CONDOMINIUM PUBLIC REPORT

Prepared & Issued by: Developer Mark Yoshihiro Sugimoto and Sandra Jean Sugimoto
Address 94-294 Anania Drive, Mililani, Hawaii 96789

Project Name(*): 1281 California
Address: 1281 California Avenue, Wahiawa, Hawaii 96786

Registration No. 3542

Effective date: **March 5, 1998**
Expiration date: **April 5, 1999**

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**: **(yellow)** The developer may not as yet have created the condominium but has 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**: **(white)** The developer has legally created a condominium and has filed 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**: **(pink)** This report updates information contained in the:
[ ] Preliminary Public Report dated: _____
[X] Final Public Report dated: June 7, 1996
[ ] Supplementary Public Report dated: _____

And
[ ] Supersedes all prior public reports.
[X] Must be read together with Final Public Report dated June 7, 1996
[ ] This report reactivates the _____
public report(s) which expired on _____

(*) Exactly as named in the Declaration

FORM: RECO-30 286/986/189/1190/892/0197

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.

[X] Changes made are as follows:

1. Section II.A. The Declaration was further amended by Second Amendment to Declaration dated January 22, 1998, recorded in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 2434118.

2. Section C.5 and Section C.11.b of the public report is amended to disclose and attach the terms and conditions of an Existing Use Permit affecting the Project.

TABLE OF CONTENTS

	Page
Preparation of this Report	1
Expiration Date of Reports	1
Type of Report	1
Disclosure Abstract	2
Summary of Changes from Earlier Public Reports	2
Table of Contents	3
General Information on Condominiums	4
Operation of the Condominium Project	4
I. PERSONS CONNECTED WITH THE PROJECT	5
Developer / Attorney for Developer / General Contractor	
Real Estate Broker / Escrow Company / Condominium Managing Agent	
II. CREATION OF THE CONDOMINIUM; CONDOMINIUM DOCUMENTS	
A. Declaration	6
B. Condominium Map (File Plan)	6
C. Bylaws	6
D. House Rules	7
E. Changes to Condominium Documents	7
III. THE CONDOMINIUM PROJECT	
A. Interest to be Conveyed to Buyer	8
B. Underlying Land	9
C. Buildings and Other Improvements	10
D. Common Elements, Limited Common Elements, Common Interest	13
E. Encumbrances Against Title	14
F. Construction Warranties	15
G. Status of Construction	16
H. Project Phases	16
IV. CONDOMINIUM MANAGEMENT	
A. Management of the Common Elements	17
B. Estimate of Initial Maintenance Fees	17
C. Utility Charges for Apartments	17
V. MISCELLANEOUS	
A. Sales Documents Filed with the Real Estate Commission	18
B. Buyer's Right to Cancel Sales Contract	18
C. Additional Information Not Covered Above	20
D. Signature of Developer	21

Exhibit A:	Declarant's Reserved Rights
Exhibit B:	Project Description
Exhibit C:	Special Use Restrictions
Exhibit C-1:	Existing Use Permit
Exhibit D:	Permitted Alterations to Apartments
Exhibit E:	Architect's Report
Exhibit F:	Common Elements
Exhibit H:	Encumbrances Against Title
Exhibit I:	Construction Warranties
Exhibit J:	Schedule of Maintenance
Exhibit K:	Summary of Sales Contract Provisions
Exhibit L:	Summary of Escrow Agreement
Exhibit M:	Building Department's letter of February 28, 1996

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 _____ Page _____
[X] Filed - Land Court: Document No. 2262418

The Declaration referred to above has been amended by the following instruments [state name of document, date and recording/filing information]: as amended by First Amendment to Declaration of Condominium Property Regime of 1281 California dated April 9, 1996, filed as Document No. 2302067, and further amended by Second Amendment to Declaration dated January 22, 1998, filed as Document No. 2434118.

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. _____
[X] Filed - Land Court Condo Map No. 1106

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

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 _____ Page _____
[X] Filed - Land Court: Document No. 2262419

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:

[X] Pets: See Exhibit C

[X] Number of Occupants: See Exhibit C

[X] Other: See Exhibit C and Exhibit C-1

[ ] There are no special use restrictions.

