

CONDOMINIUM PUBLIC REPORT

Prepared &  
Issued by: Developer Pauline Susan Becker and Joan Michele Phillips  
Address [REDACTED]

Project Name(\*): Diamond Point Villas  
Address: 3020 and 3022 Hibiscus Drive

Registration No. 1712 (conversion) Effective date: October 18, 1996  
Expiration date: November 18, 1997

Preparation of this Report:

This report has been prepared by the Developer pursuant to the Condominium Property Act, Chapter 514A, Hawaii Revised Statutes, as amended. This report is not valid unless the Hawaii Real Estate Commission has issued a registration number and effective date for the report.

This report has not been prepared or issued by the Real Estate Commission or any other government agency. Neither the Commission nor any other government agency has judged or approved the merits or value, if any, of the project or of purchasing an apartment in the project.

Buyers are encouraged to read this report carefully, and to seek professional advice before signing a sales contract for the purchase of an apartment in the project.

Expiration Date of Reports. Preliminary Public Reports and Final Public Reports automatically expire thirteen (13) months from the effective date unless a Supplementary Public Report is issued or unless the Commission issues an order, a copy of which is attached to this report, extending the effective date for the report.

Exception: The Real Estate Commission may issue an order, a copy of which shall be attached to this report, that the final public report for a two apartment condominium project shall have no expiration date.

Type of Report:

\_\_\_\_\_ PRELIMINARY: The developer may not as yet have created the condominium but has  
(yellow) filed with the Real Estate Commission minimal information sufficient for a Preliminary Public Report. A Final Public Report will be issued by the developer when complete information is filed.

\_\_\_\_\_ FINAL: The developer has legally created a condominium and has filed  
(white) complete information with the Commission.  
[ ] No prior reports have been issued.  
[ ] This report supersedes all prior public reports.  
[ ] This report must be read together with \_\_\_\_\_.

X SUPPLEMENTARY: This report updates information contained  
(pink) in the:  
[ ] Preliminary Public Report dated \_\_\_\_\_.  
[X] Final Public Report dated November 1, 1985.  
[ ] Supplementary Public Report dated \_\_\_\_\_.

AND

[ ] Supersedes all prior public reports.  
[X] Must be read together with Final Public Report.  
[ ] This report reactivates the \_\_\_\_\_ public report(s) which expired on \_\_\_\_\_.

Disclosure Abstract: Separate Disclosure Abstract on this condominium project:

- Required and attached to this report
- Not Required - disclosures covered in this report.

Summary of Changes from Earlier Public Reports:

This summary contains a general description of the changes, if any, made by the developer since the last public report was issued. It is not necessarily all inclusive. Prospective buyers should compare this public report with the earlier reports if they wish to know the specific changes that have been made.

- No prior reports have been issued by the developer.
- Changes are made as follows:

REVISED DESCRIPTION OF APARTMENT 3020. Since the date of issuance of the Final Public Report for this Project, the owner of Apartment 3020 has made alterations to it. The revised description of Apartment 3020 is as follows:

Apartment 3020 is located on two floors and consists of eight (8) rooms, a living/dining room, two bedrooms, a kitchen and two bathrooms on the second floor, and a family room, a bathroom, a laundry room and the garage on the first floor (the floors being connected by an exterior stairway). The apartment has an approximate net living floor area of 1,551 square feet, plus the garage of 200 square feet.

An Amendment to the Declaration of Horizontal Property Regime to describe this alteration was recorded in the Bureau of Conveyances on July 17, 1996 as Document No. 96-101870.

II. CREATION OF THE CONDOMINIUM;  
CONDOMINIUM DOCUMENTS

A condominium is created by recording in the Bureau of Conveyances and/or filing with the Land Court a Declaration of Condominium Property Regime, a Condominium Map (File Plan), and the Bylaws of the Association of Apartment Owners. The Condominium Property Act (Chapter 514A, HRS), the Declaration, Bylaws, and House Rules control the rights and obligations of the apartment owners with respect to the project and the common elements, to each other, and to their respective apartments. The provisions of these documents are intended to be, and in most cases are, enforceable in a court of law.

- A. Declaration of Condominium Property Regime contains a description of the land, buildings, apartments, common elements, limited common elements, common interests, and other information relating to the condominium project.

