

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
YACHT CLUB KNOLLS
44-354 Kaneohe Bay Drive
Kaneohe, Hawaii

REGISTRATION NO. 473

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: March 7, 1973
Expires: April 7, 1974

SPECIAL ATTENTION

A comprehensive reading of this report is urged so that the personal requirements and expectations to be derived from the property can be 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 JULY 12, 1972, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF MARCH 7, 1973. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF THE INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514, HAWAII REVISED STATUTES.

1. Since issuance of the Commission's Preliminary Public Report of September 25, 1972, on YACHT CLUB KNOLLS, Registration No. 473, the Developer has submitted additional information to that filed with its Notice of Intention of July 12, 1972. This Final Public Report is made a part of the registration on YACHT CLUB KNOLLS. 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. Site plans filed with the Commission on February 2, 1973, show that YACHT CLUB KNOLLS consists of 86 townhouse apartments contained in 13 townhouse buildings, and 201 parking stalls of which 29 are for guest parking.

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 Lease was executed July 21, 1972, but not filed or recorded. The Memorandum of Master Lease, also executed July 21, 1972, was filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Land Court Document No. 590886; and, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 8461, at Page 136.

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

The Declaration of Horizontal Property Regime executed January 18, 1973, with By-Laws attached was filed in said Office of the Assistant Registrar as Land Court Document No. 615898; and, recorded in said Bureau of Conveyances in Liber 8897, at Page 353. Copies of the approved site plans and floor plans were also filed in said Office of the Assistant Registrar and designated as Land Court Condominium Map No. 156; and, recorded in said Bureau of Conveyances where they have been designated as Condominium Map No. 259.

Said Declaration of Horizontal Property Regime, said Land Court Condominium Map No. 156, and said Condominium Map No. 259, have been amended by Amendment to Declaration of Horizontal Property Regime and Amendment to Land Court Condominium Map No. 156 and Condominium Map No. 259, executed February 21, 1973, filed in said Office of the Assistant Registrar as Document No. 620423; and recorded in said Bureau of Conveyances in Liber 8968 at Page 454.

5. Promotional and advertising materials have been submitted pursuant to the rules and regulations promulgated by the Commission.

6. Construction of Buildings 1, 5, 6, 7, 11, 12, and 13, and the recreation center has been completed. The apartments in Building 1 have served and will continue to serve as models. Construction of additional townhouse buildings and apartments in YACHT CLUB KNOLLS has commenced and will be substantially completed, according to present estimates by the Developer, by May 1, 1973.

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, March 7, 1973, 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 under the topical headings LOCATION, DEVELOPER, DESCRIPTION, OWNERSHIP OF AND ENCUMBRANCES AGAINST TITLE, PLANNED UNIT DEVELOPMENT, MANAGEMENT AND OPERATION, and STATUS OF PROJECT, of the Preliminary Public Report of September 25, 1972, has been amended and then only to the extent indicated below. Otherwise, the information recited in the Preliminary Public Report of September 25, 1972 applies.

LOCATION: The project is located at 44-354 Kaneohe Bay Drive, northeasterly of and adjoining Yacht Club Hills Subdivision-Unit 1-Section "A" at Kaneohe, District of Koolaupoko, City and County of Honolulu, State of Hawaii, and presently consists of two lots containing areas of 15.212 and 0.851 acres, respectively, or a total of 16.063 acres. The Developer has obtained the approval of the Planning Department of the City and County of Honolulu for the subdivision of said two lots and has also obtained approval of the Land Court of the State of Hawaii for the subdivision of the lot registered with the Land Court. The areas of the said two lots are shown, respectively, on the map, dated March 8, 1972, prepared by Alexander W. Thoene, approved by the Planning Department on September 21, 1972, and Map 10, filed with Land Court Application No. 614. Copies of both maps have been filed with the Real Estate Commission.

DEVELOPER: The developer advises that its present principal place of business and post office address is Suite 1415, Amfac Building, 700 Bishop Street, Honolulu, Hawaii 96813. The developer also advises that the names of its present corporate officers and their respective offices are as follows:

Dan Ostrow	President
James H. Wodehouse, Jr.	Executive Vice President
Joel Ostrow	Vice President
Ardie Ostrow	Secretary
Philip Wong	Treasurer

The balance of the information set forth under the heading DEVELOPER in the Preliminary Public Report dated September 25, 1972, remains applicable.