6. Interior (fill in appropriate numbers):

Elevators: none Stairways: none Trash Chutes: none

Apt. Type	Quantity	BR/Bath	Net Living Area (sf)*	Covered exterior/entry (sf)
Unit #1	1	3/1	1,190	425
Unit #2	1	2/1	521	85
Unit #3	1	2/1	521	85

Total Apartments: 3

*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 boundaries of each apartment are as shown on the Condominium Map. Each apartment shall include all walls, ceilings, floors, slabs, foundations, doors and door frames, window and window frames, supporting beams and fixtures, if any, and all ducts, pumps, pipes, conduits, wires and other utility lines running through such apartment which do not serve or are not utilized by any other apartment. Each apartment shall not be deemed to include any pipes, wires, conduits or other utility lines running over, under or through such apartment which are utilized by or which serve more than one apartment, the same being deemed common elements.

Permitted Alterations to Apartments:

See Exhibit D attached.

11. Conformance to Present Zoning Code

a. [ ] No variances to zoning code have been granted.

[ ] Variance(s) to zoning code was/were granted as follows:

b. Conforming/Non-Conforming Uses, Structures, Lot

In general, a non-conforming use, structure, or lot is a use, structure, or lot which was lawful at one time but which does not now conform to present zoning requirements.

	Conforming	Non-Conforming	Illegal
Uses	X		
Structures		X*	
Lot	X		

If a variance has been granted or if uses, improvements or lot are either non-conforming or illegal, buyer should consult with county zoning authorities as to possible limitations which may apply.

Limitations may include restrictions on extending, enlarging, or continuing the non-conformity, and restrictions on altering and repairing structures. In some cases, a non-conforming structure that is destroyed or damaged cannot be reconstructed.

The buyer may not be able to obtain financing or insurance if the condominium project has a non-conforming or illegal use, structure, or lot.

D. **Common Elements, Limited Common Elements, Common Interest:**

1. Common Elements: Common Elements are those parts of the condominium project other than the individual apartments. Although the common elements are owned jointly by all apartment owners, those portions of the common elements which are designated as limited common elements (see paragraph 2 below) may be used only by those apartments to which they are assigned. The common elements for this project, as described in the Declaration, are:

[X] described in Exhibit F.

[ ] as follows:

*See Exhibit E, page 4 on nonconformity and encroachment and Exhibit C-1 (Existing Use Permit) and Exhibit M (letter from the Director and Building Superintendent of the Building Department, City and County of Honolulu), on the effect of destruction on the replacement of the structures.

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 issued an effective date by the Hawaii Real Estate Commission.
   B) Declaration of Condominium Property Regime, as amended.
   C) Bylaws of the Association of Apartment Owners, as amended.
   D) House Rules, if any.
   E) Condominium Map, as amended.
   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 Cashier's 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. 3542 filed with the Real Estate Commission on April 26, 1996.

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

[ ] YELLOW paper stock [ ] WHITE paper stock [X] PINK paper stock

DATED: January 22, 1998.

Mark Y. Sugimoto

Sandra J. Sugimoto

"Developer"

Distribution:

Department of Finance, City and County of Honolulu
Planning Department, City and County of Honolulu

Subject: Existing Use Permit No. 97/EU-6
Project: Sugimoto Existing Use
Location: 1281 California Avenue - Wahiawa
Tax Map Key: 7-4-13: 08

Approved as an Existing Use Permit (EU) in accordance with the Land Use Ordinance (LUO), Section 3.130, and the application documents (plans DLU date-stamped, July 3, 1997), subject to the following conditions:

1. The EU permit is only for the continued use, repair, alteration, expansion, relocation, or reconstruction of the 3 existing dwelling units (three single-family detached).

   In accordance with Section 3.130(a) of the LUO, in the event of destruction, uses may be continued and structures may be rebuilt under the approved existing use plan, provided that such restoration is permitted by the Building Code and Flood Hazard Regulations and is started within two years.