The Declaration for this condominium is:

Proposed  
 Recorded - Bureau of Conveyances: Document No. \_\_\_\_\_  
Book 18956 Page 374  
 Filed - Land Court: Document No. \_\_\_\_\_

The Declaration referred to above has been amended by the following instruments [state name of document, date and recording/filing information]:

First Amendment dated July 9, 1996, recorded in the Bureau of Conveyances as Document No. 96-099497 and also as Document No. 96-101870.

- B. Condominium Map (File Plan) shows the floor plan, elevation and layout of the condominium project. It also shows the floor plan, location, apartment number, and dimensions of each apartment.

The Condominium Map for this condominium project is:

Proposed  
 Recorded - Bureau of Conveyances Condo Map No. 972  
 Filed - Land Court Condo Map No. \_\_\_\_\_

The Condominium Map has been amended by the following instruments [state name of document, date and recording/filing information]:

Amended Condominium Map recorded with First Amendment to Declaration recorded as Document No. 96-101870.

- C. Bylaws of the Association of Apartment Owners govern the operation of the condominium project. They provide for the manner in which the Board of Directors of the Association of Apartment Owners is elected, the powers and duties of the Board, the manner in which meetings will be conducted, whether pets are prohibited or allowed and other matters which affect how the condominium project will be governed.

The Bylaws for this condominium are:

Proposed  
 Recorded - Bureau of Conveyances: Document No. \_\_\_\_\_  
Book 18956 Page 398  
 Filed - Land Court: Document No. \_\_\_\_\_

The Bylaws referred to above have been amended by the following instruments [state name of document, date and recording/filing information]:

5. Special Use Restrictions:

The Declaration and Bylaws may contain restrictions on the use and occupancy of the apartments. Restrictions for this condominium project include but are not limited to:

- [ ] Pets: \_\_\_\_\_
- [ ] Number of Occupants: \_\_\_\_\_
- [ ] Other: \_\_\_\_\_
- [X] There are no special use restrictions.

6. Interior (fill in appropriate numbers):

Elevators: 0                      Stairways: <sup>3020: 1</sup>3022: 0                      Trash Chutes: 0

| Apt. Type   | Quantity | BR/Bath    | Net Living Area (sf)* | Lanai/Patio(sf) |
|-------------|----------|------------|-----------------------|-----------------|
| <u>3020</u> | <u>1</u> | <u>2:3</u> | <u>1,551</u>          | <u>0</u>        |
| <u>3022</u> | <u>1</u> | <u>2:1</u> | <u>692</u>            | <u>0</u>        |

Total Apartments: 2

\*Net Living Area is the floor area of the apartment from the interior surface of the apartment perimeter walls.

Other documents and maps may give floor area figures which differ from those above because a different method of determining the floor area may have been used.

Boundaries of Each Apartment:

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 loadbearing 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.

Permitted Alterations to Apartment:

Additions to or alterations of an apartment made within such apartment or within a limited common element appurtenant to and for the exclusive use of such apartment shall be permitted with the approval of the Board only, and upon completion of any addition or alteration which changes the floor plan of an apartment or limited common element, the Board shall cause a copy of the revised floor plan of the apartment or limited common element affected to be filed, at the expense of the owner of such apartment, as an amendment of this Declaration and said Condominium Map.

2. Limited Common Elements: Limited Common Elements are those common elements which are reserved for the exclusive use of the owners of certain apartments.

There are no limited common elements in this project.

The limited common elements and the apartments which use them, as described in the Declaration, are:

described in Exhibit \_\_\_\_\_

as follows:

(1) The land in fee simple;

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

(3) 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;

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

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

3. Common Interest: Each apartment will have an undivided fractional interest in all of the common elements. This interest is called the "common interest". It is used to determine each apartment's share of the maintenance fees and other common profits and expenses of the condominium project. It may also be used for other purposes, including voting on matters requiring action by apartment owners. The common interests for the apartments in this project, as described in the Declaration, are:

described in Exhibit \_\_\_\_\_

as follows:

Each apartment has an undivided fifty percent (50%) interest in all common elements.

E. Encumbrances Against Title: An encumbrance is a claim against or a liability on the property or a document affecting the title or use of the property. Encumbrances may have an adverse effect on the property or your purchase and ownership of an apartment in the project.

Exhibit "A" describes the encumbrances against the title contained in the title report dated September 13, 1996 and issued by Title Guaranty of Hawaii, Inc.

