

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII  
1010 RICHARDS STREET  
P. O. BOX 3469  
HONOLULU, HAWAII 96801

## FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on  
DIAMOND POINT VILLAS  
3020 and 3022 Hibiscus Drive  
Honolulu, Hawaii 96815

REGISTRATION NO. 1712 (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: November 1, 1985  
Expires: December 1, 1986

#### SPECIAL ATTENTION

A comprehensive reading of this report by prospective purchasers 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:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED ON OCTOBER 8, 1985 AND INFORMATION SUBSEQUENTLY FILED AS OF OCTOBER 29, 1985. THE DEVELOPER, BY 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. DIAMOND POINT VILLAS is a fee simple condominium project consisting of one (1) two-story residential building containing two (2) residential units. There are two (2) parking garages, one (1) for each apartment.

2. The Developers of the project have submitted to the Commission for examination all documents deemed necessary for the registration of a condominium project and issuance of this Final Public Report.
3. The basic documents (Declaration of Horizontal Property Regime, Bylaws of the Association of Apartment Owners and a copy of the floor plans of the project) have been recorded in the Bureau of Conveyances. The Declaration of Horizontal Property Regime and Bylaws of the Association of Apartment Owners, both dated September 24, 1985, were recorded in the Bureau of Conveyances in Liber 18956, at Page 379, and in Liber 18956, at Page 398, respectively. The Condominium Map has been designated as Condominium Map No. 972.
4. No advertising or promotional matter has been submitted to the Commission.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A, Hawaii Revised Statutes, and the Rules and Regulations which relate to Horizontal Property Regimes.
6. This Final Public Report automatically expires thirteen (13) months after date of issuance, November 1, 1985, unless a Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the effective period of this report.
7. This Final Public Report is made a part of the registration of DIAMOND POINT VILLAS. The Developer is held responsible for placing 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: DIAMOND POINT VILLAS

LOCATION: The land consists of one (1) parcel containing 6,492 square feet located at 3020 and 3022 Hibiscus Drive, Honolulu, Hawaii.

TAX KEY: First Division, 3-1-34: 15

ZONING: The land is zoned R-6.

DEVELOPER: The Developers of this project are the owner occupants, Pauline Susan Becker and Joan Michele Phillips.

ATTORNEY REPRESENTING DEVELOPER: Ashford & Wriston (Galen C. K. Leong), 235 Queen Street, Honolulu, Hawaii 96813 (Telephone No.: 524-4787)

DESCRIPTION: The Declaration states that the project consists of one (1) two-story building which contains a total of two (2) residential apartments. The building's first floor contains two (2) enclosed garages, storage areas and the family room and second bath of the apartment whose address is 3020 Hibiscus. The second story of the building has two (2) residential spaces which are 692 square feet each.

The apartments are described as follows:

(a) Apartment 3020 is located on two levels and consists of six (6) rooms, a living/dining room, a bedroom, a family room, a kitchen and two bathrooms, containing an approximate net living floor area of 958 square feet. The garage is on the lower level and contains a floor area of 200 square feet.

(b) Apartment 3022 is located on one level and consists of five (5) rooms, a living/dining room, two bedrooms, a kitchen and one bathroom, containing an approximate net living floor area of 692 square feet. The parking garage is on the lower level and contains a floor area of 200 square feet.

(c) The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the common wall between the two apartments, the roof of the building or any pipes, wires, conduits or other utility or service lines running through one apartment which are utilized for or serve both apartments, the same being deemed common elements. Each apartment shall be deemed to include all of the walls and partitions which are not load-bearing within its perimeter walls, its perimeter walls (but not the common wall between the two apartments), the inner decorated or finished surface of the common wall, the floors and ceilings, all windows and window frames and doors and door frames serving the apartment, the garage and all fixtures and appliances originally installed in such apartment for its exclusive use.

(d) Each apartment has immediate access to a porch or stairway which connects the apartment to the grounds, walkways and driveways of the Project and the adjacent public street.

COMMON ELEMENTS: The Declaration of Horizontal Property Regime states that the common elements shall include:

(a) The land in fee simple;

(b) All foundations, floor slabs, roofs, supports, the common wall and the fence which divides the yards of the apartments;

(c) All pipes, wires, conduits or other utility or service lines running through one apartment which are utilized for or serve both apartments, any central facilities and any other appurtenant installations for utility and other common services, such as power, light, gas, water, telephone and refuse;

(d) All other apparatus and installations existing for common use;

(e) All other parts of the project necessary or convenient to its existence, maintenance and safety, or normally in common use.

