

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

1010 RICHARDS STREET
P. O. BOX 3469
HONOLULU, HAWAII 96801

SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on
EWA APARTMENTS
(formerly Ewa Apartments No. 1)
Puuloa, Ewa, Oahu
State of Hawaii

REGISTRATION NO. 341

This Report Is Not an Approval or Disapproval of This Condominium Project

It was prepared as a supplement to an earlier Report dated _____ issued
by the Real Estate Commission on the above 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 10, 1971

Expires: April 10, 1972

SPECIAL ATTENTION

A comprehensive reading of the 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 JULY 10, 1970 AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF MARCH 9, 1971. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIME ACT, CHAPTER 514, HAWAII REVISED STATUTES.

1. The registration is in compliance with the requirements of the law and regulations. The Developer has given the Commission adequate information on its intention to offer the described dwelling units for sale.
2. This registration covered EWA APARTMENTS NO. 1 and the name has been changed to EWA APARTMENTS. In view of the many changes, this Supplementary Public Report completely replaces the Preliminary Report issued on September 21, 1970.

3. EWA APARTMENTS is a proposed fee simple cluster condominium having two hundred five (205) units arranged throughout forty-one (41) 2-story residential apartment buildings. Two hundred seventy-five (275) parking stalls are available of which seventy (70) will be for guest parking.
4. No advertising or promotional matter has been filed pursuant to the Rules and Regulations promulgated by the Commission.
5. The Developer is arranging for insurance by the Federal Housing Administration pursuant to Section 234 and 235 of Title II of the National Housing Act, of individual mortgages by qualified purchasers of apartments in the project. As a condition to its providing such insurance, the Federal Housing Administration requires that the Association of Apartment Owners enter into with that agency and record a Regulatory Agreement whereby the Association may be regulated and restricted by that agency. The Regulatory Agreement is proposed to be executed and recorded with the Declaration of Horizontal Property Regimes. Purchasers in the project should, therefore, familiarize themselves with the provisions of the proposed Regulatory Agreement.
6. The Purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514, Hawaii Revised Statutes, and the Condominium Rules and Regulations which relate to Horizontal Property Regime.
7. The Developer of the project has submitted to the Commission for examination a filing of documents and exhibits which are complete except for some particular requirement, or requirements, which can be expected to be completed as part of this registration.
8. This Supplementary Public Report is made a part of the registration on EWA APARTMENTS condominium project. The Developer has the responsibility of placing a true copy of this Supplementary Public Report (pink paper stock) in the hands of all purchasers and prospective purchasers. Securing a signed copy of the Receipt for the Final Horizontal Property Regime Public Report from each purchaser and prospective purchaser when it is issued is also the responsibility of the Developer.
9. The Preliminary Public Report was to expire thirteen (13) months from the date of issuance, September 21, 1970, but with the publication of this Supplementary Report the effective period of this registration is through April 10, 1971.

NAME OF PROJECT: EWA APARTMENTS

LOCATION: The project is located on a lot situated at the southeast corner of Fort Weaver Road and Kimopelekane Road, in Ewa Beach, Puuloa, Ewa, Oahu, and containing 10.3764 acres (451,925 square feet). The description of the land by Land Court Map Number and the reserved easements, rights, powers and privileges are more fully set forth in the Declaration.

TAX KEY: FIRST DIVISION 9-1-01-7, 17, 18, 19 and 20

DEVELOPER: The Notice of Intention reveals the Developer to be QUALPAC, INC., a Hawaii corporation, 1105 Dillingham Boulevard, Honolulu, Hawaii. The officers of the corporation are:

T. M. Valdez	President
Philip Ing	Vice-President
Saburo Yamashita	Secretary-Treasurer

ATTORNEY REPRESENTING DEVELOPER: Lewis, Saunders & Key (Charles W. Key), Suite 500, Gasco Building, 1060 Bishop Street, Honolulu, Hawaii. Telephone 531-5351.

DESCRIPTION OF PROJECT: The Declaration of Horizontal Property Regime reflects that this is a fee simple cluster condominium apartment complex consisting of 451,005 square feet of land and forty-one (41) 2-story buildings designated as Buildings A to Z, inclusive, and Buildings EE to SS, inclusive. All buildings will be constructed principally of wood and concrete hollow tile block on a concrete slab.

