

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF COMMERCE & CONSUMER AFFAIRS

STATE OF HAWAII

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SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

WAIPAHU KNOLLS I
Waipahu, Oahu, Hawaii

Registration No. 1611

This Report Is Not an Approval or Disapproval of This Condominium Project

It was prepared as a supplement to an earlier Report dated August 15, 1984 and December 7, 1984, issued by the Real Estate Commission on the above 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: March 11, 1985
Expires: January 7, 1986

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 CONTAINED IN THAT CERTAIN AMENDED DECLARATION OF HORIZONTAL PROPERTY REGIME FILED IN CONNECTION WITH THE ABOVE-REFERENCED CONDOMINIUM PROJECT. SAID AMENDED DECLARATION CORRECTS CERTAIN INFORMATION CONTAINED IN THE ORIGINAL DECLARATION OF HORIZONTAL PROPERTY REGIME FOR SAID PROJECT. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. Since the issuance of the Commission's Preliminary Public Report dated August 15, 1984 and Final Report dated December 7, 1984 on WAIPAHU KNOLLS I, Registration No. 1611, the Developer reports that material changes have been made in the Project.

2. The Developer has submitted to the Commission for examination all documents deemed necessary for the registration of the Condominium Project and the issuance of this Supplementary Public Report.
3. An Amended Declaration of Horizontal Property Regime, with By-Laws attached, has been recorded in the Bureau of Conveyances of the State of Hawaii on February 20, 1985, in Liber 18461, at Page 35.

Condominium File Plan 926 which depicts the project has been amended pursuant to amended Condominium File Plan 926 recorded in the Bureau of Conveyances on February 20, 1985. Amended Condominium File Plan No. 926 shows, inter alia, certain unrecorded drainage, sewer and drainage/sideyard easements and the location of electrical transformers, switching boxes and related items which affect the property.

4. No advertising or promotional matter has been submitted pursuant to the Rules and Regulations promulgated by the Commission.
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 Supplementary Public Report amends the Final Public Report and is made a part of the registration on WAIPAHU KNOLLS I. The Developer has the responsibility for placing a true copy of this Supplementary Public Report (pink paper stock), together with the Preliminary Public Report (Yellow paper stock), the Final Public Report (white paper stock) and Disclosure Abstract in the hands of all purchasers and prospective purchasers and obtaining a signed receipt therefor.
7. This Supplementary Public Report automatically expires January 7, 1986 unless the Commission upon review of the registration, issues an order extending the effective period of this Report.

Only those sections of the Final Public Report issued on the Waipahu Knolls I Condominium Project that are referred to hereunder are affected by this Supplementary Public Report. These amended sections are to be considered a complete and total replacement of the like-named sections of said previously issued Final Public Report. The topical hearing **LIMITED COMMON ELEMENTS** in the Preliminary Public Report has been amended in its entirety as stated below.

LIMITED COMMON ELEMENTS: Certain parts of the common elements, herein called and designated the "limited common elements", are hereby set aside and reserved for the exclusive use of certain apartments, and such apartment 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 apartment shall have for its exclusive use the mailbox bearing the same designation as such apartment;
2. Each apartment shall have for its exclusive use and enjoyment the limited common element which adjoins it, as more particularly shown on said amended Condominium File Plan by the solid line surrounding each apartment;

There are, however, certain exceptions to the above general rule because of a governmental requirement that surface water from one apartment's limited common element may not run onto another apartment's limited common element, therefore:

- (a) The owner of apartment 14 will allow the use of a portion of his limited common element (being that area marked as Easement C on said amended Condominium File Plan) to the owner of apartment 15 for drainage purposes; provided, however, that the owner of apartment 14 has the right of access upon said easement area for purposes of maintaining or repairing his apartment, and the owner of apartment 15 will not interfere with such reasonable access by the owner of apartment 14;
- (b) The owner of apartment 25 will allow the use of a portion of his limited common element (being that area marked as Easement G on said amended Condominium File Plan) to the owner of apartment 24 for drainage purposes; provided, however, that the owner of apartment 25 has the right of access upon said easement area for purposes of maintaining or repairing his apartment, and the owner of apartment 24 will not interfere with such reasonable access by the owner of apartment 25;
- (c) The owner of apartment 27 will allow the use of a portion of his limited common element (being that area marked as Easement H on said amended Condominium File Plan) to the owner of apartment 26 for drainage purposes; provided, however, that the owner of apartment 27 has the right of access upon said easement area for purposes of maintaining or repairing his apartment, and the owner of apartment 26 will not interfere with such reasonable access by the owner of apartment 27;
- (d) The owner of apartment 28 will allow the use of a portion of his limited common element (being that area marked as Easement J on said amended Condominium File Plan) to the owner of apartment 27 for drainage purposes; provided, however, that the owner of apartment 28 has the right of access upon said easement area for purposes of maintaining or repairing his apartment, and the owner of apartment 27 will not interfere with such reasonable access by the owner of apartment 28;
- (e) The owner of apartment 29 will allow the use of a portion of his limited common element (being that area

