

# 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

LUANA-PALEKA COTTAGES  
Luana Place and Paleka Road  
Kaneohe, Hawaii

Registration No. 1741 (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: April 3, 1986  
Expires: May 3, 1987

#### SPECIAL ATTENTION

A comprehensive reading of this report by the prospective purchaser is urged in order that personal requirements and expectations to be derived from the property can be ascertained. The attention of the prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION FILED FEBRUARY 26, 1986, AND ADDITIONAL INFORMATION SUBSEQUENTLY SUBMITTED AS OF MARCH 21, 1986. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. LUANA-PALEKA COTTAGES condominium project is an eight-unit, fee simple condominium conversion project consisting of eight apartments contained in eight separate structures. In addition, there are a total of eight carports located in the Project, one attached to each individual apartment.
2. The Developer of the Project has filed all documents and materials deemed necessary by the Commission for the registration of the condominium project and the issuance of this Final Public Report.
3. The basic documents, the Declaration of Horizontal Property Regime and By-Laws of the Association of Apartment Owners, have been recorded in the Bureau of Conveyances of the State of Hawaii on March 20, 1986. The Declaration was recorded in Liber 19365 at Page 680; the By-Laws were recorded in Liber 19365 at Page 694. The Approved Floor Plans showing the layout, location, dwelling numbers, etc., have been designated as Condominium Map No. 999.
4. No advertising or promotional matter has 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 of the Hawaii Revised Statutes, as amended, and the Rules and Regulations promulgated thereunder which relate to Horizontal Property Regimes.
6. This Final Public Report is made part of the registration of the LUANA-PALEKA 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 obtaining a signed receipt therefor.
7. This Final Public Report automatically expires thirteen (13) months after the date of issuance, April 3, 1986, unless a Supplementary Report issues or the Commission upon a review of the registration issues an order extending the effective period of this Report.

**NAME OF PROJECT:** LUANA-PALEKA COTTAGES

**LOCATION:** The site, consisting of a single parcel of approximately 1.311 acres in size, is located at 45-876 Luana Place, 45-882 Luana Place, 45-886A Luana Place, 45-886B Luana Place, 45-886C Luana Place, 45-890 Luana Place, 45-896 Luana Place, and 45-530 Paleka Road in Kaneohe, Hawaii.

**TAX MAP KEY:** 1st Division: 4-5-20-3

**ZONING:** R-5 (Residential)

**DEVELOPERS:** Roger V. Meeker and Stanley P. J. Shin, Trustee. Address: 250 South Hotel Street, Courtyard Suite, Honolulu, Hawaii 96813. Phone: 524-6335.

**ATTORNEY REPRESENTING DEVELOPER:** Roger V. Meeker, 250 South Hotel Street, Courtyard Suite, Honolulu, Hawaii 96813. Phone: 524-6335.

**DESCRIPTION:** The Declaration of Horizontal Property Regime and plans submitted by the Developer indicate a fee simple project consisting of eight individual wood-frame structures, without basement, comprising a total of eight (8) apartments. The apartments are described as follows:

- (a) Apartment "45-876 Luana Place" is a separate single-story wood-frame structure, without basement, containing three bedrooms, one and one-half baths, living room, dining area and kitchen — all containing a net interior living area of approximately 924 square feet. Said apartment also contains an attached carport of approximately 480 square feet.
- (b) Apartment "45-882 Luana Place" is a separate single-story wood-frame structure, without basement, containing three bedrooms, one bath, living room, dining area and kitchen — all containing a net interior living area of approximately 836 square feet. Said apartment also contains an attached carport of approximately 300 square feet.
- (c) Apartment "45-886A Luana Place" is a separate single-story wood-frame structure, without basement, containing three bedrooms, one bath, living room, dining area and kitchen — all containing a net interior living area of approximately 836 square feet. Said apartment also contains an attached carport of approximately 300 square feet.
- (d) Apartment "45-886B Luana Place" is a separate single-story wood-frame structure, without basement, containing three bedrooms, one bath, living room, dining area and kitchen — all containing a net interior living area of approximately 836 square feet. Said apartment also contains an attached carport of approximately 300 square feet.
- (e) Apartment "45-886C Luana Place" is a separate single-story wood-frame structure, without basement, containing three bedrooms, one bath, living room, dining area and kitchen — all containing a net interior living area of approximately 836 square feet. Said apartment also contains an attached carport of approximately 300 square feet.
- (f) Apartment "45-890 Luana Place" is a separate single-story wood-frame structure, without basement, containing three bedrooms, one bath, living room, dining area and kitchen — all containing a net interior living area of approximately 836 square feet. Said apartment also contains an attached carport of approximately 300 square feet.
- (g) Apartment "45-896 Luana Place" is a separate single-story wood-frame structure, without basement, containing three bedrooms, one bath, living room, dining area and kitchen — all containing a net interior living area of approximately 836 square feet. Said apartment also contains an attached carport of approximately 300 square feet.
- (h) Apartment "45-530 Paleka Road" is a separate single-story wood-frame structure, without basement, containing three bedrooms, one bath, living room, dining area and kitchen — all containing a net interior living area of approximately 836 square feet. Said apartment also contains an attached carport of approximately 300 square feet.