The number of apartment spaces in each building is as follows:

<u>Building No.</u>	<u>No. of Apartment Spaces</u>
A	5
B	4
C	7
D	4
E	3
F	3
G	6
H	6
I	5
J	5
K	5
L	4
M	4
N	6
O	6
P	5
Q	4
R	6
S	5
T	4
U	5
V	4
W	5
X	4
Y	4
Z	7
EE	5
FF	5
GG	5
HH	5
II	5
JJ	6
KK	5
LL	5
MM	5
NN	9
OO	6
PP	5
QQ	5
RR	5
SS	3
Total	205

There are three (3) types of apartment spaces which have been designated, for classification purposes only, as Model "A", Model "B" and Model "C". The area and the number of rooms contained in each of said types of apartment spaces are as follows:

Model "A" - a two-story apartment with an area of 1,052 square feet, more or less (exclusive of lanai containing approximately 63 square feet); containing three bedrooms, 1 bath, kitchen and living-dining room.

Model "B" - a one-story apartment with an area of 681 square feet, more or less (exclusive of lanai containing approximately 66 square feet); containing two bedrooms, 1 bath, kitchen-dining room and living room.

Model "C" - a two-story apartment with an area of 700 square feet, more or less (exclusive of lanai containing approximately 60 square feet); containing two bedrooms, 1 bath, kitchen-dining room and living room.

The apartment number of each apartment space, its location and model are as follows:

<u>Bldg. No.</u>	<u>Apt. No.</u>	<u>Model No.</u>
A	A-1	B
A	A-2	A (R)
A	A-3	A
A	A-4	A (R)
A	A-5	A (R)
B	B-1	A
B	B-2	A
B	B-3	C (R)
B	B-4	C
C	C-1	A
C	C-2	A (R)
C	C-3	A
C	C-4	A (R)
C	C-5	A
C	C-6	C
C	C-7	C
D	D-1	C (R)
D	D-2	C
D	D-3	C (R)
D	D-4	C
E	E-1	A
E	E-2	A
E	E-3	A (R)
F	F-1	A
F	F-2	A
F	F-3	A (R)
G	G-1	B
G	G-2	C
G	G-3	C (R)
G	G-4	C
G	G-5	C (R)
G	G-6	C
H	H-1	A
H	H-2	A (R)
H	H-3	C (R)
H	H-4	C
H	H-5	A
H	H-6	A (R)
I	I-1	B
I	I-2	A
I	I-3	A
I	I-4	A (R)
I	I-5	A (R)
J	J-1	A
J	J-2	A
J	J-3	A (R)
J	J-4	A (R)
J	J-5	B (R)
K	K-1	C (R)
K	K-2	C
K	K-3	C (R)
K	K-4	C
K	K-5	C
L	L-1	A
L	L-2	A (R)
L	L-3	A
L	L-4	A (R)
M	M-1	A
M	M-2	A (R)
M	M-3	A
M	M-4	A (R)

<u>Bldg. No.</u>	<u>Apt. No.</u>	<u>Model No.</u>
N	N-1	A
N	N-2	A
N	N-3	A (R)
N	N-4	A
N	N-5	A (R)
N	N-6	B
O	O-1	B (R)
O	O-2	A
O	O-3	A (R)
O	O-4	A
O	O-5	A (R)
O	O-6	A (R)
P	P-1	C (R)
P	P-2	C
P	P-3	C (R)
P	P-4	C
P	P-5	C
Q	Q-1	A (R)
Q	Q-2	C
Q	Q-3	C (R)
Q	Q-4	C
R	R-1	A
R	R-2	A
R	R-3	A (R)
R	R-4	A
R	R-5	A (R)
R	R-6	A
S	S-1	A (R)
S	S-2	A
S	S-3	A (R)
S	S-4	A
S	S-5	A (R)
T	T-1	A
T	T-2	A (R)
T	T-3	C (R)
T	T-4	C
U	U-1	C
U	U-2	C (R)
U	U-3	C
U	U-4	A
U	U-5	A (R)
V	V-1	B (R)
V	V-2	A (R)
V	V-3	A (R)
V	V-4	A
W	W-1	B
W	W-2	C (R)
W	W-3	C (R)
W	W-4	A
W	W-5	A (R)
X	X-1	C (R)
X	X-2	C
X	X-3	C (R)
X	X-4	C
Y	Y-1	C (R)
Y	Y-2	C
Y	Y-3	C (R)
Y	Y-4	C
Z	Z-1	B
Z	Z-2	A
Z	Z-3	A
Z	Z-4	A (R)
Z	Z-5	A
Z	Z-6	A (R)
Z	Z-7	B (R)

