

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**

MAKAKILO GARDENS, INCREMENT NO. 3
Makakilo Drive
Ewa Beach, Hawaii

REGISTRATION NO. 547

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: April 2, 1974
Expires: May 2, 1975

SPECIAL ATTENTION

A comprehensive reading of the report by prospective purchasers is urged in order that 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:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED APRIL 13, 1973 AND INFORMATION SUBSEQUENTLY FILED AS OF MARCH 27, 1974. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL AND SUBMITTING INFORMATION OF MATERIAL CHANGES IN THE PROJECT, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514, HAWAII REVISED STATUTES, AND AMENDMENTS THERETO.

1. Since the issuance of the Commission's Preliminary Public Report of January 28, 1974, the Developer reports that changes have been made in the plan or setup as presented in the April 13, 1973 notice of intention to sell. The changes subsequently made are determined to be a material revision to the information disclosed earlier.

This Final Public Report (white paper stock) amends the Makakilo Gardens, Increment No. 3 Preliminary Public Report (yellow paper stock), becoming a part of registration. The Developer is responsible for placing a true copy of this Final Public Report in the hands of all purchasers and prospective purchasers, along with a copy of the Preliminary Public Report. The buyer shall sign the required receipt signifying that he has had an opportunity to read both reports.

2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of a condominium project and the issuance of this Final Public Report.
3. The basic documents (Declaration of Horizontal Property Regime of Makakilo Gardens, Increment No. 3, By-Laws of Association of Apartment Owners of Makakilo Gardens, Increment No. 3, and a copy of the floor plans) have been filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii.

The Declaration of Horizontal Property Regime of Makakilo Gardens, Increment No. 3, with By-Laws of the Association of Apartment Owners of Makakilo Gardens, Increment No. 3, dated March 18, 1974, were filed in said Office as Document No. 673438 and noted on Transfer Certificate of Title No. 159,527.

The Assistant Registrar has designated Condominium Map No. 200 to the project.

4. Advertising and promotional matter have been submitted to the Commission.
5. 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 regimes.
6. This Final Public Report automatically expires thirteen (13) months after the date of issuance, April 2, 1974, unless a Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the effective period of this report.

The information in the topical headings of the Preliminary Public Report of January 28, 1974, with the exception of ENCUMBRANCES AGAINST TITLE and STATUS OF THE PROJECT, has not been disturbed.

NAME OF PROJECT: MAKAKILO GARDENS, INCREMENT NO. 3

ENCUMBRANCES AGAINST TITLE: A Lien Letter Report dated December 3, 1973, and the First Continuation of Lien Letter Report dated March 4, 1974, prepared by Security Title Corporation, certifies that the land is subject to the following encumbrances:

1. Real Property Taxes			
1st Installment	\$1,285.24	PAID	
2nd Installment	\$1,285.24	OPEN (Delinquent	after 5/30/74)

2. The terms and provisions of that certain Developer's Agreement dated May 5, 1966, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 391241, made by and between ALAN S. DAVIS, M. L. RANDOLPH and GEO. M. COLLINS, TRUSTEES UNDER THE WILL AND OF THE ESTATE OF JAMES CAMPBELL, DECEASED, and FINANCE REALTY CO., LTD., a Hawaii corporation. (also affects other property)

Said Developer's Agreement is encumbered by the following:

Mortgage dated July 13, 1972, filed in said Office of the Assistant Registrar as Document No. 589482, made by FINANCE REALTY CO., LTD., a Hawaii corporation, as Mortgagor, to BANK OF HAWAII, a Hawaii corporation, as Mortgagee, to secure the repayment of the sum of \$4,700,000.00, any additional advances and other amounts secured thereby, all according to the terms of that certain promissory note of said mortgagor therein referred to.

3. Additional Charge Mortgage dated December 5, 1973, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 660310, made by FINANCE REALTY CO., LTD., a Hawaii corporation, as Mortgagor, to BANK OF HAWAII, a Hawaii corporation, as Mortgagee, to secure the repayment of the additional loan of \$1,000,000.00, together with interest thereon in accordance with the terms of the promissory note therein referred to (also affects other property).

NOTE: The Developer has advised the Commission that the fee simple landowner, the Trustees under the Will and of the Estate of James Campbell, deceased, will be granting the following easements for sewer, flowage and water purposes necessary to serve this project:

1. A nonexclusive easement for sewer purposes will be granted by the Trustees to the Association of Apartment Owners of Makakilo Gardens, Increment No. 3 in the sewer lateral located in the adjacent condominium project, Makakilo Gardens, Increment No. 2, as shown on Condominium Map No. 170 filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii.
2. An easement for flowage purposes will be granted by the Trustees to the Association of Apartment Owners of Makakilo Gardens, Increment No. 3, as shown on Condominium Map 200 filed as aforesaid.
3. An easement for water purposes will be granted by the Trustees to the City and County of Honolulu and to the Board of Water Supply, as shown on Condominium Map 200 filed as aforesaid.

As a condition to their granting the abovementioned easements for sewer and flowage purposes to the Association of Apartment Owners of Makakilo Gardens, Increment No. 3, the Trustees are requiring that the Association indemnify the Trustees for any loss or damage arising or proximately resulting from the negligence of the Association, its officers, agents or servants. Purchasers of units


in this project should, therefore, familiarize themselves with the provisions of the grants of the abovementioned easements, the forms of which are available for inspection at the office of the Developer.

STATUS OF THE PROJECT: The Developer advises that it has completed all eight of the two-story multi-family buildings in the project. All construction of the project has been with funds from a Bank of Hawaii revolving line of credit and without the use of any portion of the purchase money paid by purchasers of the apartments in the project. A condition of the disbursement of escrow funds is the issuance of this Final Public Report.

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 April 13, 1973, and additional information subsequently filed as of March 27, 1974.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 547 filed with the Commission April 13, 1973.

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


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

Distribution:

Department of Taxation
Bureau of Conveyances
Planning Commission, City & County of Honolulu
Federal Housing Administration
Escrow Agent

REGISTRATION NO. 547

April 2, 1974