The apartments are located in the manner shown on the said Condominium Map.

The respective apartments shall not be deemed to include any pipes, wires, conduits or other utility lines running over, under or through such apartment which are utilized for or serve more than one apartment, the same being deemed common elements as hereinafter provided.

Each apartment has direct access to the common areas.

**COMMON ELEMENTS:** One freehold estate is hereby designated of all the remaining portions of the Project, herein referred to as "common elements", including specifically, but not limited to:

- (a) The land in fee simple;
- (b) All ducts, electrical equipment, wiring and other central and appurtenant installations for common services, if any, including power, light, water, sewage, irrigation and telephone;
- (c) Any and all other elements and facilities rationally in common use or necessary to the existence, upkeep and safety of the Project.

**LIMITED COMMON ELEMENTS:** Certain parts of the common elements, herein referred to as the "limited common elements", are hereby designated and set aside for the exclusive use of one or more apartments, and such apartment(s) shall have appurtenant thereto exclusive easements for the use of such limited common elements. The limited common elements so set aside and reserved are as follows:

- (a) The immediate land area upon and around which each apartment is located. Said land areas are shown and designated on the Condominium Map.
- (b) The common driveway serving Apartments 45-886A Luana Place, 45-886B Luana Place and 45-886C Luana Place, as shown and designated on the Condominium Map, is hereby deemed a limited common element appurtenant to and for the exclusive and mutual use and benefit of said Apartments 45-886A Luana Place, 45-886B Luana Place and 45-886C Luana Place.

**INTEREST TO BE CONVEYED TO PURCHASER:** Each apartment and its owner(s) shall have appurtenant thereto a one-eighth (1/8) fractional interest (12.5 percentage interest) in the common elements of the Project, for all purposes including voting, said interest being referred to as the "common interest".

**EASEMENTS:** In addition to the exclusive easements established in the limited common elements, each apartment shall have appurtenant thereto non-exclusive easements in the common elements designed for such purposes of ingress to, egress from, utility services for, and support, maintenance and repair of such apartment, and in the other common elements of the Project for use according to their respective purposes. In addition, each apartment shall have appurtenant thereto easements in the other apartment(s) for the purposes of utility services for, and the maintenance and repair of said utility services, including electricity, gas, water, sewage, and telephone.

**PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE:** The Declaration provides that the apartments of the Project shall be occupied and used only as private residential dwellings by the respective owners thereof, their families, domestic servants, personal guests and tenants, and for no other purposes. The apartment owners shall have the absolute right to lease or rent their apartments subject to the limitations, restrictions, covenants and conditions contained in the Declaration and By-Laws of the Association of Apartment Owners. Subject also to said Declaration and By-Laws, maximum allowance and freedom shall be given so as to accommodate the individual apartment owner's artistic, creative, and life-style requirements.

**OWNERSHIP OF TITLE:** The Certificate of Title, dated March 13, 1986, issued by Long & Melone, Ltd., indicates that fee simple title to the property is vested in Developers Roger V. Meeker, Janice B. Meeker and Stanley P. J. Shin, Trustee.