<u>Bldg. No.</u>	<u>Apt. No.</u>	<u>Model No.</u>
EE	EE-1	A
EE	EE-2	A
EE	EE-3	A
EE	EE-4	A (R)
EE	EE-5	A (R)
FF	FF-1	A
FF	FF-2	A
FF	FF-3	A
FF	FF-4	A (R)
FF	FF-5	A (R)
GG	GG-1	A
GG	GG-2	A
GG	GG-3	A
GG	GG-4	A (R)
GG	GG-5	A (R)
HH	HH-1	A
HH	HH-2	A
HH	HH-3	A
HH	HH-4	A (R)
HH	HH-5	A (R)
II	II-1	A
II	II-2	A
II	II-3	A
II	II-4	A (R)
II	II-5	A (R)
JJ	JJ-1	C (R)
JJ	JJ-2	C
JJ	JJ-3	C (R)
JJ	JJ-4	C
JJ	JJ-5	C (R)
JJ	JJ-6	C
KK	KK-1	A
KK	KK-2	C
KK	KK-3	C (R)
KK	KK-4	C
KK	KK-5	A (R)
LL	LL-1	A
LL	LL-2	C
LL	LL-3	C (R)
LL	LL-4	C
LL	LL-5	A (R)
MM	MM-1	A
MM	MM-2	C
MM	MM-3	C (R)
MM	MM-4	C
MM	MM-5	A (R)
NN	NN-1	A
NN	NN-2	A (R)
NN	NN-3	A
NN	NN-4	A (R)
NN	NN-5	A (R)
NN	NN-6	A
NN	NN-7	A
NN	NN-8	A
NN	NN-9	A (R)
OO	OO-1	C (R)
OO	OO-2	C (R)
OO	OO-3	C
OO	OO-4	C (R)
OO	OO-5	C
OO	OO-6	B (R)
PP	PP-1	B
PP	PP-2	A
PP	PP-3	A
PP	PP-4	A (R)
PP	PP-5	A (R)

<u>Bldg. No.</u>	<u>Appl. No.</u>	<u>Model No.</u>
QQ	QQ-1	A
QQ	QQ-2	A
QQ	QQ-3	A (R)
QQ	QQ-4	A (R)
QQ	QQ-5	B (R)
RR	RR-1	B
RR	RR-2	A
RR	RR-3	A
RR	RR-4	A (R)
RR	RR-5	A (R)
SS	SS-1	A
SS	SS-2	A
SS	SS-3	A (R)

Apartment spaces designated with "(R)" after the model number on the plans are reverse type of such model.

Each of the apartments shall have immediate access to a concrete walkway which is a common element.

COMMON ELEMENTS: The Declaration states that the owners of apartments will have undivided interests in the common elements which shall include, but are not limited to the following: (1) The land in fee simple; (2) All foundation, floor slabs, columns, girders, beams, supports, unfinished perimeter and load bearing walls, roofs, walkways, broadwalks, ducts, pumps, pipes, vires, conduits, and generally all equipment, apparatus, installations and personal property existing for common use in the buildings or located on the land; (3) All driveways, roads, and other common ways, landscaping, yards, playground areas and equipment, garden and garden areas, fences, retaining walls, refuse collection areas, mail box areas, parking areas situate on the land, and sewage treatment plant; (4) Community facilities and all utility facilities; and (5) All portions of the building not deemed to be included as an apartment space.

