

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

LONOWOODS
3353 Anoa'i Place
Honolulu, Hawaii

REGISTRATION NO. 1666 (PARTIAL 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 19, 1985

Expires: April 19, 1986

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 and prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED FEBRUARY 1, 1985, AND INFORMATION SUBSEQUENTLY FILED AS OF MARCH 15, 1985. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL AND SUBMITTING INFORMATION ON THE PROJECT, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. LONOWOODS is a fee simple condominium project consisting of two (2) residential apartments located in two separate buildings.
2. The Developer of the Project has submitted to the Commission for its examination all documents deemed necessary for the registration of the condominium project and the issuance of this Final Public Report.

3. The Developer reports that the Declaration of Horizontal Property Regime has been filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 1279736, the Bylaws of the Association of Apartment Owners has been filed in said Office of the Assistant Registrar as Document No. 1279737, and the Condominium Map for the Project has been filed in said Office of the Assistant Registrar as Condominium Map No. 534.
4. No advertising or promotional materials have 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, Hawaii Revised Statutes, as amended, and the Rules and Regulations of the Hawaii Real Estate Commission which relate to Horizontal Property Regimes.
6. This Final Public Report expires thirteen (13) months after issuance, March 19, 1985, unless a Supplementary Public Report issues, or the Commission, upon review of the registration, issues an order extending the effective date of this report.
7. This Final Public Report is part of the registration of LONOWOODS 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 securing a signed copy of the receipt therefor.

NAME OF PROJECT: LONOWOODS

LOCATION: The Project is located at 3353 Anoi Place, Honolulu, Hawaii and has a land area of approximately 10,551 square feet.

TAX KEY: 2-9-71-21 (1st Tax Division-City and County of Honolulu).

ZONING: R-3 under the Ordinances of the City and County of Honolulu.

DEVELOPER: MARGARET JANE LONO, whose residence and post office address is [REDACTED]

ATTORNEY REPRESENTING DEVELOPER: Cades Schutte Fleming & Wright (Attention: Edward R. Brooks and Gino L. Gabrio), Suite 1100, 1000 Bishop Street, P. O. Box 939, Honolulu, Hawaii 96808 (telephone: (808) 521-9200).

DESCRIPTION OF PROJECT: The Project consists of two (2) apartments, more particularly described as follows:

Apartment A consists of an existing two-story building, without a basement, containing on the first floor a family room, one bedroom and one bathroom, and on the second floor three bedrooms, two bathrooms, a living/dining room, a kitchen, a laundry room and a two-car garage containing parking stalls A1 and A2. The apartment contains approximately 1,750 square feet of net living area, and a garage of approximately 462 square feet.

Apartment B (to be built) consists of a two-story building, without a basement, containing on the first floor a two-car garage containing parking stalls B1 and B2, two bedrooms and one bathroom, and on the second floor one bedroom, one bathroom, a living/dining room, and a kitchen. The apartment contains approximately 1,430 square feet of net living area, and a garage area of approximately 361 square feet.

Each apartment is furnished with a refrigerator, electric range/oven, microwave oven, washer/dryer and carpeting or floor tiling. Apartment A is also furnished with a dishwasher and disposal.

Apartment A is constructed principally of wood with masonry and cement block walls on the first floor.

Apartment B will be constructed principally of wood, stucco and glass.

Each apartment shall be deemed to include the entire building containing the apartment, including, specifically, but not limited to:

- (i) all perimeter walls, floors, foundations and roofs of such building; and
- (ii) all pipes, wires, conduits, and other utility or service lines in such building, or outside such building, if the same are not utilized for or serve more than one apartment.

COMMON ELEMENTS: The common elements of the Project consist only of the following:

- (i) all of the land on which the Project is located in fee simple;
- (ii) the limited common elements described below; and
- (iii) all pipes, wires, conduits, or other utility or service lines, drainage ditches and appurtenant drainage structures and retaining walls (if any), which are located outside the buildings and which are utilized for or serve more than one apartment.

LIMITED COMMON ELEMENTS: The limited common elements of the Project consist only of the following:

- (i) that portion of the Land outlined in blue on Sheet 1 of the Condominium Map is reserved for the exclusive use of Apartment A for the support of the building and other improvements comprising Apartment A and for yard and driveway purposes; and
- (ii) that portion of the Land outlined in yellow on Sheet 1 of the Condominium Map is reserved for the exclusive use of Apartment B for the support of the building and other improvements comprising Apartment B and for yard and driveway purposes.

PERCENTAGE OF UNDIVIDED OWNERSHIP TO BE CONVEYED: Each apartment shall have an undivided fifty percent (50%) interest in the common elements of the Project, in all common profits and common expenses of the Project (except as otherwise provided in the Declaration or the Bylaws), and for all other purposes, including voting. Interests in each apartment will be transferred by the Developer to a buyer under an Apartment Deed, consisting of a deed of the improvements comprising the particular apartment, and an undivided percentage interest in the common elements, inclusive of the land.

PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE: Each apartment shall be occupied and used for residential purposes. No apartment shall be used as a tenement or rooming house, rented for transient or hotel purposes or sold, transferred, conveyed, leased or used for or in connection with any time-sharing purpose as defined in Chapter 514E, Hawaii Revised Statutes.

OWNERSHIP OF TITLE: A status report dated January 25, 1985, issued by Title Guaranty of Hawaii, Inc., states that fee simple title to the land is held by the Developer.

ENCUMBRANCES: The status report referred to above states that the title to the Land is subject to the following encumbrances:

1. For any taxes that may be due and owing, reference is made to the Office of the Finance Director, City and County of Honolulu, Hawaii.

2. Reservations and covenant as set forth in Deed dated April 15, 1914, filed as Land Court Document No. 633.

3. Reservations and covenant as set forth in Deed dated October 19, 1915, filed as Document No. 916.

4. Reservations and covenant as set forth in Deed dated November 14, 1916, filed as Document No. 1166.

5. An agreement between Virginia Kreiling Law, owner of Certificate of Title No. 51,543, Herschell Whitmer and Shirley Margie Whitmer, owners of a one-third interest in Lot 98-C (Certificate No. 39,497) and a one-sixth interest in Lot 98-C (Certificate No. 38,448), Hugh Loama Bargion and Kathleen Patricia Bargion, owners of a one-third interest in Lot 98-C (Certificate No. 39,496) and a one-sixth interest in Lot 98-C and a one-half interest in Lot 98-D (Certificate No. 38,448), re: subdivision and consolidation and resubdivision and reconveyance of said resubdivision substantially in the manner set forth in that certain instrument dated October 20, 1952, filed as Document No. 143678.

6. An agreement between Virginia Kreiling Law, owner of Certificate of Title No. 51,543 and Edwin Adolf Hendrickson and Mary Ruth Hendrickson, owners of Certificate No. 50,828, re: consolidation and resubdivision and reconveyance, etc., of said resubdivision substantially in the manner set forth in that certain instrument dated December 30, 1952, filed as Document No. 145739.

7. EASEMENT : L (545 square feet)
PURPOSE : Roadway
SHOWN : On Map 125, as set forth by Land Order No. 14526, filed April 23, 1956

8. Grant in favor of City and County of Honolulu, dated February 19, 1959, filed as Document No. 236525; granting an easement to construct, etc. pipelines etc. over and across Easement "L".

9. Grant of easement in favor of Boone McConnaha Morrison and Stephanie Austin Morrison, husband and wife, as Tenants by the Entirety, forever, a nonexclusive appurtenant easement for ingress and egress to and from and in favor of Lot 98-B, as shown on Map 79, filed with Land Court Application No. 211, and over and across Easement "L" of said Lot 218, until the dedication of said Easement "L" of said Lot 218 to public use, upon which dedication of such easement shall terminate as a private use, by instrument dated March 21, 1968, filed as Document No. 442528.

10. (A) MORTGAGE

MORTGAGOR : MARGARET JANE LONO, unmarried
MORTGAGEE : WESTERN PACIFIC FINANCIAL CORPORATION, a Delaware corporation
DATED : July 27, 1979
FILED : Land Court Document No. 954727
AMOUNT : \$40,000.00

(B) THE ABOVE MORTGAGE WAS ASSIGNED

TO : SECURITY PACIFIC MORTGAGE CORPORATION, a Delaware corporation

DATED : June 27, 1980
FILED : Land Court Document No. 1035994

11. ASSIGNMENT OF RENTS AND AGREEMENT NOT TO SELL, CONVEY, OR ENCUMBER REAL PROPERTY dated September 10, 1982, recorded in Liber 16576 at Page 27, made by MARGARET JANE LONO and GRETCHEN LONO, "Owner", to CITY BANK, "Bank", assigning all moneys due and to become due to Owner as rental or otherwise for or on account of the land and all moneys due or to become due to Owner upon the sale of the land subject to the provisions contained therein.

12. The restrictions on use and other restrictions and all other covenants, agreements, obligations, conditions, reservations, easements and other provisions set forth in Declaration of Horizontal Property Regime dated January 23, 1985, filed in the Office of the Assistant Registrar of the Land Court as Document No. 1279736. Project covered by Condominium Map No. 534.

13. By-Laws of the Association of Apartment Owners of "LONOWOODS" Condominium Project dated January 23, 1985, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Land Court Document No. 1279737.

