

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

47-664 MELEKULA ROAD

47-664 Melekula Road

Kaneohe, Hawaii 96744

Registration No. 1614 (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: August 13, 1984
Expires: September 13, 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 FILED JUNE 22, 1984 AND ADDITIONAL INFORMATION SUBSEQUENTLY SUBMITTED AS OF AUGUST 8, 1984. THE DEVELOPER IS NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. 47-664 MELEKULA ROAD Condominium Project is a three-unit, fee simple condominium conversion project consisting of three apartments contained in three separate structures.
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, the Declaration of Horizontal Property Regime, with By-Laws attached, have been filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 1246340 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 18007 at Page 528. The Approved Floor Plans showing the layout, location, dwelling numbers, etc., have been designated as Condominium File Plan Nos. 520 (Land Court) and 912 (Regular System).
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 Final Public Report is made part of the registration of the 47-664 MELEKULA ROAD Condominium Project. The Developer has the responsibility of placing a true copy of this 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 Final Public Report automatically expires thirteen (13) months after the date of issuance, August 13, 1984, 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: 47-664 MELEKULA ROAD

LOCATION: The site, consisting of approximately 32,181 square feet, is located at 47-664 Melekula Road, Kaneohe, Hawaii.

TAX MAP KEY: First Division: 4-7-46-18

ZONING: R-3 (Residential)

DEVELOPER: Stanley Pok Joon Shin, Edwin Kenichi Tagawa, June Noriko Tagawa.
Address: 98-1693 Piki Street, Aiea, Hawaii 96701. Phone: 488-8073.

ATTORNEY REPRESENTING DEVELOPER: Roger V. Meeker, 250 South Hotel Street,
Courtyard Suite, 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 32,181 square foot parcel of land together with the existing improvements thereon, containing a total of three (3) apartments, designated as "Apartment A", "Apartment B", and "Apartment C".

Each apartment consists of a separate single-story wood-frame structure, without basement, containing three bedrooms, one bath, living room, dining room and kitchen — all containing an interior living area of approximately 836 square feet and a garage/ carport of approximately 220 square feet.

The respective apartments shall not be deemed to include any pipes, wires, conduits or other utility lines running over, under or through such apartment 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 common areas.

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

- (1) The land in fee simple;
- (2) The common driveway as so designated on said Condominium Map;
- (3) All ducts, electrical equipment, wiring and other central and appurtenant installations for common services, if any, including power, light, water, sewage, irrigation and telephone;
- (4) 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 the immediate land and yard area upon and around which each apartment is located. Said land and yard areas are hereby deemed limited common elements appurtenant to and for the exclusive use of each respective apartment.

INTEREST TO BE CONVEYED TO PURCHASER: 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 as the "common interest":

Apartment A	-----	33-1/3 percent
Apartment B	-----	33-1/3 percent
Apartment C	-----	33-1/3 percent

EASEMENTS: In addition to the exclusive easements established in the limited common elements, each apartment shall have appurtenant thereto non-exclusive easements in the common elements designed for such purposes of ingress to, egress from, utility services for, and support, maintenance and repair of such apartment, and in the other common elements of the Project for use according to their respective purposes. In addition, each apartment shall have appurtenant thereto easements in the other apartment(s) for the purposes of utility services for, and the maintenance and repair of said utility services, including electricity, gas, water, sewage, and telephone.

PURPOSES 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. The apartment owners shall have the absolute right to lease or rent their apartments subject to the limitations, restrictions, covenants and conditions contained in the Declaration and By-Laws of the Association of Apartment Owners. Subject also to said Declaration and By-Laws, maximum allowance and freedom shall be given so as to accommodate the individual apartment owner's artistic, creative, and life-style requirements.

OWNERSHIP OF TITLE: The Policy of Title Insurance dated May 14, 1984, issued by Stewart Title Guaranty Company, indicates that fee simple title to the property is vested in Stanley Pok Joon Shin, Edwin Kenichi Tagawa and June Noriko Tagawa, the Developers of the Project.

