

**REAL ESTATE COMMISSION**  
PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

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

**FINAL**  
**HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)**  
**PUBLIC REPORT**

on  
CLUB VIEW GARDENS I  
Hui Iwa Street and Kahekili Highway  
Kaneohe, Hawaii

REGISTRATION NO. 413

**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: July 18, 1972  
Expires: August 18, 1973

SPECIAL ATTENTION

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

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED SEPTEMBER 24, 1971, AND ADDITIONAL INFORMATION SUBSEQUENTLY SUBMITTED AS OF JULY 18, 1972. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514, HAWAII REVISED STATUTES.

1. Since issuance of the Commission's Preliminary Public Report of October 18, 1971 on CLUB VIEW GARDENS I, Registration No. 413, the Developer has submitted additional information to that filed with its Notice of Intention of September 24, 1971. This Final Public Report is made a part of the registration on CLUB VIEW GARDENS I. The Developer is responsible for placing a true copy of this Final Public Report (white paper stock) in the hands of all purchasers and

prospective purchasers receiving the Preliminary Public Report (yellow paper stock), and for obtaining from such purchasers and prospective purchasers the required receipts therefor.

2. Amended site plans filed with the Commission May 19, 1972 show that CLUB VIEW GARDENS I consists of 86 townhouse apartments contained in 15 townhouse buildings, and 196 parking stalls of which 24 are for guest parking.

Although the Developer proposes to develop other condominium projects adjoining or in the vicinity of the project, pursuant to its development agreement with the owner of certain lands of which the project is a part, the Developer does not thereby represent to any purchaser of an apartment in the project that it will so develop any such other condominium project. The specimen Sales Contract provides for a representation by purchasers of apartments in the project that they do not rely upon any other condominium project being so developed.

3. All documents deemed necessary for the registration of a condominium project and issuance of this Final Public Report have been submitted by the Developer to the Commission for examination.

The Master Deed was executed June 6, 1972, and filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Land Court Document No. 584181.

4. The basic documents (Declaration of Horizontal Property Regime, By-Laws of the Association of Apartment Owners, and a copy of the approved amended site plans and floor plans) have been filed in the office of the recording officer.

The Declaration of Horizontal Property Regime executed June 13, 1972, with By-Laws attached, was filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Land Court Document No. 585200. Copies of the approved amended site plans and floor plans were also filed in the Office of the Assistant Registrar and have been designated as Condominium Map No. 134.

The Declaration of Covenants, Conditions and Restrictions executed June 23, 1972, with Charter of Incorporation of Club View Gardens Home Owners Association and By-Laws attached, was filed in said Office of the Assistant Registrar as Land Court Document No. 585821.

5. Promotional and advertising materials have been submitted pursuant to the rules and regulations promulgated by the Commission.
6. Construction of Buildings 1 and 2 was substantially completed in October, 1971; construction of Building 3 and the recreation center was substantially completed in January, 1972; and, the apartments in Buildings 1, 2 and 3 have served and will continue to serve as models. Construction of additional townhouse buildings and apartments in CLUB VIEW GARDENS I has commenced and will be substantially completed, according to present estimates by the Developer, by November 1, 1972.
7. 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 promulgated thereunder which relate to horizontal property regimes.
8. This Final Public Report automatically expires thirteen (13) months after the date of issuance, July 18, 1972, unless a supplementary public report issues or the Commission, upon review of the registration, issues an order extending the effective period of this report.

Only certain information appearing on the first page of the Preliminary Public Report dated October 18, 1971 and under the topical headings ATTORNEY REPRESENTING DEVELOPER, DESCRIPTION, LIMITED COMMON ELEMENTS, COMMON INTEREST TO BE CONVEYED TO PURCHASER, OWNERSHIP OF AND ENCUMBRANCES AGAINST TITLE, MANAGEMENT AND OPERATION and STATUS OF PROJECT has been amended and then only to the extent indicated below. Otherwise, the information recited in the Preliminary Public Report of October 18, 1971 applies.

