

CONDOMINIUM PUBLIC REPORT

Prepared &

Issued by: Developer Dale Alan Moore and Patricia Moore  
Address 59-235 Ke Nui Road, Haleiwa, Hawaii 96712

Project Name(\*): WAIALUA HOMES  
Address: 68-091 Akule Street and 68-016 Aweoweo Street  
Waialua, Hawaii 96791

Registration No. 2982 Effective date: February 23, 1995  
(Conversion) Expiration date: September 18, 1995

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 governmental 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  
(yellow) has filed with the Real Estate Commission minimal information sufficient for a Preliminary Public Report. A Final Public Report will be issued 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
- [ ] Supersedes all prior public reports
- [ ] Must be read together with \_\_\_\_\_

X **SECOND SUPPLEMENTARY:** Updates information contained in the  
(pink) [ ] Prelim. Public Report dated \_\_\_\_\_  
[ X ] Final Public Report dated November 19, 1993  
[ X ] Supp. Public Report dated August 18, 1994

- And [ ] Supersedes all prior public reports
- [ X ] Must be read together with Final Public Report & Supplementary Public Report
- [ X ] This report reactivates the Final Public public report(s) which expired on December 19, 1994

(\*) Exactly as named in the Declaration

Disclosure Abstract: Separat disclosure Abstract on this condominium project:

Required  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 Commission.

Changes made are as follows:

Unit C which was previously constructed as a shed has now been replaced by a Dwelling Unit.

The list of "Estimated Operating Expenses" (Exhibit 1 to Exhibit J) has been updated.

NOTE: This abbreviated Supplementary Public Report contains only pages reflecting information revised since issuance of the Final Public Report in June, 1994.

SPECIAL ATTENTION

This is a CONDOMINIUM PROJECT, not a subdivision. The land area beneath and immediately appurtenant to each unit is designated a **LIMITED COMMON ELEMENT** and is not a legally subdivided lot. The dotted lines on the Condominium Map bounding the designated number of square feet in each limited common element land area are for illustration purposes only and should not be construed to be the property lines of legally subdivision lots.

This public report does not constitute approval of the Project by the Real Estate Commission, nor does it ensure that all applicable County codes, ordinances, and subdivision requirements have necessarily been complied with.

THE PROSPECTIVE PURCHASERS ARE CAUTIONED TO CAREFULLY REVIEW ALL DOCUMENTS REGARDING THIS CONDOMINIUM PROJECT FOR FURTHER INFORMATION WITH REGARD TO THE FOREGOING.

**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. 93-166048  
Book \_\_\_\_\_ Page \_\_\_\_\_  
 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]:

Amendment No. 1 dated February 4, 1994, recorded as Document No. 94-26210  
Amendment No. 2 dated April 26, 1994, recorded as Document No. 94-115115  
Amendment No. 3 dated October 31, 1994, recorded as Document No. 94-186026

- 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. 1936  
 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]:

Amendment No. 1 to the Declaration dated February 4, 1994, recorded as Document No. 94-26210, which included a new map reflecting changes in the boundary lines for each of the Dwelling Areas appurtenant to each unit.  
Amendment No. 2 to the Declaration dated April 26, 1994, recorded as Document No. 94-115115, which included a floor plan and elevations for Unit D.  
Amendment No. 3 to the Declaration dated October 31, 1994, recorded as Document No. 94-94-186026, which included a floor plan and elevations for Unit C.

- 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. 94-166049  
 Filed - Land Court Condo Map No. \_\_\_\_\_

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

Lessor  
(Fee Owner): Dale Alan Moore and Patricia Moore  
Name

59-235 Ke Nui Road  
Address

Haleiwa, Hawaii 96712

Sublessor: \_\_\_\_\_  
Name

\_\_\_\_\_  
Address

C. Buildings and Other Improvements:

1.  New Building(s)                       Conversion of Existing Building(s)  
 Both New Building(s) and Conversion

2. Number of Buildings: 4 Floors Per Building 2

Exhibit \_\_\_\_\_ contains further explanations.

3. Principal Construction Material:

Concrete                       Hollow Tile                       Wood

Other \_\_\_\_\_

4. Permitted Uses by Zoning:

	<u>No. of Apts.</u>	<u>Use Permitted By Zoning</u>	<u>No. of Apts.</u>	<u>Use Determined By Zoning</u>
<input checked="" type="checkbox"/> Residential	<u>4</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Ohana	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Commercial	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Industrial	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Mix Res/Comm	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Agricultural	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Hotel	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Recreational	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Timeshare	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

Is/Are this/these use(s) specifically permitted by the project's Declaration or Bylaws?  
 Yes                       No

5. Special Use Restrictions:

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

[ X ] Pets: permitted in reasonable number

[ ] Number of Occupants: \_\_\_\_\_

[ ] Other: \_\_\_\_\_

[ ] There are no special use restrictions.