**ENCUMBRANCES AGAINST TITLE:** The above-mentioned Preliminary Title Report indicates the following encumbrances:

- (a) Grant of Easement in favor of the City and County of Honolulu, dated June 23, 1961, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 4097 at Page 357; granting the right in the nature of an easement, for sewer pipelines under and across a portion of the property described herein.
- (b) Grant of Easement in favor of Hawaiian Electric Company, Inc. and Hawaiian Telephone Company, dated October 29, 1962, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 4402 at Page 214; granting the right in the nature of an easement, for pole and wire lines along a portion of the property described herein.
- (c) Mortgage in favor of Esmond Chiu Kong Chun and Diane L. Chun, husband and wife, dated March 12, 1986, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 19349 at Page 138.
- (d) For real property taxes that may be due and owing, reference is hereby made to the Office of the Tax Assessor, City and County of Honolulu.

**PURCHASE MONEY HANDLING:** A copy of the specimen Deposit Receipt, Offer and Acceptance (DROA) and the executed Escrow Agreement dated February 20, 1986 have been submitted as part of the registration. The Escrow Agreement identifies Long & Melone Escrow, Ltd. as the Escrow. Upon examination, the DROA and Escrow Agreement are found to be in compliance with Chapter 514A, Hawaii Revised Statutes, as amended. It is incumbent upon the purchaser and prospective purchaser that he reads with care the DROA and Escrow Agreement.

The Escrow Agreement establishes how 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 Escrow Agreement provides that a Purchaser shall be entitled to a refund of his funds, and Escrow shall pay said funds to said Purchaser, without interest and less a cancellation fee and costs, if Purchaser shall in writing request refund of his funds and Escrow receives a written request from Developer to return to Purchaser the funds of such Purchaser.

**Note:** The Disclosure Abstract, which as a part of the specimen Sales Contract, provides that NO WARRANTIES FOR FITNESS OF USE OR MERCHANTABILITY OR ANY OTHER KIND ARE MADE AS TO ANY OF THE INDIVIDUAL APARTMENTS OR THE COMMON ELEMENTS OF THE PROJECT. PURCHASERS ARE ADVISED TO CONDUCT THEIR OWN INSPECTION OF THE APARTMENT THEY DESIRE TO BUY. THE APARTMENTS ARE SOLD "AS IS". The Project is a conversion of fully constructed and existing buildings to condominium status.

**MANAGEMENT OF PROJECT:** The By-Laws which are incorporated in the Declaration provide that the operation of the Project may be conducted for the Association of Apartment Owners under the direction of the Board of Directors by a responsible Managing Agent. No permanent Managing Agent has been appointed as of the date of this report. Roger V. Meeker and Stanley P. J. Shin, the Developers, are designated as persons to receive service of process until such time as they are no longer Co-Managers of the Project, whereupon a new person authorized to receive service of process shall then be designated.

**ALTERATION OF INDIVIDUAL APARTMENTS:** The Developers have reserved the right to further develop Apartment 45-876 Luana Place. Reference is made to the Declaration of Horizontal Property Regime, page 9, Section XV(b).

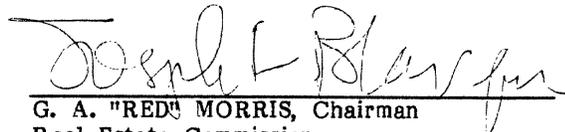
**STATUS OF PROJECT:** The eight structures comprising the Project were originally constructed in 1962. The dwellings are currently used as residential rental units. According to the City and County of Honolulu, the eight one-story single-family dwellings with at least eight off-street parking spaces met all applicable code requirements at the time they were constructed. To the best of Developer's knowledge, information and belief, there are no outstanding notices of uncured violations of the building code or other municipal regulations of the City and County of Honolulu. No variance has been granted from any ordinance, code, rule, regulation, or other requirement in force at the time of their construction or from any current ordinance, code, rule or regulation, or other requirement.

At present, the dwellings comprising said Project are existing nonconforming uses of structures because the property does not have a site development or subdivision plan. However, Existing Use Permit No. 86/Eu-3(GH), dated January 29, 1986, was granted by the Department of Utilization of the City and County of Honolulu to allow alterations, additions, repairs and reconstruction of the existing eight single-family dwellings. Any such work shall be subject to review for compliance with the current codes.

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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 February 26, 1986.

This FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of Registration No. 1741 filed with the Commission on February 26, 1986. This report when reproduced shall be a true copy of the Commission's Public Report. The paper stock used in making fascimilies 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, State of Hawaii  
Planning Department, City and County of Honolulu  
Federal Housing Administration  
Escrow Agent

REGISTRATION NO: 1741

April 3, 1986

**DISCLOSURE ABSTRACT**

**LUANA-PALEKA COTTAGES Condominium Project**

Pursuant to Section 514A-61, Hawaii Revised Statutes  
Horizontal Property Act

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**Developers**

Roger V. Meeker  
Stanley P. J. Shin, Trustee  
250 South Hotel St., Courtyard Suite  
Honolulu, Hawaii 96813 — PH: 524-6335

**Project Manager**

CLIFFORD SHIN  
106 Lumahai Street  
Honolulu, Hawaii 96825  
Phone: 395-6336 or 524-6335

**Estimated Maintenance Fees/Costs per Apartment**

The regular maintenance and repair of each apartment, including all utility charges except for water, is the sole responsibility of each respective apartment owner. The only common expense requiring monthly assessments is water service, and Developers estimate that the required maintenance fees to cover said water service expenses for each apartment will be as follows:

	<u>Annual</u>	<u>Monthly</u>
45-876 Luana Place	—	—
45-882 Luana Place	240.00	20.00
45-886A Luana Place	240.00	20.00
45-886B Luana Place	240.00	20.00
45-886C Luana Place	240.00	20.00
45-890 Luana Place	240.00	20.00
45-896 Luana Place	240.00	20.00
45-530 Paleka Road	240.00	20.00

**Note:** Apartment 45-876 Luana Place is separately metered for water and sewer, thus shares no common expenses with any other apartments. Said apartment, therefore, has no regular maintenance fee.

**Common Driveway:** Apartments 45-886A Luana Place, 45-886B Luana Place and 45-886C Luana Place are all served by a common driveway. Although said driveway does not require regular monthly maintenance, it may require periodic repairs or maintenance from time to time. The determination of when such repairs or maintenance are necessary is solely that of the three apartment owners affected, and the costs of such repairs and maintenance shall be borne solely and equally by said three apartment owners, in accordance with Section XI(b) of the Declaration.

**Individual Insurance:** Section 514A-86, Hawaii Revised Statutes, requires that fire insurance be purchased to cover the improvements portion of the Project. Developer anticipates that the Association will elect to obtain separate policies for each individual apartment pursuant to Section XIV of the Declaration. As such, the premiums on said policies will be the individual responsibility of each apartment owner rather than common expenses of the Project. Any additional maintenance fees, if ever required, will be by special assessment.

**Warranties**

Purchasers should be aware that the "apartments" of the Project are all single-family homes originally built in 1962. Said homes have unavoidably undergone a certain amount of "wear and tear" commensurate with their age. Accordingly, purchasers should not expect the home they desire to buy to be in "like-new" condition. NO WARRANTIES FOR FITNESS OF USE OR MERCHANTABILITY OR ANY OTHER KIND ARE MADE AS TO ANY OF THE INDIVIDUAL APARTMENTS OR THE COMMON ELEMENTS OF THE PROJECT. PURCHASERS ARE ADVISED TO CONDUCT THEIR OWN INSPECTION OF THE APARTMENT THEY DESIRE TO BUY. THE APARTMENTS ARE SOLD "AS IS".

**Use of Apartments**

All eight apartments comprising the Project are for residential purposes only. There is no non-residential development in the Project.

**Structural Components and Mechanical & Electrical Installations**

Based on a report prepared by an independent registered architect, it is the Developers' opinion that all structural components and mechanical and electrical installations material to the use and enjoyment of the condominium apartment are presently sound and appear to be in satisfying working condition. However, NO REPRESENTATIONS OF ANY KIND ARE MADE AS TO THE EXPECTED USEFUL LIFE, IF ANY, OF THE STRUCTURAL COMPONENTS AND MECHANICAL AND ELECTRICAL INSTALLATIONS MATERIAL TO THE USE AND ENJOYMENT OF THE CONDOMINIUM APARTMENT.

**Code Violations**

To the best of the knowledge, information and belief of the undersigned, there are no outstanding notices of uncured violations of the building code or other municipal regulations of the City and County of Honolulu.

  
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ROGER V. MEEKER

  
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STANLEY P. J. SHIN, Trustee

Developers