Paragraph 1 on the first page of the Preliminary Public Report dated October 18, 1971 has been amended to read as follows:

1. CLUB VIEW GARDENS I is a proposed fee simple condominium project consisting of 86 townhouse apartments arranged throughout 15 townhouse buildings, with the obligation of each apartment owner to become a member of a non-profit corporation to be organized and known as the Club View Gardens Home Owners Association, which shall be separate from the Association of Apartment Owners of Club View Gardens I, by which membership such apartment owner will be entitled to use and be obligated to pay a 1/449th share of the costs of maintaining and operating a recreation center, including swimming pool, located on approximately 4.545 acres of land adjoining or in the vicinity of but not a part of the project. The Developer proposes

to sell under sales contracts, and to convey by apartment deeds, various apartments in the project to prospective purchasers.

ATTORNEY REPRESENTING DEVELOPER: The Developer advises that the attorneys now representing the Developer are Padgett, Greeley, Marumoto & Steiner (Wendell H. Marumoto), Suite 1400, Hawaii Building, 745 Fort Street, Honolulu, Hawaii 96813. Telephone 537-5976.

DESCRIPTION: The Developer advises that while the project still consists of 15 townhouse buildings; the layouts of the buildings have been changed to now consist of one building of three floors, eleven of two floors, one of partly two floors and partly one floor, and two of one floor; the number of townhouse apartments has been reduced from 87 to 86; the number of parking stalls has been reduced from 206 to 196 of which 24 rather than 32 shall be for guest parking; the types of apartments have been reduced from 19 to 18 types by the deletion of Type E-R; certain apartments have been converted from one type to another; and, the number of apartments in Building 9 has been reduced by 1. The foregoing changes, as well as the changes in the locations of certain of the townhouse buildings and parking stalls, as shown on the amended site plans filed with the Commission on May 18, 1972, have been necessitated by inaccuracies in the topographical information supplied to the Developer and the need to alter the location and apartment type composition of the townhouse buildings as well as the number and location of the parking stalls in order to physically accommodate the project to the true topography of the land upon which the project will be located. The townhouse buildings and apartments affected by the foregoing changes and their original and new types are as follows:

<u>Building</u>	<u>Apartment</u>	<u>Original Type</u>	<u>New Type</u>
9	901	E	D-R
9	902	E	D
9	903	E-R	D-R
9	904	G	D
9	905	G-R	D-R
9	906	G	D
9	907	G-R	D-R
9	908	G	D
9	909	G-R	(Dropped)
13	1301	A-R	B-1
13	1302	A-1	B-R
13	1303	A-1-R	B
13	1304	A	B-R
13	1305	A-1-R	B
13	1306	A-1	B-1-R
14	1402	C-1	C
14	1404	C-1-R	C-R

15	1502	C-1	C
15	1504	C-1-R	C-R

The number of rooms and approximate area of each of the remaining 18 types of apartments (unchanged from the information set forth in the Preliminary Public Report issued October 18, 1971) is for convenience restated below. In addition, the numbers of units of particular types of apartments, some of which have changed since the issuance of the Preliminary Public Report, are also stated below. The number of rooms and approximate area of each type of apartment and the number of units of each particular type of apartment are as follows:

Type A: A one-story unit consisting of five rooms (two bedrooms, a bathroom, kitchen, and living-dining room) with an approximate area of 922 square feet; and a fenced yard, including a patio, exterior storage closet, and fenced garbage can enclosure, with an approximate area of 425 square feet. (Two units)

Type A-R: The reverse of Type A. (Three units)

Type A-1: The same as Type A except for an additional half-bath in lieu of a walk-in closet. (Five units)

Type A-1-R: The reverse of Type A-1. (Four units)