LIMITED COMMON ELEMENTS: The Declaration provides that certain parts of the common elements, are designated and set aside for the use of certain apartments, and such apartments shall have appurtenant thereto exclusive easements for the use of such limited common elements as follows: The area of the yard adjoining the front, rear and side of each apartment, as shown on the Condominium Map, and the land over which each apartment is constructed are hereby designated as limited common elements appurtenant to and for the exclusive use of such apartment. The owner of the apartment shall be responsible for the maintenance of such yard areas.

INTEREST TO BE CONVEYED TO PURCHASER: Each apartment shall have appurtenant thereto an undivided fifty percent (50%) interest in all common elements of the project (called the "common interest") and the same proportionate share in the common profits and expenses of the project and for all other purposes, including voting.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The Declaration provides that apartments shall be occupied and used as residential dwellings by the respective owners thereof, their tenants, families, domestic servants and guests, provided that the owners of the respective apartments shall have the absolute right to rent or lease such apartments for such durations of time as they shall deem appropriate, subject to all provisions of the Declaration and the Bylaws.

OWNERSHIP OF TITLE: The fee simple title to the land is vested in Pauline Susan Becker and Joan Michele Phillips.

ENCUMBRANCES AGAINST TITLE: A preliminary title report issued by Security Title Corporation and dated October 16, 1985, shows that the land is subject to the following encumbrances:

1. For any taxes that are due and owing reference is made to the Office of the Tax Assessor, First Division.

2. Restrictive covenants contained in that certain Deed dated April 30, 1926, recorded on May 4, 1926 in the Bureau of Conveyances in Liber 820, at Page 350, to wit: "That no malt, vinous, spirituous or intoxicating liquors of any kind shall ever be sold or exposed for sale or manufactured for sale on the granted premises, or any part thereof."

3. The fact that the tile wall along the southerly boundary of the land encroaches onto the land.

4. The fact that a portion of the building on the land encroaches onto an unrecorded City and County of Honolulu setback area along the northwesterly boundary.

5. Mortgage dated March 6, 1985, recorded on March 20, 1985 in the Bureau of Conveyances in Liber 18513, at Page 318, made by Pauline Susan Becker, unmarried, and Joan Michele Phillips, wife of Troy Vene Smith, as Mortgagors, to Central Pacific Bank, a Hawaii corporation, as Mortgagees.

6. The covenants, agreements, obligations, conditions and other provisions set forth in that certain Declaration of Horizontal Property Regime of Diamond Head Villas, dated September 24, 1985, recorded in said Bureau in Liber 18956, at Page 374.

Bylaws of the Association of Apartment Owners of Diamond Head Villas recorded in said Bureau in Liber 18956, at Page 398.

PURCHASE MONEY HANDLING: Because the project has been completed and there are only two apartments, any sale of an apartment will be made by the owner thereof to the purchaser pursuant to a standard form Deposit Receipt Offer and Acceptance ("DROA"). A sale will be handled through an escrow agent agreed upon by the seller and buyer at the time of execution of the DROA.

MANAGEMENT: The project will be self-managed. No managing agent will be appointed.

STATUS OF THE PROJECT: The project is existing and currently occupied by the Developer-Owners.

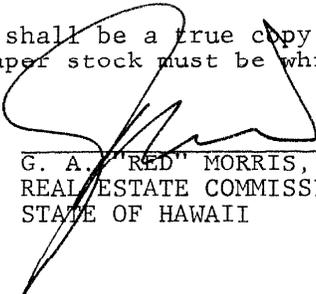
By letter dated September 9, 1985, the Director and Building Superintendent of the City and County of Honolulu has confirmed that the two-story two unit dwelling met all code requirements at time of construction, and there were no variances or special permits granted to allow deviations from any applicable codes.

NOTE: THERE MAY BE, AMONG OTHER REQUIREMENTS, ZONING CODES, BUILDING CODES AND LAND USE LAWS PRECLUDING THE PURCHASER OR THE PROSPECTIVE PURCHASER FROM REBUILDING OR MAKING CHANGES TO THE PROPERTY SUBMITTED HEREIN FOR REGISTRATION AS A CONDOMINIUM PROJECT. PURCHASER OR PROSPECTIVE PURCHASER SHOULD ACQUAINT HIMSELF WITH SUCH REQUIREMENTS AT THE APPROPRIATE COUNTY AGENCIES.

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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 October 8, 1985 and information subsequently filed as of October 29, 1985.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1712 filed with the Commission on October 8, 1985.

The report, when reproduced, shall be a true copy of the Commission's public report. The paper stock must be white in color.



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

Distribution:

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

REGISTRATION NO. 1712  
November 1, 1985