marked as Easement K on said amended Condominium File Plan) to the owner of apartment 28 for drainage purposes; provided, however, that the owner of apartment 29 has the right of access upon said easement area for purposes of maintaining or repairing his apartment, and the owner of apartment 28 will not interfere with such reasonable access by the owner of apartment 29;

- (f) The owner of apartment 30 will allow the use of a portion of his limited common element (being that area marked as Easement L on said amended Condominium File Plan) to the owner of apartment 29 for drainage purposes; provided, however, that the owner of apartment 30 has the right of access upon said easement area for purposes of maintaining or repairing his apartment, and the owner of apartment 29 will not interfere with such reasonable access by the owner of apartment 30;
- (g) The owner of apartment 31 will allow the use of a portion of his limited common element (being that area marked as Easement M on said amended Condominium File Plan) to the owner of apartment 30 for drainage purposes; provided, however, that the owner of apartment 31 has the right of access upon said easement area for purposes of maintaining or repairing his apartment, and the owner of apartment 30 will not interfere with such reasonable access by the owner of apartment 31;
- (h) The owner of apartment 33 will allow the use of a portion of his limited common element (being that area marked as Easement N on said amended Condominium File Plan) to the owner of apartment 32 for drainage purposes; provided, however, that the owner of apartment 33 has the right of access upon said easement area for purposes of maintaining or repairing his apartment, and the owner of apartment 32 will not interfere with such reasonable access by the owner of apartment 33.

3. Those apartments which have as a part of their limited common elements those certain sewer easements, designated as Easements A, B, D and E on said amended Condominium File Plan No. 926, and those apartments which have been granted the use of a portion of the adjoining apartment owner's limited common element, designated as Sideyard/Drainage Easements C, G, H, J, K, L, M and N on said amended Condominium File Plan No. 926 shall be responsible for the maintenance of said sewer and said sideyard/drainage easements and may not:

- (a) Suffer or permit any waste upon the sewer or drainage easement;
- (b) Maintain any landscaping or undertake any grading that would tend to prevent proper drainage over the drainage easement, or to promote soil erosion;

- (c) Place or permit the accumulation of any soil or fill material against any wall fence or other structure between the neighboring apartments to a height which exceeds original building permit specifications with regard to grade, or that might impede the proper drainage of water over the drainage easement;
- (d) Permit any trees, shrubbery or other vegetation to grow on the drainage easement which would tend to cause damage to or interfere with the maintenance or repair of the sewer or drainage easement;
- (e) Deposit, store or keep any trash, waste or rubbish or containers or receptacles on any portion of the sewer or drainage easement;
- (f) Construct, erect or install any structure upon, across, over, under or within the sewer or drainage easement or undertake any grading or fill or any other activity upon the drainage easement which would impede the proper flow of water over the easement or which is in violation of applicable governmental statute, ordinance, rule or regulation;
- (g) Take any action or cause any alteration of the sewer or drainage easement which results in impeding the flow of water from adjoining area to flow freely to and along the drainage easement or interfere with the normal flow of sewage along said sewer easement;
- (h) Undertake any use of or affix any object to any wall, fence or other structure on the adjoining apartment's limited common element which abuts or adjoins the drainage/sideyard easement;
- (i) Cause or permit any offensive contact (including, without limitation thereto, any pounding or bouncing of objects) with any wall, fence or other structure on the adjoining apartment's limited common element which abuts or adjoins the drainage/sideyard easements;
- (j) Suffer or permit upon the drainage/sideyard easement any activity by household members, guests, pets, other animals or other persons which tends to cause harm or damage to, or undermine support for any wall, fence or other structure on the adjoining apartment's limited common element which abuts or adjoins the drainage/sideyard easement.