   This Existing Use approval does not certify that the existing structures and improvements comply with the current zoning code or other regulations.

2. Any modification to the EU plans shall be approved by the Department of Land Utilization (DLU), prior to issuance of building permits.

3. Only minor modifications to the EU plans shall be allowed. Any major modification which may have an adverse impact on surrounding land uses, increases the number of dwelling units, and/or involves the reconstruction and/or expansion of a dwelling(s) which is part of a larger development, shall require the processing of a Cluster Housing Permit.

4. The applicant or owner(s) shall incorporate this Existing Use Permit into the declaration of restrictive covenants (DRC) which run with the land, to serve as notice to all owners and tenants. The draft covenant shall be submitted for review and approval by the DLU. Upon approval of the covenant, a certified recorded copy shall be filed with the DLU, prior to the change in any ownership or the issuance of any permits.

5. If the project will be condominiumized, the applicant or owner(s) shall submit a draft copy of the Condominium Property Regime (CPR) map and documents to the DLU for our review. If the EU permit is incorporated into the CPR documents, a separate DRC is not required.

6. All new work shall comply with the applicable LUO standards. Within each proposed "CPR lot" (limited common element), all new work shall comply with the Residential District height, yard and building area requirements, as measured from parcel lines or proposed limited common element lines.

EXHIBIT C1

7. All new work shall be compatible in design with the existing and surrounding structures. The Director may require the redesign of exterior entrances, stairways, including plumbing and electrical systems, to ensure that the number of dwellings is not increased.

8. Maximum building area shall not exceed 40 percent of the "CPR lot" area for Unit 1, 50 percent of the "CPR lot" area for Unit 2, and 35 percent of the "CPR lot" area for Unit 3 of the respective proposed limited common element area.

9. A minimum of 6 parking spaces (2 spaces per dwelling unit) shall be provided within each limited common element prior to the issuance of any building permit, subsequent to this approval. Dwelling additions shall comply with the LUO parking regulations. Existing parking spaces within carports or garages shall not be converted into usable floor area (including garage or carport storage areas).

10. Reconstructed dwellings shall have a minimum 16-foot driveway depth fronting the carport or garage.

11. Conditions 6, 8, 9 and 10 shall be as measured or calculated from the proposed limited common element lines, even if the project is not condominiumized.

12. An all weather surface shall be provided at all driveway or parking areas prior to the issuance of any building permits, subsequent to this approval.

13. A Fence Master Plan shall be submitted to the DLU for review and approval prior to the issuance of any new building permits for fences or walls. All new perimeter chain link fencing shall require a 2-foot landscape strip with a minimum 4-foot high hedge, maintained in a healthy condition. All new fences or walls along the limited common area (driveway) for Units 2 and 3 shall be setback a minimum of 2 feet for a continuous hedge and shall be limited to a height of 4 feet.

14. All existing trees 6 inches or greater in diameter shall be retained on-site, or replacement landscaping shall be required. All landscaping shall be maintained in a healthy visual condition at all times.

15. The addition, alteration or reconstruction of any dwelling unit shall comply with Fire Department requirements for fire protection, access, water and/or Fire Department connections.

Electrical rewiring for all three structures to replace the current two-wire system and installation of hard-wired smoke detectors in the sleeping areas of all three structures shall be required prior to the issuance of any building permit subsequent to this approval, unless otherwise approved by the Fire Department.

16. For good cause, the Director of Land Utilization may impose additional requirements and/or amend the above conditions.

In consideration of this approval, the applicant and/or property owner(s), for the applicant and/or property owner(s) and for their heirs, personal representatives, assigns, lessees, and any subsequent owner(s) of the subject property, shall defend, indemnify and hold harmless, the Department of Land Utilization and the City and County of Honolulu, and all of its corporate affiliates, departments, agents, employees, officers, directors, and successors from and against any and all claims, damages, losses and expenses including reasonable attorney's fees, arising by or from the actions of the Department of Land Utilization herein.

eu-sug.axc