

# 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

932-934 11TH AVENUE  
Honolulu, Hawaii 96816

REGISTRATION NO. 1730 (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 18, 1986

Expires: April 18, 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 and prospective purchaser is particularly directed to the following:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED JANUARY 13, 1986 AND INFORMATION SUBSEQUENTLY FILED AS OF MARCH 10, 1986. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIME LAW, CHAPTER 51<sup>1</sup>/<sub>4</sub>A, HAWAII REVISED STATUTES, AS AMENDED.

1. 932-934 11TH AVENUE is a fee simple condominium project consisting of a two-story duplex building containing two (2) residential apartments. The Developer has informed the Commission that construction of the project was completed in September, 1981.

2. The Commission has determined that the basic documents (Declaration of Horizontal Property Regime, with By-Laws of Association of Apartment Owners attached, and a copy of the approved Floor Plans) have been filed in the office of the recording officer.

The Declaration dated as of January 24, 1986, has been recorded in the Bureau of Conveyances of the State of Hawaii in Liber 19296, at Page 55.

The By-Laws dated as of January 24, 1986, has been recorded in the Bureau of Conveyances of the State of Hawaii in Liber 19296, at Page 86.

The Bureau of Conveyances has assigned Condominium Map No. 991 to the project.

3. No advertising and promotional matter has been filed pursuant to the rules and regulations promulgated by the Commission.
4. The purchaser and prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A, Hawaii Revised Statutes, as amended, and the rules and regulations promulgated thereunder which relate to the Horizontal Property Regime Act.
5. This Final Public Report is made a part of the registration on the 932-934 11TH AVENUE condominium project. The Developer is responsible for placing a true copy of this Final Public Report (white paperstock), with the Disclosure Abstract attached, in the hands of all purchasers and prospective purchasers and securing a signed copy of the Receipt therefor.
6. This public report automatically expires thirteen months after the date of issuance, March 18, 1986, unless a supplementary public report is published or the Commission, upon review of the registration, issues an order extending the effective period of this report.

NAME OF PROJECT: 932-934 11TH AVENUE

LOCATION: The project is located on that certain parcel of land located at 932-934 11th Avenue, Honolulu, Hawaii, and containing an area of 7,500 square feet or thereabouts. The description of the land and the reserved easements, rights, powers and privileges are more fully set forth in the Declaration.

TAX KEY: 3-2-18-55, 1st Division

ZONING: R-6

DEVELOPERS: MORTGAGE GUARANTY INSURANCE CORPORATION, a Wisconsin corporation, whose principal place of business is at MGIC Plaza, Milwaukee, Wisconsin, and post office address is P. O. Box 488, Milwaukee, Wisconsin 53201, Telephone No. 1-414-347-6361. The corporate officer in charge of the project is Joseph J. Ziino, Jr., Assistant Secretary.

ATTORNEY REPRESENTING DEVELOPER: KOBAYASHI, WATANABE, SUGITA & KAWASHIMA (Kyle T. Sakumoto and Kenneth Y. Sugita) 745 Fort Street, 8th Floor, Honolulu, Hawaii, 96813, Telephone No. 544-8300.

DESCRIPTION OF PROJECT: The project consists of one building containing two stories and no basement. The building is constructed primarily of concrete, masonry, glass and wood. The two apartments are designated as Apartment No. 932 and Apartment No. 934.

a. Apartment No. 932. Apartment No. 932 is located on the entire west side of the building. It contains approximately eight (8) rooms on two floors. It contains approximately 1,654 square feet under roof, plus an enclosed two-car garage of approximately 385 square feet, a lanai of 83 square feet, and a second floor deck of 83 square feet. It has immediate access to the walkway and front driveway. The first floor contains the living room, dining room, kitchen, and one-half bath. The second floor contains three bedrooms and two baths.

b. Apartment No. 934. Apartment No. 934 is located on the entire east side of the building. It is a mirror image of Apartment No. 932 and consists of the same number of rooms and floor area as Apartment No. 932.

