

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

HALEIWA HALE
66-665 Haleiwa Rd., 66-080-, 66-082, 66-084,
66-086 Wana Place and 66-078 Smiley Place
Haleiwa, Hawaii
Registration No. 1634 (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: March 14, 1986

Expires: April 14, 1987

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 purchaser or prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED SEPTEMBER 17, 1984 AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED WITH THE COMMISSION AS OF FEBRUARY 28, 1986. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT SET FORTH IN CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. Since the issuance of the Commission's Preliminary Public Report of February 6, 1985 on Haleiwa Hale, Registration No. 1634, the Developer has provided information which is deemed material.
2. The developer of the project has submitted to the Commissioner for examination all documents deemed necessary for the registration of the condominium project and the issuance of this Final Public Report.
3. The basic documents have been recorded as follows: Declaration of Horizontal Property Regime, dated February 4, 1986, filed in the Bureau of Conveyances of the State of Hawaii in Liber 19283, at Page 355; the By-Laws of the Association of Apartment Owners of Haleiwa Hale, dated September 3, 1985, filed in the Bureau of Conveyances of the State of Hawaii, in Liber 19283, at Page 377; a copy of the floor plans have been recorded as Condominium File Map No. 988 in the Bureau of Conveyances.
4. No advertising or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A, Hawaii Revised Statutes, as amended, and the rules and regulations of the Hawaii Real Estate Commission which relate to Horizontal Property Regime.
6. This Final Public Report automatically expires thirteen (13) months after the date of issuance, March 14, 1986, unless a Supplementary Public Report is published, or the Commission, upon review of the registration, issues an order extending the effective date of this report.
7. This Final Public Report is made part of the registration of Haleiwa Hale condominium project. The Developer shall be responsible for placing a true copy of the Preliminary Public Report (yellow paper stock) and this Final Public Report (white paper stock) together with Disclosure Abstract in the hands of all purchasers and prospective purchasers, and for securing a signed receipt therefor.

The information under the topical headings ATTORNEY REPRESENTING DEVELOPER, LIMITED COMMON ELEMENTS, ENCUMBRANCES AGAINST TITLE AND PURCHASE MONEY HANDLING has been updated and under STATUS OF PROJECT and PURCHASE MONEY HANDLING has been partially altered as hereinafter set forth. All other topical headings have not been disturbed.

ATTORNEY REPRESENTING DEVELOPER. The Developer's attorney is now GOODSILL, ANDERSON, QUINN & STIFEL (Peter T. Kashiwa), 1600 Bancorp Tower, Financial Plaza of the Pacific, 130 Merchant Street, Honolulu, Hawaii 96813 (Telephone No. 547-5600).

LIMITED COMMON ELEMENTS. Certain parts of the common elements, herein called the "limited common elements", are

hereby 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) All yards, grounds, landscaping, driveways, walkways, steps and other installations included within the boundary designated "Yard 1" on the Condominium File Plan, including a carport thereon of approximately 402 square feet of land, shall be appurtenant to and for the exclusive use of Apartment 1;

(b) All yards, grounds, landscaping, driveways, walkways, steps and other installations included within the boundary designated "Yard 2" on the Condominium File Map, including a carport thereon of approximately 378 square feet of land, shall be appurtenant to and for the exclusive use of Apartment 2;

(c) All yards, grounds, landscaping, driveways, walkways, steps and other installations included within the boundary designated "Yard 3" on the Condominium File Map, including undesignated parking thereon, and containing approximately 5,161 square feet of land, shall be appurtenant to and for the exclusive use of Apartment 3;

(d) All yards, grounds, landscaping, driveways, walkways, steps and other installations included within the boundary designated "Yard 4" on the Condominium File Map, including a carport thereon of approximately 192 square feet, and containing approximately 4,913 square feet of land, shall be appurtenant to and for the exclusive use of Apartment 4;

(e) All yards, grounds, landscaping, driveways, walkways, steps and other installations included within the boundary designated "Yard 5" on the Condominium File Map, including a carport thereon of approximately 180 square feet of land, and containing approximately 3,440 square feet of land, shall be appurtenant to and for the exclusive use of Apartment 5;

(f) All yards, grounds, landscaping, driveways, walkways, steps and other installations included within the boundary designated "Yard 6" on the Condominium File Map, including undesignated parking thereon, and containing approximately 3,835 square feet of land, shall be appurtenant to and for the exclusive use of Apartment 6;

(g) A roadway designated as Wana Place on the Condominium File Map, containing approximately 4,875 square feet shall be for the exclusive use of Apartments 1, 2, 3, 4 and 5.

(h) A private driveway easement for ingress and egress of Apartment 6 to and from Haleiwa Road over the portion of Lot 3-B immediately adjacent to Apartment 6 and granted by and described in that certain Grant of Easement

made by the Fee Owner shall be for the exclusive use of Apartment 6.