DESCRIPTION: The developer advises that, while the project still consists of 86 townhouse apartments in 13 townhouses, and while there has been no change in the type or composition of each townhouse apartment since the issuance of the Preliminary Public Report of September 25, 1972, the site plans and floor plans for the project filed as Land Court Condominium Map No. 156 and Condominium Map No. 259, both as amended, use a different numbering system for the townhouse apartments from that used in the Preliminary Public Report of September 25, 1972. The numbers used in the Preliminary Public Report of September 25, 1972, said Condominium Maps, and the apartment type are as follows:

<u>APARTMENT</u>		<u>TYPE</u>
<u>Preliminary Public Report</u>	<u>Condominium Maps</u>	
101	1-1	A-R
102	1-2	C-R
103	1-3	C
104	1-4	A-1
105	1-5	B-R
106	1-6	B-1
201	2-1	A-R
202	2-2	A-1
203	2-3	A-1-R
204	2-4	A
205	2-5	A-1-R
206	2-6	A-1
301	3-1	B-1
302	3-2	B-R
303	3-3	B
304	3-4	B-R
305	3-5	B
306	3-6	B-1-R
401	4-1	D-R
402	4-2	D
403	4-3	D-R
404	4-4	D
405	4-5	D-R
406	4-6	D
501	5-1	D-R
502	5-2	D-R
503	5-3	D-R
504	5-4	D
505	5-5	D-R
506	5-6	D

<u>APARTMENT</u>		<u>TYPE</u>
<u>Preliminary Public Report</u>	<u>Condominium Maps</u>	
601	6-1	D-R
602	6-2	D
603	6-3	D-R
604	6-4	D
605	6-5	D-R
606	6-6	D
701	7-1	C-R
702	7-2	C
703	7-3	C-R
704	7-4	C
705	7-5	C-R
706	7-6	C
801	8-1	E
802	8-2	E
803	8-3	E-R
804	8-4	G
805	8-5	G-R
806	8-6	G
807	8-7	G-R
808	8-8	G
809	8-9	G-R
901	9-1	E
902	9-2	E
903	9-3	E-R
904	9-4	G
905	9-5	G-R
906	9-6	G
907	9-7	G-R
908	9-8	G
909	9-9	G-R
1001	10-1	E
1002	10-2	E
1003	10-3	E-R
1004	10-4	G
1005	10-5	G-R
1006	10-6	G
1007	10-7	G-R
1008	10-8	G
1009	10-9	G-R
1101	11-1	A-R
1102	11-2	A-1
1103	11-3	A-1-R
1104	11-4	A
1105	11-5	A-1-R
1106	11-6	A-1

<u>APARTMENT</u>		<u>TYPE</u>
<u>Preliminary Public Report</u>	<u>Condominium Maps</u>	
1201	12-1	C-R
1202	12-2	C
1203	12-3	C-R
1204	12-4	C-R
1205	12-5	C
1301	13-1	D-R
1302	13-2	D
1303	13-3	D-R
1304	13-4	D
1305	13-5	D-R
1306	13-6	D

The balance of the information set forth under the heading DESCRIPTION in the Preliminary Public Report dated September 25, 1972, remains applicable.

OWNERSHIP OF AND ENCUMBRANCES AGAINST TITLE: The Developer has filed with the Commission an updated Title Report dated February 28, 1973, prepared by Security Title Corporation, covering the two parcels upon which the Project is situated. The parcel registered with the Land Court is shown as Lot 2-A-3-A on Map 10, filed with Land Court Application No. 614. The updated Title Report dated February 28, 1973, shows the status of the title to the two parcels to be the same as that set forth under the heading OWNERSHIP OF AND ENCUMBRANCES AGAINST TITLE in the Preliminary Public Report of September 25, 1972.

The Developer advises that it has been informed by the attorneys for the Executors under the Will and of the Estate of Harold Kainalu Long Castle, Deceased, that it is not likely that an Order of Distribution will be filed in the probate proceedings involving the estate (Probate No. 29772) prior to the issuance of apartment leases to purchasers. Therefore, the said Executors will join with the Trustees of the trust estates established pursuant to the Last Will and Testament, including Codicils First through Fifth, of said Harold K. L. Castle, Harold K. L. Castle Foundation, Clinton Williams Murchison, Jr., John Dabney Murchison, Paul Whitney Trousdale, and Horace Winfred Beek White as lessors under said apartment leases.

The Developer also advises that the road easement demised to Hawaiian Telephone Company (formerly Mutual Telephone Company) under a lease, dated July 1, 1953, between Kaneohe Ranch Company, Limited, as lessor, and Mutual Telephone Company, as lessee, has been surrendered by Hawaiian Telephone Company by Indenture, dated December 12, 1972. The Indenture was filed in said Office of the Assistant Registrar as Document No. 616108, and also recorded in said Bureau of Conveyances in Liber 8900, at Page 272. Consent thereto was filed as Document No. 616107, and in Liber 8900, at Page 271.