COMMON ELEMENTS: The Declaration states that the owners of apartments will have an undivided interest in the common elements, including specifically but not limited to:

- a. Said land in fee simple.
- b. All foundations, columns, girders, beams, supports, main walls, roofs, entrances and exits of said building.
- c. All driveways, refuse facilities, mailboxes, yards, gardens, walkways and open areas.
- d. All central and appurtenant installations for common services, including power, sewer, gas, light, water, cable television and telephone.
- e. All apparatus and installations existing for common use.
- f. All elements described as Limited Common Elements, below.

LIMITED COMMON ELEMENTS: The Declaration reflects that certain parts of the common elements, called the limited common elements, are designated and set aside for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto exclusive easements for the use of such limited common elements as follows:

- a. Apartment No. 932. The following limited common elements are appurtenant to and for the exclusive use of Apartment No. 932.

(1) All electrical wiring with appurtenant ducts and related equipment located within Apartment No. 932.

(2) The west sideyard, west rear yard, west refuse holding area, west walkways, entry landing, front tiled walkway and landscaping situated directly adjacent to Apartment No. 932 which is colored red on the Condominium Map.

(3) Mailbox No. 932.

b. Apartment No. 934. The following limited common elements are appurtenant to and for the exclusive use of Apartment No. 934.

(1) All electrical wiring with appurtenant ducts and related equipment located within Apartment No. 934.

(2) The east sideyard, east rear yard, east refuse holding area, east walkways, entry landing, front tiled walkway and landscaping situated directly adjacent to Apartment No. 934 which is colored yellow on the Condominium Map.

(3) Mailbox No. 934.

All load bearing walls exclusively within the perimeter walls of any apartment the entirety of perimeter non-party walls, and the interior one-half of all perimeter party walls of said apartment (including the interior half of any hollow spaces in said perimeter party walls for mechanical or electrical systems) whether load bearing or non-load bearing, are limited common elements appurtenant to said apartment in which they are located; provided, however, that the interior painted or decorated surface of each such wall shall not be included in said limited common elements.

Unless otherwise specified, all costs of every kind pertaining to each limited common element, including but not limited to cost of security, maintenance, repair, replacement, additions and improvements, shall be borne entirely by the apartment to which it is appurtenant. If any costs are charged to more than one apartment, each such apartment shall bear a portion of the cost equal to the ratio which its common interest bears to the total common interest of all apartments responsible for said cost, unless otherwise specified.

INTEREST TO BE CONVEYED TO PURCHASER: Each apartment shall have appurtenant thereto an undivided percentage interest in all common elements of the project, referred to as the "common interest", and the same proportionate share in all common profits and expenses of the project and for all other purposes, including voting, as follows:

<u>Apartment Number</u>	<u>Percentage</u>
932	50.00%
934	50.00%

PURPOSES AND RESTRICTIONS: The purposes for which said building and other improvements and each of the apartments are intended and shall be restricted as to use are as follows:

a. The apartments shall be occupied and used only as private dwellings by the respective owners thereof, their tenants, families, domestic servants and social guests, and for no other purpose. No time-sharing activities of any type or form shall be permitted. The owners of the respective apartments shall have the absolute right to lease such apartments subject to all provisions of the Declaration or the By-Laws of the Association of Apartment Owners; provided, however, that such leasing shall not be on a transient rental basis, but shall be for periods of not less than one month.

b. The House Rules submitted indicate certain restrictions and/or approvals required regarding use of lanais; barbecuing; awnings, shades and blinds; the keeping of pets; and changes in landscaping, among others. A careful examination of the House Rules is suggested.

OWNERSHIP OF TITLE: A Property Status Report dated February 14, 1986 prepared by Long & Melone, Ltd. certifies that title to the land committed to this regime is vested in Mortgage Guaranty Insurance Corporation, the Developer.

