUNTY OF HAWAII
FEDERAL HOUSING ADMINISTRATION
ESCROW AGENT

REGISTRATION NO. 1598

May 16, 1984

EXHIBIT "A"

<u>APT. NO.</u>	<u>PARKING SPACE</u>
1	1a & 1b
2	2a & 2b
3	3a & 3b
4	4a & 4b
5	5a & 5b
6	6a & 6b
7	7a & 7b
8	8a & 8b
9	9a & 9b
10	10a & 10b
11	11a & 11b
12	12a & 12b
13	13a & 13b
14	14a & 14b
15	15a & 15b
16	16a & 16b
17	17a & 17b
18	18a & 18b
19	19a & 19b
20	20a & 20b

END OF EXHIBIT "A"