LIMITED COMMON ELEMENTS: A portion of the common elements is set aside and designated as limited common elements. Each apartment space will have appurtenant thereto a fenced garden area and one parking space, which will bear the same designation as the apartment space, for the exclusive use of such apartment space. The parking spaces are shown on the plot plan of the project as filed with the Commission.

Parking space Nos. Guest 1 to Guest 70, a total of 70 spaces, have not been assigned to any apartment space and shall remain as a common element to be used for guest parking.

PERCENTAGE OF UNDIVIDED OWNERSHIP TO BE CONVEYED: The Declaration reflects that the percentage of undivided interest in all of the common elements of whatever kind appertaining to each apartment and its owner for all purposes shall be as follows:

<u>Model of Apartment</u>	<u>Common Interest</u>
A	.5457
B	.3533
C	.4000

Said percentage shall be the basis for the determination and allocation of common assessments and expenses and common profits to be shared by the Apartment Owners. Each apartment purchaser will receive a deed in fee simple from QUALPAC, INC., the fee simple owner.

PURPOSE OF BUILDINGS AND RESTRICTION AS TO USE: The Declaration reflects that all buildings are intended for residential use, and the apartments may be rented or leased except for transient or hotel purposes.

OWNERSHIP OF TITLE: The project is to be built on Lots 1403 through 1407, inclusive, as shown on Map 179 of Land Court Application 242. The Developer has an unrecorded option to acquire fee simple title to Lot 1404. The Developer reports that title to the other three parcels is vested in QUALPAC, INC., and lien letters issued by Long & Melone, Ltd., confirms such ownership.

ENCUMBRANCES AGAINST PROPERTY: The Developer has submitted lien letters prepared by Long & Melone, Ltd., a licensed abstractor on Lots 1403, 1404, 1405, 1406, and 1407, as of February 1, 1971 and February 11, 1971. The reports state that there were no liens or encumbrances against the land except as follows:

1. Easement 50 for roadway and utility purposes in favor of Ewa Acres, Inc., a Hawaii corporation, as shown on Map 179, filed with Land Court Application No. 242;
2. 20-foot setback line along Fort Weaver Road;
3. The following restrictive covenants set forth in Land Court Documents Nos. 514069, 514070, 514071, and 505104:
 - a. The number of dwelling units developed on said property shall be limited according to zoning and other governmental regulations, but in no event shall there be more than 36 units per acre;
 - b. Said property shall be subject to a minimum setback of twenty (20) feet from Fort Weaver Road for use as a landscaping strip;
 - c. The height of any and all buildings erected on said property shall be limited to three stories;
 - d. Parking spaces shall be constructed on said property so that in all construction on said property there shall be no less than one parking space for every dwelling unit thereon;
 - e. These covenants shall run with the land and shall be binding and continue in force from the date hereof to and including December 31, 1988;
 - f. Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other covenants which shall remain in full force and effect;
4. Mortgages in favor of Bank of Hawaii, dated June 29, 1970, and December 23, 1971, filed as Land Court Documents Nos. 505105 and 526977;
5. Financing Statement filed February 11, 1971, in the Bureau of Conveyances in Liber 7401, Page 35;
6. Taxes that may be due and owing and a lien on the land;
7. Mortgage in favor of American Security Bank, dated April 8, 1970, filed as Land Court Document No. 498815, affecting Lot 1404 only;
8. Agreement of Sale by Ewa Acres, Inc., to Oliver Wai Chung Choy, dated October 1, 1968, filed as Land Court Document No. 458100, affecting Lot 1404 only;
9. Assignment of Agreement of Sale as Security by Ewa Acres, Inc., to American Security Bank, dated April 8, 1970, filed as Land Court Document No. 500034, affecting Lot 1404 only.

It is also noted that:

1. The Commission has been advised that Lot 1404 will be subject to the same encumbrances when fee simple title is acquired.