ENCUMBRANCES AGAINST TITLE: The Property Status Report dated February 14, 1986 prepared by Long & Melone, Ltd. states that as of the date of the report, Developer's title to the land was not subject to any encumbrances, except for the covenants, conditions, restrictions, reservations, easements, liens for assessments, options, powers of attorney, limitations on title, and all other provisions contained in or incorporated by reference in the Declaration of Horizontal Property Regime effective January 24, 1986, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 19296, at Page 55 and By-Laws adopted thereto effective January 24, 1986, recorded as aforesaid in Liber 19296, at Page 86, Condominium Map No. 991 (932-934 11th Avenue); any instrument creating the estate or interest of the Developer; and in any other allied instrument referred to in any of the instruments aforesaid. For real property taxes due and owing, check with the Tax Assessor, Department of Finance, City and County of Honolulu.

PURCHASE MONEY HANDLING: A copy of the specimen Sales Contract and the executed Escrow Agreement dated January 24, 1986, have been submitted as part of the registration. The Escrow Agreement identifies Long & Melone Escrow, Ltd., as the Escrow. 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-39, 514A-40, 514A-62, 514A-63 and 514A-65. The latter agreement establishes how the 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 specimen Sales Contract provides that the Seller makes no warranties, expressed or implied, with respect to the project, any common element or anything installed therein. The foregoing are sold in their used "as is" condition.

IT IS INCUMBENT UPON THE PURCHASER AND PROSPECTIVE PURCHASER THAT THEY READ WITH CARE THE SALES CONTRACT AND THE EXECUTED ESCROW AGREEMENT. THE LATTER AGREEMENT ESTABLISHES HOW THE

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.

MANAGEMENT AND OPERATIONS: The Declaration discloses that the administration of the project shall be vested in the Association of Apartment Owners. Operation of the project may, at the option of the Board of Directors, be conducted for the Association by a responsible Managing Agent who shall be appointed by the Association in accordance with the By-Laws.

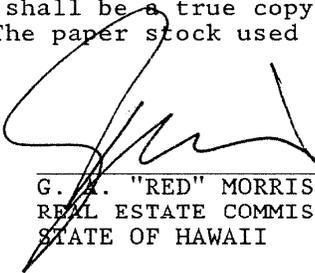
STATUS OF PROJECT: The project was completed on September 19, 1981 as evidenced by the submission of a copy of the Notice of Completion of Contract filed on October 1, 1981, in the Circuit Court of the First Circuit of the State of Hawaii.

The Developer has advised the Commission that the project is an existing structure being converted to condominium status. The Project is in compliance with all ordinances, codes, rules, regulations or other requirements in force at the time of its construction. No variance has been granted from any ordinance, code, rule, regulation or other requirement in force at the time of its construction or from any current ordinance, code, rule, regulation or other requirement.

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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 January 13, 1986 and information subsequently filed as of March 10, 1986.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1730 filed with the Commission on January 13, 1986.

This report, when reproduced, shall be a true copy of the Commission's public report. The paper stock used in making facsimiles 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
- DEPARTMENT OF LAND UTILIZATION, CITY AND COUNTY OF HONOLULU
- FEDERAL HOUSING ADMINISTRATION
- ESCROW AGENT

Registration No. 1730

DATED: March 18, 1986.

932-934 11TH AVENUE DISCLOSURE ABSTRACT

1. (a) Name and Address of Project:

932-934 11TH AVENUE  
Honolulu, Hawaii 96816

(b) Name, Address and Telephone Number of Developer:

Mortgage Guaranty Insurance Corporation, a  
Wisconsin corporation  
P. O. Box 488  
Milwaukee, Wisconsin 53201  
Telephone Number: 1-414-347-6361

(c) Name, Address and Telephone Number of Project  
Manager:

National Mortgage and Finance Co., Ltd.,  
a Hawaii corporation  
1165 Bethel Street  
P. O. Box 38078  
Honolulu, Hawaii 96837-1078  
Telephone Number: 531-9204