6. Interior (fill in appropriate numbers):

Elevators -0- Stairways -4- Trash Chutes -0-

<u>Apt. Type</u>	<u>Quantity</u>	<u>BR/Bath</u>	<u>Net Living Area (sf)*</u>	<u>Lanai/Patio (sf)</u>
<u>Unit A</u>	<u>1</u>	<u>2/1</u>	<u>720</u>	<u>Deck: 192</u>
<u>Unit B</u>	<u>1</u>	<u>2/1</u>	<u>720</u>	<u>Deck: 192</u>
<u>Unit C</u>	<u>1</u>	<u>2/1</u>	<u>720</u>	<u>Deck: 192</u>
<u>Unit D</u>	<u>1</u>	<u>2/1</u>	<u>720</u>	<u>Deck: 192</u>

Total Apartments: 4

\*Net Living Area is the floor area of the apartment measured 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 outside surfaces of the exterior walls and roof and the bottom surfaces of the footings and foundations of each Dwelling.

Permitted Alterations to Apartments:

See attached Exhibit "B"

Parking Stalls:

Total Parking Stalls: 8

	<u>Regular</u>		<u>Compact</u>		<u>Tandem (compact)</u>		<u>TOTAL</u>
	<u>covered</u>	<u>open</u>	<u>covered</u>	<u>open</u>	<u>covered</u>	<u>open</u>	
Assigned (for each units)	<u>8</u>	_____	_____	_____	_____	_____	<u>8</u>
Guest Unassigned	_____	_____	_____	_____	_____	_____	_____
Extra for Purchase	_____	_____	_____	_____	_____	_____	_____
Other:	_____	_____	_____	_____	_____	_____	_____
Total Covered & Open	<u>8</u>	_____	_____	_____	_____	_____	_____

Each apartment will have the exclusive use of at least two (2)\* parking stall(s). Buyers are encouraged to find out which stall(s) will be available for their use.

- Commercial parking garage permitted in condominium project.
- Exhibit \_\_\_\_\_ contains additional information on parking stalls for this condominium project.

8. Recreational and Other Common Facilities:

- There are no recreational or common facilities.
- Swimming pool     Storage Area     Recreation Area
- Laundry Area     Tennis Court     Trash Chute
- Other: \_\_\_\_\_

9. Compliance With Building Code and Municipal Regulations; Cost to Cure Violations

- There are no violations.     Violations will not be cured.
- Violations and cost to cure     Violations will be cured by \_\_\_\_\_ are listed below.

10. Condition and Expected Useful Life of Structural Components, Mechanical, and Electrical Installations

(For conversions of residential apartments in existence for at least five years):

N/A

Blanket Liens:

A blanket lien is an encumbrance (such as a mortgage) on the entire condominium project that secures some type of monetary debt (such as a loan) or other obligation. A blanket lien is usually released on an apartment-by-apartment basis upon payment of specified sums so that individual apartments can be conveyed to buyers free and clear of the lien.

[ ] There are no blanket liens affecting title to the individual apartments.

[ \* ] There are blanket liens which may affect title to the individual apartments.

Blanket liens (except for improvement district or utility assessments) must be released before the developer conveys the apartment to a buyer. The Buyer's interest will be affected if the developer defaults and the lien is foreclosed prior to conveying the apartment to buyer.

<u>Type of Lien</u>	<u>Effect on Buyer's Interest and Deposit if Developer Defaults or Lien is Foreclosed Prior to Conveyance</u>
Mortgages	Buyer's interest may be terminated by mortgagee but Buyer shall be entitled to return of his deposit less any escrow cancellation fees

F. Construction Warranties:

Warranties for individual apartments and the common elements, including the beginning and ending dates for each warranty, are as follows:

1. Building and Other Improvements:

Developer is making a one year warranty from the date of substantial completion on the materials and workmanship of Unit C.

2. Appliances:

Purchaser shall have the direct benefit of any manufacturer's or dealer's warranties covering the furnishings and appliances in the Apartments.

G. Status of Construction and Estimated Completion Date:

Unit C was completed in October, 1994.

H. Project Phases:

The developer [ ] has [ x ] has not reserved the right to add to, merge, or phase this condominium.