2. The declaration and apartment deeds shall include:

The reservation of power in favor of Qualpac, Inc. at any time hereafter to execute and deliver to the City and County of Honolulu a Declaration of Restrictive Covenants running with the aforesaid lands concerning the construction, operation and maintenance of a sewage treatment facility for EWA APARTMENTS, which Declaration of Restrictive Covenants shall be binding on all owners of condominium apartments and shall contain provisions that the cost and expense of the operation, repair and maintenance of the sewage treatment facility shall be borne by the aforesaid owners of apartments, and provisions that the sewage treatment facility shall be discontinued or combined with any public system or service which may hereafter be available for said property, at which time said sewage treatment facility shall be dismantled and removed by the aforesaid owners of apartments, at their sole expense, and such other provisions as may be required by the City and County of Honolulu, all of the foregoing to be binding upon the aforesaid owners, their respective heirs, successors and assigns.

3. The commission has been advised that the mortgages will be released prior to the delivery of the first apartment deed or, alternatively, that partial releases of the mortgages will be obtained as apartment deeds are delivered.

PURCHASE MONEY HANDLING: A copy of the specimen Subscription and Purchase Agreement and the executed Escrow Agreement have been submitted as part of the registration. The Escrow Agreement made January 12, 1971 identifies the Bank of Hawaii as the "Escrow". On examination, the specimen Subscription and Purchase Agreement and the executed escrow agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes. The language in the specimen agreement illustrates compliance with the requirements of Sec. 514-36 through 514-40, Hawaii Revised Statutes.

Among other provisions the executed Escrow Agreement provides the following which relates to refund of purchasers' monies:

If, at any time subsequent to the issuance of a building permit for the project, the building plans for the project are changed to such an extent as to require re-approval by the county officer having jurisdiction over the issuance of building permits, or, the final public report differs in any material respect from the preliminary public report, or, in the event that the final report is not issued within one (1) year from the date of the issuance of the preliminary report, or the purchaser is entitled to a refund pursuant to the provisions contained in the Subscription and Purchase Agreement, any purchaser may have the funds deposited by him with Escrow refunded without interest. No refund shall be made to any purchaser who has previously approved such change in writing if a copy of such approval has been furnished to Escrow.

It is incumbent upon the purchaser and prospective purchaser that he read with care the Subscription and Purchase Agreement and the executed Escrow Agreement. The Subscription and Purchase Agreement indicates that Federal Housing Administration requires that 80% (or such lesser percentage as may be approved by the Federal Housing Administration) of the total value of the family units in the project must be sold to purchasers approved by FHA before its issuance of insurance of individual mortgages under Section 234 and 235 of the National Housing Act. The latter document, the Escrow Agreement, establishes how the proceeds from the sales of apartments and all sums received from any source are placed in escrow, as well as the methods of disbursement of said funds.

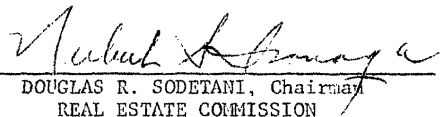
MANAGEMENT AND OPERATIONS: The Declaration discloses that the administration of the project shall be vested in the Association of Apartment Owners. The proposed By-Laws of the Association place the responsibility of employing a responsible Hawaii corporation as Managing Agent to manage and control the project, subject at all times to direction by the Board. Aaron M. Chaney, Inc., a Hawaii corporation, will be identified as the Managing Agent.

STATUS OF PROJECT: The Developer states that about 20% of the construction has been completed. The Developer advises that a construction contract was entered into on June 9, 1970 with Quality Pacific, Limited, the general contractor. The estimated completion date of the entire project is October, 1971. The Developer may lease individual apartments upon completion thereof and prior to completion of the entire project.

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 July 10, 1970 and additional information subsequently filed as of March 9, 1971.

This SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 341 Filed with the Commission on July 10, 1970, and totally supersedes the Preliminary Report issued on September 20, 1970.

The report, when reproduced, shall be a true copy of the Commission's public report. The paper stock used in making facsimiles must be pink.


for DOUGLAS R. SODETANI, Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII

YH:km

Distribution

DEPARTMENT OF TAXATION
BUREAU OF CONVEYANCES
PLANNING DEPARTMENT, CITY & COUNTY OF HONOLULU
FEDERAL HOUSING ADMINISTRATION
ESCROW AGENT

Registration No. 341
March 10, 1971