The Developer also advises that, upon further inquiry made of the Executors of the Estate of Harold Kainalu Long Castle

and their attorneys, neither said Executors nor their attorneys have been able to ascertain when the United States of America ceased to use the easement granted to it by grant, dated August 15, 1942, recorded in said Bureau of Conveyances in Book 2152, at Page 299, and filed in said Office of the Assistant Registrar as Document No. 103193, as set forth under the heading OWNERSHIP OF AND ENCUMBRANCES AGAINST TITLE in the Preliminary Public Report of September 25, 1972. The easement is not presently being used by the United States of America.

The Developer further advises that the updated Title Report of February 28, 1973, shows the following encumbrances against both the Project lots, in addition to those set forth under the heading OWNERSHIP OF AND ENCUMBRANCES AGAINST TITLE in the Preliminary Report of September 25, 1972:

Amended Order of Probate, dated September 8, 1972, filed in said Office of the Assistant Registrar as Document No. 601486, and recorded in said Bureau of Conveyances in Liber 8651, at Page 369, confirming the authority of the Executors of the Estate of Harold Kainalu Long Castle, Deceased, to execute Declarations of Horizontal Property Regime.

Declaration of Horizontal Property Regime under the Horizontal Property Act, dated January 18, 1973, made by said James C. Castle, James Gordon McIntosh, and Hawaiian Trust Company, Limited, trustees of the trust estates established pursuant to the Last Will and Testament, including Codicils First through Fifth, of Harold K. L. Castle, Deceased, and Harold K. L. Castle Foundation, Lessor, Clinton Williams Murchison, Jr., John Dabney Murchison, Paul Whitney Trousdale, and Horace Winfred Beek White, Sublessor, and Dan Ostrow Construction Co., Inc., Developer, together with By-Laws of the Association of Apartment Owners of Yacht Club Knolls attached thereto and incorporated therein by reference, filed in said Office of the Assistant Registrar as Document No. 615898, and recorded in said Bureau of Conveyances in Liber 8897, at Page 353. Land Court Condominium Map No. 156 filed in said Office of the Assistant Registrar January 29, 1973. Condominium Map No. 259 filed in said Bureau of Conveyances January 29, 1973. James C. Castle, Henry H. Wong, and Hawaiian Trust Company, Limited, Executors under the Will and of the Estate of Harold K. L. Castle, consented to and joined in said Declaration.

Said Declaration of Horizontal Property Regime, said Land Court Condominium Map No. 156, and

said Condominium Map No. 259, have been amended by Amendment to Declaration of Horizontal Property Regime and Amendment to Land Court Condominium Map No. 156 and Condominium Map No. 259 executed February 21, 1973, filed in said Office of the Assistant Registrar as Document No. 620423; and, recorded in said Bureau of Conveyances in Liber 8968, at Page 454.

Except for the foregoing, the balance of the information set forth under the heading OWNERSHIP OF AND ENCUMBRANCES AGAINST TITLE in the Preliminary Public Report of September 25, 1972, remains applicable.

PLANNED UNIT DEVELOPMENT: The Developer advises that Paragraph 19 of the Declaration of Horizontal Property Regime for Yacht Club Knolls, dated January 18, 1973, restated in Paragraph 34 of the proposed Apartment Lease, which incorporates by reference the provisions of Ordinance No. 3859 of the City and County of Honolulu zoning the Project as Planned Development Housing (PD-H) District No. R-11, differs from that stated in the Preliminary Public Report of September 25, 1972. Paragraph 19 of said Declaration provides as follows:

19. Planned Unit Development. The Project has been zoned as Planned Development-Housing (PD-H) District No. R-11 pursuant to Ordinance No. 3859 of the City and County of Honolulu approved December 23, 1971. Unless and until they are repealed or otherwise superseded or amended, the provisions of Ordinance No. 3859, which are hereby incorporated herein by reference, shall constitute covenants running with the land which shall inure to the benefit of the City and County of Honolulu and its successors and shall be binding upon all who now or hereafter may own or occupy any interest in the Project.

Except for the foregoing, the balance of the information set forth under the heading PLANNED UNIT DEVELOPMENT in the Preliminary Public Report of September 25, 1972, remains applicable.

MANAGEMENT AND OPERATION: The developer advises that on behalf of the Association of Apartment Owners of Yacht Club Knolls 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 September 21, 1972.


STATUS OF PROJECT: The developer advises that it has substantially completed construction of the recreational center and Buildings 1, 5, 6, 7, 11, 12, and 13. The developer also advises that it has

commenced construction of the remaining buildings in the Project. The developer estimates that construction of the remaining buildings will be substantially completed by May 1, 1973.

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 July 12, 1972, and information subsequently filed as of March 7, 1973. The information disclosed in the Commission's Preliminary Public Report of September 25, 1972 should be carefully reviewed by the purchaser or prospective purchaser.

This FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 473 filed with the Commission on July 12, 1972.

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 DOUGALS R. SODEK, Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII

Distribution:

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Registration No. 473

March 7, 1973.