Summary of Developer's plans or right for future development (such as additions, mergers or phasing):

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 Law (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 Cashier's Office, Department of 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. 2982 filed with the Real Estate Commission on October 22, 1993.

Reproduction of Report. When reproduced, this report must be on:

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

C. Additional Information Not Covered Above

Owner-Built Structures or Improvements

Units A, B, C and D were constructed by the Developers as owner-builders pursuant to sections 444-2(7) and 444-9.1, Hawaii Revised Statutes ("HRS").

Section 444-2(7), HRS, provides that a contractor's license pursuant to Chapter 444, HRS, shall not be required of the following:

Owners or lessees of property who build or improve residential, farm . . . buildings or structures on property for their own use, or for use by their grandparents, parents, siblings, or children and do not offer the building or structure for sale or lease. . . In all actions brought under this paragraph, proof of the sale or lease, or the offering for sale or lease, of the structure or improvement of the structure within one year after completion is prima facie evidence that the construction or improvement of the structure was undertaken for the purpose of sale of lease. . .

Section 444-9.1, HRS, requires the owner-builder to certify that the building or structure is for the owner-builder's "personal use and not for use or occupancy by the general public."

Therefore, the offer for sale or lease, or the sale or lease, of the buildings or structures described above, within one year of their construction completion dates may be a violation of Chapter 444, HRS.

The Developer hereby certifies that the buildings or structures described above are for the developers' "personal use and not for use or occupancy by the general public" pursuant to Chapter 444, HRS.

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.

Dale Alan Moore and Patricia Moore

Name of Developer

By Dale Alan Moore October 31, 1994  
Duly Authorized Signatory Date

Dale Alan Moore

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 "H"

AMENDED DISCLOSURE ABSTRACT  
(pursuant to Section 514A-61,  
Hawaii Revised Statutes)

1. (a) PROJECT: WAIALUA HOMES  
68-091 Akule Street  
Waialua, Hawaii 96791
  - (b) DEVELOPER: Dale Alan and Patricia Moore  
59-235 Ke Nui Road  
Haleiwa, Hawaii  
Telephone: (808) 638-1107
  - (c) MANAGING AGENT: Self-Managed
2. Breakdown of annual maintenance fees and monthly estimate costs for each unit are more fully described on Exhibit "1" attached hereto (revised and updated every twelve (12) months and certified to have been based on generally accepted accounting principles).
  3. DESCRIPTION OF ALL WARRANTIES COVERING THE UNITS AND COMMON ELEMENTS:  
  
The Developer is making a one year warranty from the date of substantial completion on the materials and workmanship of Unit A, Unit B, Unit C and Unit D.
  4. USE OF UNITS. The WAIALUA HOMES Condominium Project will consist of four (4) unit(s) which will ultimately be used for residential and accessory purposes by the respective owners thereof, their tenants, families and domestic servants and social guests, and for no other purpose.

EXHIBIT "1"  
ESTIMATED OPERATING EXPENSES

For Period November 1, 1994 to October 30, 1995  
As Prepared by Developer

Estimated Annual Expenses

Ground Maintenance and	
**Water/Sewer:	\$ 996.00
Maintenance of Sewer Treatment:	\$2,616.00
***Fire/Liability Insurance:	\$ -0-
Management Fee:	\$ -0-
Miscellaneous:	\$ -0-
 TOTAL ANNUAL EXPENSES	 \$3,612.00

Estimated Monthly Expenses

(\$4,560 ÷ 12 months): \$ 301.00

Estimated Monthly Maintenance Fee for Each Apartment:

TOTAL MONTHLY MAINTENANCE  
FEE FOR:

UNITS A, C & D:	\$ 77.75
UNIT B:	\$ 67.75 *

\* The electrical power to operate the wastewater system runs from Unit B. To reflect the additional electrical payment incurred by the Owner of Unit B, Unit B's monthly maintenance fee will be reduced \$10 monthly.

Note: \*\* All utilities except water/sewer will be separately metered or otherwise charged, and the common elements will incur no separate utility charges.

\*\*\* Section 514A-86, Hawaii Revised Statutes, requires the Association of Apartment Owners to purchase fire insurance to cover the improvements of the Project, and that premiums be common expenses. Developer anticipates that the Association will elect to permit individual apartment owners to obtain and maintain separate policies of fire insurance and name the Association as an additional insured. In such case, fire insurance premiums will be the responsibility of individual apartment owners and not common expenses.

The Developer certifies that the maintenance fees and costs as estimated by the Developer is based on generally accepted accounting principles.

Dale Alan Moore  
DALE ALAN MOORE

Patricia Moore  
PATRICIA MOORE

"Developer"