ENCUMBRANCES AGAINST TITLE: The above-mentioned Policy of Title Insurance indicates the following encumbrances:

- (1) For any taxes that may be due and owing, reference is hereby made to the Office of the Tax Assessor of the First Taxation Division.
- (2) Title to all minerals and metallic mines reserved to the State of Hawaii.
- (3) Any rights to water and irrigation ditches in favor of the Dillingham Bros., Limited, et al., as covered by Land Court Certificate of Title No. 47,043. (As to Parcel I)
- (4) Covenants, conditions, restrictions, reservations, agreements, obligations and other provisions set forth in the Deed, dated December 27, 1950, filed as Land Court Document No. 124605. (As to Parcel I)
- (5) Covenants, conditions, restrictions, reservations, agreements, obligations and other provisions set forth in the Deed, dated April 12, 1965, filed as Land Court Document No. 361817, and recorded in the Bureau of Conveyances in Liber 5048 at Page 303.
- (6) An easement for public utilities purposes in favor of Hawaiian Electric Company, Inc. and Hawaiian Telephone Company, dated July 7, 1965, filed as Land Court Document No. 368877, and recorded in the Bureau of Conveyances in Liber 5120 at Page 485.

- (7) Mortgage in favor of INTERNATIONAL SAVINGS AND LOAN ASSOCIATION, LIMITED, a Hawaii corporation, dated May 10, 1984, filed as Land Court Document No. 1235480 and recorded in the Bureau of Conveyances in Liber 17869 at Page 398. Consideration: \$160,000.00
- (8) Mortgage in favor of NOEL EMIL BREN and DONA MAE BREN, husband and wife, dated May 4, 1984, filed as Land Court Document No. 1235481 and recorded in the Bureau of Conveyances in Liber 17869 at Page 410.

PURCHASE MONEY HANDLING: A copy of the Specimen Deposit, Receipt, Offer and Acceptance and the executed Escrow Agreement dated June 15, 1984 have been submitted as part of the registration. The Escrow Agreement identifies Island Title Corporation as the Escrow. Upon examination, the Deposit, Receipt, Offer and Acceptance and the executed Escrow Agreement are found to be in compliance with Chapter 514A, Hawaii Revised Statutes, as amended. It is incumbent upon the purchaser and prospective purchaser that he reads with care the Deposit, Receipt, Offer and Acceptance and the executed Escrow Agreement.

The Escrow Agreement establishes how proceeds from the sale of apartments and all sums received from any source are placed in escrow, as well as the methods of disbursement of said funds. The Escrow Agreement provides that a Purchaser shall be entitled to a refund of his funds, and Escrow shall pay said funds to said Purchaser, without interest and less \$25.00 cancellation fee and costs, if Purchaser shall in writing request refund of his funds and Escrow receives a written request from Developer to return to Purchaser the funds of such Purchaser.

Note: The Disclosure Abstract, which as 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 ANY 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 OR ONE OR MORE OF THE DWELLINGS COMPRISING THE IMPROVEMENTS PORTION OF THE PROJECT, ANY 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 10,000 square feet of land area in an R-3 zoned land.

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.

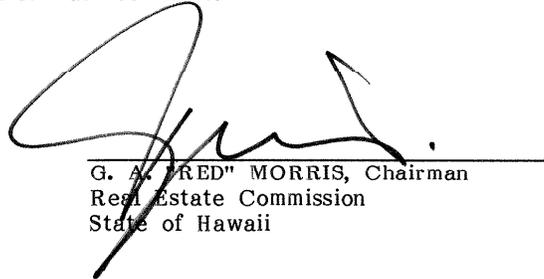
STATUS OF PROJECT: The Developer estimates that the dwellings comprising the three structures comprising the Project were constructed in 1965. The dwellings are currently used as rental units on a month-to-month basis. To the best of Developer's knowledge, information and belief, there are no outstanding

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 or regulation, or other requirement.

According to the City and County of Honolulu, the present dwellings are nonconforming uses of structures because the property does not meet the current zoning code requirement for a site development. Repairs exceeding 10% of the replacement value of the building cannot be made within any 12 consecutive months and any building demolished by any means cannot be replaced unless an existing use permit is obtained from the Department of Land Utilization prior to the demolition.

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 June 22, 1984 and information subsequently filed as of August 8, 1984.

This FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of Registration No. 1614 filed with the Commission on June 22, 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 white.



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

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

REGISTRATION NO: 1614

August 13, 1984