PURCHASE MONEY HANDLING: A copy of a specimen Deposit Receipt and Sales Contract (the "Sales Contract") and an executed Escrow Agreement have been submitted as part of the registration. The Escrow Agreement, dated January 23, 1985, as amended March 15, 1985, identifies Title Guaranty Escrow Services, Inc. as the "escrowee." Upon examination, the specimen Sales Contract and the executed Escrow Agreement are found to be in compliance with Chapter 514A, Hawaii Revised Statutes, as amended, and particularly with Sections 514A-37, 39, 40, 63 and 65. 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.

The Sales Contract, among other things, contains acknowledgments by each purchaser: (i) that the Developer will not sponsor, arrange or promote any program for the rental or temporary use and occupancy of apartments in the Project other than apartments owned by the Developer upon completion of the Project, if any; and (ii) that the Developer has authorized no agents, salesmen or brokers to make any representations as to rental or other income from any apartment or any other economic benefit, including possible advantages from the ownership of an apartment under federal or state tax laws, to be derived from the purchase of an apartment in the Project; that no such representations or warranties have been made and that the Developer expressly disclaims and repudiates any representation from any source as to the possible economic benefit arising from ownership of an apartment in the Project.

Paragraph 8 of the Sales Contract states:

8. No Warranty. Construction of the Apartment A was completed on or about 1961. THE BUYER HAS HAD THE FULL OPPORTUNITY TO INSPECT THE APARTMENT AND THE PROJECT, AND HEREBY ACCEPTS THE APARTMENT AND THE PROJECT IN "AS IS" CONDITION. THE SELLER DOES NOT MAKE, AND EXPRESSLY DISCLAIMS, ANY REPRESENTATIONS OR WARRANTIES CONCERNING THE APARTMENT OR THE PROJECT, INCLUDING, BUT NOT LIMITED TO, THE DESIGN OR THE CONSTRUCTION OF THE APARTMENT AND THE PROJECT. THE BUYER ACKNOWLEDGES THAT THE SELLER IS NOT THE CONTRACTOR, ARCHITECT OR ENGINEER OF OR FOR THE APARTMENT OR THE PROJECT, NOR THE MANUFACTURER OF OR MANUFACTURER'S AGENT FOR ANY OF THE FURNISHINGS OR APPLIANCES IN THE APARTMENT OR THE PROJECT, AND THE SELLER DISCLAIMS (DOES NOT MAKE) ANY EXPRESS OR IMPLIED WARRANTY OF ANY KIND WHATSOEVER WITH RESPECT TO THE DESIGN OR CONSTRUCTION OF THE APARTMENT, THE PROJECT OR SUCH FURNISHINGS OR APPLIANCES, INCLUDING THE MERCHANTABILITY OF SUCH FURNISHINGS AND APPLIANCES OR THEIR FITNESS FOR ANY PARTICULAR PURPOSE.

If the Buyer should sue the Seller for any defects in the design or construction of the Apartment, the Project or any furnishings or appliances, then the Buyer shall reimburse the Seller for all costs, expenses and attorneys' fees incurred by the Seller as a result of such suit, unless the courts should finally determine that the Seller is liable to the Buyer for such defects.

NOTE: Developer will commence construction of Apartment B after the close of sale of Apartment A. Approximately \$185,000.00 of the sales proceeds from Apartment A will be escrowed and used to defray all cost of completing the project. The anticipated date of completion of Apartment B is September 30, 1985. The Performance Bond insuring that the construction of Apartment B will be completed is invalid until such time as surety has acknowledged and accepted evidence of 100% financing for the purpose of making construction payments.

MANAGEMENT AND OPERATION: The Developer does not intend to hire a managing agent for the Project. Article IV, Section 4.15, of the Bylaws, however, states that the Board of Directors may employ a manager or managing agent to manage and control the Project, subject at all times to direction by the Board of Directors.

STATUS OF PROJECT: CONSTRUCTION OF APARTMENT A WAS COMPLETED IN 1961. A LETTER DATED SEPTEMBER 10, 1984 FROM THE BUILDING DEPARTMENT, CITY AND COUNTY OF HONOLULU VERIFIES THAT APARTMENT A MET ALL CODE REQUIREMENTS AT THE TIME OF CONSTRUCTION AND NO VARIANCES OF SPECIAL PERMITS WERE GRANTED TO ALLOW DEVIATIONS FROM ANY APPLICABLE CODES.

The purchaser and prospective purchasers should be cognizant of the fact that this Public Report represents information

disclosed by the Developer in the required Notice of Intention submitted February 1, 1985 and information subsequently filed as of March 15, 1985.

This FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1666 filed with the Commission on February 1, 1985.

The report, when reproduced, shall be a true copy of the Commissioner's Public Report. Paper stock used in making facsimiles must be white.


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

Distribution:

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

Registration No. 1666

March 19, 1985