2. The developer anticipates that each apartment owner will bear his own expenses regarding the limited common elements appurtenant to the owner's apartment. The aforementioned Project Manager will provide only fiscal, and not physical services to the apartment owners. At present, it is anticipated that common expenses to be shared by the apartment owners, including, but not limited to the hourly service charge payable to the Project Manager and premiums for fire and liability insurance, will be collected from the individual owners on a pro rata basis as such common expenses become due. Based upon the foregoing, the estimated nominal monthly maintenance fee for each apartment in the project is as follows:

	<u>Start-Up Fee</u>	<u>Maintenance Fee</u>
Apartment No. 932	\$100.00	\$25.00
Apartment No. 934	\$100.00	\$25.00

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NOTE: DEVELOPER ADVISES THAT THE COST AND EXPENSES OF  
MAINTENANCE AND OPERATION OF A CONDOMINIUM PROJECT ARE  
DIFFICULT TO ESTIMATE INITIALLY AND EVEN IF SUCH COSTS AND  
EXPENSES HAVE BEEN ACCURATELY ESTIMATED, THAT SUCH COSTS AND  
EXPENSES WILL TEND TO INCREASE WITH PRICE INCREASES AND THE  
INCREASED AGE OF THE FACILITIES.  
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3. A description of all warranties for the individual apartments and the common elements and the date of initiation and expiration thereof:

Developer has made no warranties, expressed or implied, with respect to the Property or any common element or anything installed therein.

4. A statement of proposed number of apartments to be used for residential or hotel use in a mixed use project containing apartments for both residential and hotel use:

932-934 11TH AVENUE is a condominium project consisting of two units for residential use only.

5. A statement of the extent of commercial or non-residential development in the project:

There is no commercial or other non-residential development in this project.

6. Present Condition of Components.

The present condition of all structural components and mechanical and electrical installations material to the use and enjoyment of the condominium is as set forth in the letter report of Herman Ching & Associates, Inc. dated December 5, 1985, attached hereto as Exhibit A and incorporated herein by this reference.

7. Expected Useful Life of Components.

The expected useful life of the items reported on in Section (A), above, is as set forth in said letter report attached hereto as Exhibit A.

8. There are no outstanding notices of uncured violations of building code or other municipal regulations.

MORTGAGE GUARANTY INSURANCE  
CORPORATION

By

  
Its Exec. V.P.

**HERMAN CHING & ASSOCIATES, INC.**

1410 Kapiolani Boulevard • Suite 11, Kenrock Building • Honolulu, Hawaii 96814

**A R C H I T E C T**

December 5, 1985

Mr. Dennis Aoki  
React Corp.  
1110 University Ave., Suite 301  
Honolulu, Hawaii 96826

Subject: Duplex dwelling at 932 and 934 11th Ave., Honolulu, Hawaii

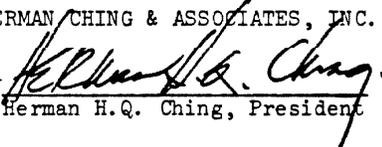
Dear Mr. Aoki:

In regards to the above subject project the examinations of the premises and reviews of the documents relating to it are as follows:

1. The present condition of all structural components and mechanical and electrical installations material are in good condition. There are no apparent conditions which would be adverse to the full use and enjoyment of the condominium dwelling.
2. The useful life of each item reported on in Part 1 is expected to be normal or in line to what can reasonably be ascertained as the normal useful life of each item. No inference is being made to the specific years of useful life of each item as this would be subject to a complicity of conditions, as well as, conjecture.
3. It is certified that the plans are an accurate copy of the plans of the building as filed with and approved by the City and County of Honolulu Building Department.
4. There are several minor modifications of construction which is felt enhances the project such as (1) the width of the carport was increased from 19'-4" to 22'-8" and (2) a linen closet was added to the half bath. Apart from this the plans reviewed in general fully and accurately depict the layout, location, dwelling numbers and dimensions of the apartments as built, and does state the name of the property by address and name.

Yours truly,

HERMAN CHING & ASSOCIATES, INC.

By 

Herman H.Q. Ching, President

HQC/elc

EXHIBIT A