The owner of each apartment shall be individually responsible for the proper repair and maintenance of such limited common elements appurtenant to his respective apartment and shall at all times keep the same in good order and condition, and maintain and keep the land of such area and all land adjacent thereto in a neat and attractive condition and all trees and shrubs and grass therein in good cultivation and replant the same as may be necessary, and repair and make good all defects in the same of which notice shall be given by the Board of Directors or Managing Agent, within thirty (30) days after the giving of such notice. The owner of each apartment shall make, build, maintain and repair all fences, sewers, drains, roads, roadways, curbs, sidewalks and parking areas which may be required by law to be made, built, maintained and repaired upon or adjoining or in connection with or for the use of his individual apartment or the limited common elements appurtenant thereto.

ENCUMBRANCES AGAINST TITLE: The Preliminary Title Report by Founders Title and Escrow of Hawaii dated February 11, 1986, states that title to the property is subject to the following encumbrances:

1. Any taxes that may be due and owing and a lien on the land, reference is hereby made to the Office of the Tax Assessor of the First Division, City and County of Honolulu, Hawaii.
2. Reservation in favor of the State of Hawaii of all minerals and metallic mines.
3. Right of Way dated October 1, 1884, recorded on October 20, 1884 in Book 90, Page 258, in favor of YOUNG ANIN L. AHUNA, their heirs and assigns forever, granting a right-of-way to dig a ditch and enter a drain, 4 feet wide.
4. Grant dated February 19, 1948, recorded on March 8, 1948 in Book 2110, Page 475, in favor of THE HAWAIIAN ELECTRIC COMPANY, LIMITED, a Hawaii corporation and MUTUAL TELEPHONE COMPANY, also a Hawaii corporation, granting an easement for utility purposes.
5. Mortgage dated February 27, 1979, recorded on February 28, 1979, in Book 13513, Page 87, made by RICHARD MELANIO TOMISA and CANDELARIA TOMISA, husband and wife, and THOMAS C. BAQUIRO, unmarried, as Mortgagor, to FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF HAWAII, a federal corporation organized and existing under the laws of the United States of America (now known as FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF AMERICA), as Mortgagee.

6. Declaration of Horizontal Property Regime, dated February 4, 1986, recorded in Book 19283, Page 355; By-laws dated September 3, 1985, recorded in Book 19283, Page 377, and Condominium File Map No. 988.
7. Grant of Easement, dated February 5, 1986, recorded in the Bureau of Conveyances in Liber 19283, Page 345, for ingress and egress over a portion of Lot 3-B to and from Apartment No. 6 and Haleiwa Road.

PURCHASE MONEY HANDLING: The Escrow Agreement dated August 22, 1984, between the Developer, as "Seller", and Shearson/American Express Escrow, Ltd., as "Escrow" was cancelled and a new Escrow Agreement dated September 11, 1985, was executed by and between Richard Melanio Tomisa and Candelaria Tomisa, husband and wife, and Thomas C. Baquiro, as "Seller", and Founders Title and Escrow of Hawaii, 900 Fort Street Mall, Suite 1000, Honolulu, Hawaii, 96813 as "Escrow", and has been submitted to the Commissioner as part of the registration.

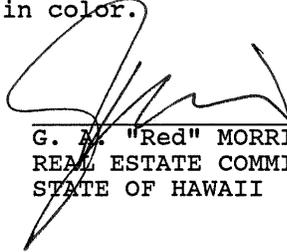
STATUS OF PROJECT: The Buyer should review the Disclosure Abstract and Sales Contract which state that:

1. The buildings were built in compliance with zoning and building codes in effect at the time of their construction. The buildings range in age from 28 years old to 41 years old.
2. All improvements on the Project are sold in "As In" and "Where Is" condition.
3. NOTE: PROSPECTIVE PURCHASERS SHOULD BE AWARE THAT THE IMPROVEMENTS ARE LEGAL BUT NONCONFORMING UNDER PRESENT ZONING CODES. THEREFORE, REPAIRS EXCEEDING 10% OF THE REPLACEMENT VALUE OF THE BUILDING MAY NOT BE MADE WITHIN ANY 12 CONSECUTIVE MONTHS AND ANY BUILDING DEMOLISHED BY ANY MEANS MAY NOT BE REPLACED UNLESS IN COMPLIANCE WITH A VARIANCE FROM THE ZONING BOARD OF APPEALS GRANTED ON FEBRUARY 7, 1985. EACH PROSPECTIVE PURCHASER SHOULD REVIEW THE PROVISIONS CONTAINED IN THE CITY AND COUNTY OF HONOLULU'S ORDINANCES RELATING TO NONCONFORMING USES, Section 21-1.7(c).

The purchaser or prospective purchaser should be cognizant of the fact that this Public Report represents information disclosed by the Developer in the required Notice of Intention submitted September 17, 1984 and information subsequently filed February 28, 1986.

THIS FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made part of REGISTRATION NO. 1634 filed with the Commission on September 17, 1984.

This 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. M. "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. 1634

DATED: March 14, 1986