Type B: A two-story unit consisting of eight rooms (three bedrooms, two bathrooms, a powder room, kitchen, and living-dining room) with an approximate area of 1,300 square feet; a balcony with an approximate area of 56 square feet; and a fenced yard, including a patio, exterior storage closet, and fenced garbage can enclosure, with an approximate area of 368 square feet. (Eight units)

Type B-R: The reverse of Type B. (Nine units)

Type B-1: The same as Type B except for an additional linen closet at the stair hall which increases the approximate area to 1,316 square feet. The approximate area of the fenced yard is also increased to 432 square feet. (Five units)

Type B-1-R: The reverse of Type B-1. (Four units)

Type C: A two-story unit consisting of eight rooms (four bedrooms, two bathrooms, a kitchen, and living room with dining area) with an approximate area of 1,555 square feet; two balconies with a total approximate area of 117 square feet; and a fenced yard, including a patio and fenced garbage can enclosure, with an approximate area of 325 square feet. (Seven units)

Type C-R: The reverse of Type C. (Eleven units)

Type C-1: The same as Type C except for an additional bedroom which increases the approximate area to 1,733 square feet. The total approximate area of the balconies is also increased to 165 square feet. (Two units)

Type C-1-R: The reverse of Type C-1. (One unit)

Type D: A two-story unit consisting of seven rooms (three bedrooms, two bathrooms, kitchen, and living room with dining area) with an approximate area of 1,321 square feet; a balcony with an approximate area of 104 square feet; and a fenced yard, including a fenced garbage can enclosure, with an approximate area of 270 square feet. (Nine units)

Type D-R: The reverse of Type D. (Ten units)

Type E: A one-story unit consisting of seven rooms (three bedrooms, two bathrooms, kitchen, and living room with dining area) with an approximate area of 1,200 square feet; a fenced yard, including a fenced garbage can enclosure, with an approximate area of 220 square feet; an entry deck, including an exterior storage closet, with an approximate area of 72 square feet; and a lanai with an approximate area of 336 square feet. (One unit)

Type F-R: The reverse of a one-story unit consisting of six rooms (two bedrooms, a bathroom, half-bath, kitchen, and living-dining room) with an approximate area of 1,044 square feet; a fenced yard, including a fenced garbage can enclosure, with an approximate area of 262 square feet; an entry deck, including an exterior storage closet, with an approximate area of 50 square feet; and a lanai with an approximate area of 336 square feet. (One unit)

Type G: A two-story unit consisting of seven rooms (three bedrooms, two bathrooms, kitchen, and living-dining room) with an approximate area of 1,489 square feet; a fenced yard, including a fenced garbage can enclosure, with an approximate area of 352 square feet; and a lanai with an approximate area of 180 square feet. (Two units)

Type G-R: The reverse of Type G. (Two units)

Except to the extent specifically modified above, the balance of the information under the heading DESCRIPTION in the Preliminary Public Report dated October 18, 1971 remains applicable.

LIMITED COMMON ELEMENTS: The Developer advises that the Declaration filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Land Court Document No. 585200 states that each of 172 of the

196 parking stalls in the project shall be a limited common element reserved for the use of a certain apartment rather than each of 174 of 206 parking stalls as stated in the proposed Declaration.

Except for the reduction in the number of parking stalls in the project which shall be limited common elements reserved for the use of the various apartments from 174 to 172 and the reduction in the total number of parking stalls in the project from 206 to 196, the balance of the information set forth under the heading LIMITED COMMON ELEMENTS in the Preliminary Public Report dated October 18, 1971 remains applicable.