2. Rights Under the Sales Contract: Before signing the sales contract, prospective buyers should ask to see and carefully review all documents relating to the project. If these documents are not in final form, the buyer should ask to see the most recent draft. These include but are not limited to the:

- A) Condominium Public Reports issued by the developer which have been given an effective date by the Hawaii Real Estate Commission.
- B) Declaration of Condominium Property Regime.
- C) Bylaws of the Association of Apartment Owners.
- D) House Rules.
- E) Condominium Map.
- F) Escrow Agreement.
- G) Hawaii's Condominium Property Act (Chapter 514A, HRS, as amended) and Hawaii Administrative Rules, (Chapter 16-107, adopted by the Real Estate Commission, as amended).
- H) Other \_\_\_\_\_

Copies of the condominium and sales documents and amendments made by the developer are available for review through the developer and are on file at the Department of Commerce and Consumer Affairs. Reprints of Hawaii's Condominium Property Act (Chapter 514A, HRS) and Hawaii Administrative Rules, Chapter 16-107, are available at the Cashiers Office, Department of Commerce and Consumer Affairs, 1010 Richards Street, 3rd Floor, Honolulu, Hawaii, mailing address: P. O. Box 541, Honolulu, HI 96809, at a nominal cost.

This Public Report is a part of Registration No. 1712 filed with the Real Estate Commission on October 8, 1985.

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[ ] yellow paper stock [ ] white paper stock [X] pink paper stock

D. The developer hereby certifies that all the information contained in this Report and the Exhibits attached to this Report and all documents to be furnished by the developer to buyers concerning the project have been reviewed by the developer and are, to the best of the developer's knowledge, information and belief, true, correct and complete.

Pauline Susan Becker and Joan Michele Phillips  
Name of Developer

By: *Pauline Susan Becker* *Joan Michele Phillips*  
Duly Authorized Signatory Date

Pauline Susan Becker and Joan Michele Phillips  
print name & title of person signing above

Distribution:  
Department of Finance, City and County of Honolulu  
Planning Department, City and County of Honolulu  
Federal Housing Administration

EXHIBIT "A"

The encumbrances affecting the property are as follows:

1. Covenants, conditions and reservations in Deed dated April 20, 1926, recorded in the Bureau of Conveyances of the State of Hawaii (herein called "the Bureau") in Liber 820, at Page 350.
2. Encroachment of a hollow tile wall along southerly boundary of the Project.
3. Encroachment of a portion of the building into an unrecorded City and County of Honolulu setback area along the northwesterly boundary of the Project.
4. Declaration of Condominium Property Regime of "Diamond Point Villas" dated September 24, 1985, recorded in the Bureau in Liber 18956, at Page 379, as amended by instrument dated July 9, 1996, recorded as Document No. 96-099497 and also recorded as Document No. 96-101870.
5. Bylaws of the Association of Apartment Owners of "Diamond Point Villas" dated September 24, 1985, recorded in the Bureau in Liber 18956, at Page 398.
6. Affidavit dated January 5, 1967, recorded in the Bureau in Liber 20257, at Page 778.
7. As to Apartment No. 3020, the covenants, conditions and reservations contained in Apartment Deed dated January 30, 1986, recorded in the Bureau in Liber 19262, at Page 674.
8. As to Apartment No. 3020, Mortgage dated January 30, 1986 in favor of American Savings and Loan Association, recorded in the Bureau in Liber 19262, at Page 678, which was assigned to American Savings Bank by instrument dated January 30, 1987, recorded in the Bureau in Liber 20923, at Page 75.
9. As to Apartment No. 3022, the covenants, conditions and reservations contained in Apartment Deed dated January 30, 1986, recorded in the Bureau in Liber 19262, at Page 690.
10. As to Apartment No. 3022, Mortgage dated January 30, 1986, in favor of American Savings Bank, recorded in the Bureau in Liber 19262, at Page 695, and assigned to American Savings Bank by instrument dated January 30, 1987, recorded in the Bureau in Liber 20923, at Page 75.
11. As to Apartment No. 3022, Mortgage dated June 1, 1994, in favor of Mortgage Plus, recorded in the Bureau as Document No. 94-097101, which was assigned to Countrywide Funding Corporation by instrument dated June 3, 1994, recorded in the Bureau as Document No. 94-097102.