4. The driveways which service each apartment.

INTEREST TO BE CONVEYED TO PURCHASER

The original Exhibit "A" attached to the Preliminary Report and amended in the Final Report has been replaced by the version attached hereto. Prospective purchasers should note that the percent of common interest is now based upon the total living area of each apartment.

Further, the Developer is conveying four (4) easements over and

upon Lot 3-A, as shown on Amended Condominium File Plan 926 for drainage and sewer to the ASSOCIATION OF APARTMENT OWNERS OF WAIPAHU KNOLLS I. These easements will be enforceable until such time as said easement areas are dedicated and conveyed to the City and County of Honolulu, the State of Hawaii, or other responsible governmental authority, at which time the grant to the Association herein shall cease and be of no further force and effect.

ENCUMBRANCES AGAINST TITLE: The updated title report dated February 26, 1985, issued by Title Guaranty of Hawaii, Inc., reflects that the land is subject to the following additional encumbrances:

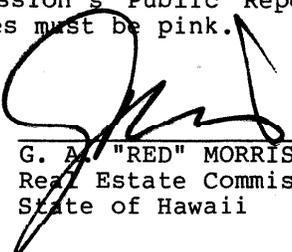
N. Grant of easement in favor of Hawaiian Electric Company dated February 19, 1985, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 18460, at Page 787, granting a perpetual right and easement to build, construct, maintain and operate electrical cables and appurtenances, etc., as may be necessary for the transmission of electric to the individual apartment units. Said grant of easement includes, but is not limited to, the right to place and maintain transformer and switching boxes as more particularly set forth on amended Condominium File Plan No. 926.

O. Provisions set forth in Declaration of Horizontal Property Regime dated October 4, 1984, recorded in said Bureau of Conveyances in Liber 18198, at Page 2. (Project covered by Condominium Map No. 926.) Said Declaration amended by instrument dated February 19, 1985, recorded in said Bureau of Conveyances in Liber 18461, at Page 35.

P. By-Laws of the Association of Apartment Owners of the condominium project known as "WAIPAHU KNOLLS I" dated October 4, 1984, recorded in said Bureau of Conveyances in Liber 18198, at Page 36.

The purchaser or prospective purchaser should be cognizant of the fact that this Supplementary Public Report represents information disclosed in the required Notice of Intention submitted June 18, 1984 and information subsequently filed as of March 5, 1985.

This SUPPLEMENTAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of Registration No. 1592 filed with the Commission on June 18, 1984. This report when reproduced shall be a true copy of the Commission's Public Report. The paper stock used in making fascimilies must be pink.



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

REGISTRATION NO. 1617
MARCH 11, 1985

EXHIBIT "A"

<u>Apt. #</u>	<u>Dwelling Unit Model #</u>	<u>Living Space of Model (Sq. Ft.)</u>	<u>Garage (Sq. Ft.)</u>	<u>% Common Interest</u>
1	1200	1200	400	.034483
2	1200	1200	400	.034483
3	1200	1200	400	.034483
4	1200	1200	400	.034483
5	1200	1200	400	.034483
6	1000	1000	400	.028736
7	1000	1000	400	.028736
8	1200	1200	400	.034483
9	800	800	400	.022987
10	800	800	400	.022987
11	1200	1200	400	.034483
12	1000	1000	400	.028736
13	800	800	400	.022987
14	1000	1000	400	.028736
15	1000	1000	400	.028736
16	1000	1000	400	.028736
17	1200	1200	400	.034483
18	800	800	400	.022987
19	800	800	400	.022987
20	1200	1200	400	.034483
21	1200	1200	400	.034483
22	1000	1000	400	.028736
23	1000	1000	400	.028736
24	1000	1000	400	.028736
25	1000	1000	400	.028736
26	1200	1200	400	.034483
27	1200	1200	400	.034483
28	1000	1000	400	.028736
29	1000	1000	400	.028736
30	1000	1000	400	.028736
31	1000	1000	400	.028736
32	1200	1200	400	.034483
33	1200	1200	400	.034483

END OF EXHIBIT "A"