COMMON INTEREST TO BE CONVEYED TO PURCHASER: The reduction in the number of the various types of apartments by the deletion of Type E-R as well as the changes in the number of units of each type of apartment remaining in the project requires a change in the undivided percentage interest, or common interest, applicable to each type of apartment. All remaining types of apartments are affected. The types of apartments and their original and new percentages of common interest are as follows:

<u>Type of Apartment</u>	<u>Original Percentage Common Interest</u>	<u>New Percentage Common Interest</u>
A, A-R	0.8108%	0.81347%
A-1, A-1-R	0.8108%	0.81347%
B, B-R	1.1432%	1.14698%
B-1, B-1-R	1.1572%	1.16111%
C, C-R	1.3674%	1.37198%
C-1, C-1-R	1.5239%	1.52902%
D, D-R	1.1616%	1.16552%
E	1.0554%	1.05871%
E-R	1.0554%	(Deleted)
F-R	0.9179%	0.92120%
G, G-R	1.3094%	1.31382%

Except for the deletion of Apartment Type E-R and the substitution of new percentages of common interest for the remaining types of apartments, the balance of the information set forth under the heading COMMON INTEREST TO BE CONVEYED TO PURCHASER in the Preliminary Public Report dated October 18, 1971 remains applicable.

OWNERSHIP OF AND ENCUMBRANCES AGAINST TITLE: The Developer has filed with the Commission an updated Title Report dated July 7, 1972, prepared by Security Title Corporation, covering Lots 166 and 168, area 9.152 and 2.314 acres respectively, as shown on Map 45 filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1805, which shows that the fee title to said Lots 166 and 168 is vested in Dan Ostrow Construction Co., Inc. Said Lots 166 and 168, as shown on said

Map 45, Certificate of Title No. 148,964, are subdivided portions of former Lot 159, as shown on Map 32 filed in the said Office of the Assistant Registrar with Land Court Application No. 1805, Certificate of Title No. 125,973; and, are the lots upon which the project is being constructed.

The updated Title Report also shows that Lots 166 and 168 shall be together with a perpetual non-exclusive easement for ingress, egress, and drainage, utility, and sewer purposes over, under, and across Lot 167 as shown on said Map and Lot 47 as shown on Map 26 and noted on Certificate of Title No. 149,594, to be used in common with others entitled thereto, for access to and from public highway; provided, however, that at such time or times as said Lot 167 or said Lot 47, or any portion or portions of either of said lots, be conveyed to or acquired by the State of Hawaii, The City and County of Honolulu, or any other governmental authority as a public right-of-way all private easements in said lot or any portion or portions thereof so conveyed or acquired shall automatically terminate.

The updated Title Report further indicates that the only encumbrances against said Lots 166 and 168 are as follows:

Against Lot 166:

Grant dated August 19, 1969, filed in said Office of the Assistant Registrar as Document No. 488748, in favor of Hawaiian Electric Company, Inc., and Hawaiian Telephone Company both Hawaii corporations, granting an easement for electrical and other purposes. Consent thereto filed as Document No. 488749.

Restriction of access rights affecting former Lot 159, as shown on Maps 11, 23, 26, 27, and 32, as set forth by Land Court Order No. 21323, filed June 5, 1963.

Designation of the following Easements affecting Lot 166 as follows:

Easement 86 for water purposes;  
Easement 87 for drainage purposes;  
Easement 88 for sewer purposes;  
Easement 89 for water purposes;  
Easement 90 for water purposes; and  
Easement 91 for sewer purposes, all as shown on Map 48 as set forth by Land Court Order No. 35448, filed July 7, 1972.

Said Easement 91 for sewer purposes shall run in favor of Lot 170, area 46.200 acres, as shown on said Map 45, and such lots into which said Lot 170 may hereafter be subdivided.

An 80-foot building setback abutting Kahekili Highway as indicated on said Map 45, as set forth by Land Court Order No. 21323, filed June 5, 1963.



Against Lot 168:

Designation of Easement 92 for water purposes, as shown on Map 48 as set forth by Land Court Order No. 35448, filed July 7, 1972.

Against both Lots 166 and 168:

Reservation in favor of the State of Hawaii of all minerals and metallic mines of every description as reserved under Royal Patents 1423, 1554, 1555, 1664, 2012 and 6589.

Mortgage dated June 6, 1972, filed in said Office of the Assistant Registrar as Document No. 584182, made by said Dan Ostrow Construction Co., Inc., as Mortgagor, to said Bank of Hawaii, as Mortgagee, to secure the repayment of the sum of \$385,000.00 and any additional advances and other amounts secured thereby, all according to the terms of that certain promissory note of said Mortgagor therein referred to.

Declaration of Horizontal Property Regime dated June 13, 1972, with By-Laws of the Association of Apartment Owners of Club View Gardens I attached, filed in said Office of the Assistant Registrar as Document No. 585200, made by said Dan Ostrow Construction Co., Inc. as Owner. Condominium Map No. 134, dated June 13, 1972.

Declaration of Covenants, Conditions and Restrictions dated June 23, 1972, with Charter of Incorporation of Club View Gardens Home Owners Association and By-Laws attached, filed in said Office of the Assistant Registrar as Document No. 585821, made by Waikiki Development Co., Inc., a Hawaii corporation, and Centex Development Company, a Delaware corporation, general partners of Ahuimanu Investment Company, a California limited partnership, and said Dan Ostrow Construction Co., Inc., as Declarants.

Note: The interest conveyed to each individual purchaser by an apartment deed will also be subject to: (1) such easements for sewers, drainage and water as Grantor may grant to The City and County of Honolulu or other governmental authority or agency through, under, and across said easements designated hereinbefore; and, (2) such easements for electricity and telephones as may be appropriate to service the property and as shall be designated by Grantor on or before December 31, 1975. By acceptance of his apartment deed, the Grantee will covenant and agree to join in such designation of said easements and to grant easements to The City and County of Honolulu or other governmental authority or agency, Hawaiian Electric

Company, Inc. and Hawaiian Telephone Company for the purposes of building, constructing, rebuilding, reconstructing, repairing, maintaining and operating sewer and/or storm drain and/or water pipeline, electrical and telephone facilities to service the property as set forth in Exhibit A to the standard apartment deed.

MANAGEMENT AND OPERATION: The Developer advises that on behalf of the Association of Apartment Owners of Club View Gardens I it has retained Hawaiiana Management Company as the initial managing agent for the project, and has submitted to the Commission an executed copy of the Property Management Agreement dated May 15, 1972. The Developer also advises that it has entered into a five-year contract with the Club View Gardens Home Owners Association under which the Developer will undertake the maintenance of the recreational center. The Developer has also submitted to the Commission an executed copy of the maintenance contract between itself and the Club View Gardens Home Owners Association, dated June 23, 1972. Otherwise, the balance of the information under this heading in the Preliminary Public Report applies.


STATUS OF PROJECT: The developer advises that in October, 1971, it substantially completed construction of Buildings 1 and 2 in the project and that in January, 1972, it substantially completed Building 3 in the project and the recreation center, consisting of the clubhouse, including swimming pool. Performance bonds, all dated February 18, 1972, covering the recreational center, and each of the townhouse buildings in the project have been submitted to the Commission. A separate performance bond, dated March 24, 1972, and rider, dated July 6, 1972, covering the grading and site work, road construction, drainage, water and sewer systems have also been submitted to the Commission. The Developer further advises that it has commenced construction of additional townhouse buildings and apartments in the project with the financing provided by Bank of Hawaii and that it estimates that such construction will be substantially completed by November 1, 1972.

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The purchaser or prospective purchaser should recognize that this published report represents information disclosed by the developer in the required Notice of Intention submitted on September 24, 1971, and information subsequently filed as of July 18, 1972. The information disclosed in the Commission's Preliminary Public Report of October 18, 1971 should be carefully reviewed by the purchaser and prospective purchaser.

This FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 413 filed with the Commission on September 24, 1971.

This report, when reproduced, should be a true copy of the Commission's Public Report. The paper stock used in making facsimiles must be white.

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

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Registration No. 413  
July 18, 1972.