

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
NANIWA GARDENS
6750 Hawaii Kai Drive
Honolulu, Hawaii

REGISTRATION NO. 582

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: January 17, 1974
Expires: February 17, 1975

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 or prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED JUNE 27, 1973 AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED WITH THE COMMISSION AS OF JANUARY 15, 1974. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT SET FORTH IN CHAPTER 514, CHAPTER 514, HAWAII REVISED STATUTES.

1. NANIWA GARDENS is a leasehold condominium project consisting of one (1) building comprised of a basement, lobby floor, and fourteen (14) residence stories providing for one hundred eleven (111) apartment units and a resident manager's apartment. The Developer intends to sell the one hundred eleven (111) apartment units together with an undivided interest in

the common elements of the project. There will be a total of two hundred twenty-four (224) parking stalls (107 standard size and 17 small-compact size) which will include fourteen (14) stalls for visitor parking. Each apartment will have appurtenant to it one or more parking stalls.

2. This Final Public Report is made a part of the registration on NANIWA GARDENS condominium project. The Developer is responsible for placing this Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers and for securing a signed copy of the Receipt for Horizontal Property Regime Public Report from each purchaser and prospective purchaser.

3. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of the condominium project and the issuance of this Final Public Report.

The Developer reports that the basic documents (Declaration of Horizontal Property Regime, with By-Laws of the Association of Apartment Owners attached, and a copy of the approved Floor Plans) have been filed in the office of the recording officer.

The Declaration of Horizontal Property Regime, executed December 13, 1973, with By-Laws attached, was recorded in the Bureau of Conveyances in Liber 9690 on Page 118.

Condominium File Plan No. 331 showing the layout, location, and apartment numbers was recorded in the said Bureau of Conveyances.

4. Advertising and promotional matter have not as yet been submitted pursuant to the rules and regulations promulgated by 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, January 17, 1974, unless a Supplementary Public Report issues, or the Commission, upon the review of the registration, issues an order extending the effective period of this report.

NAME OF PROJECT: NANIWA GARDENS

LOCATION: The approximately 92,083 square feet committed to the regime is situate at Maunalua, Honolulu, being Lot 2 of a tract of land known as the Hahaione Valley Subdivision Unit 1-D-2, as shown and described on the map filed on August 29, 1972 in the Bureau of Conveyances of the State of Hawaii as File Plan No. 1281.

TAX MAP KEY: 3-9-70-2

ZONING: A-3 (Apartment)

DEVELOPER: Ohbayashi Hawaii Corporation, whose principal place of business is 2680 Pacific Trade Center, 190 South King Street, Honolulu, Hawaii, 96813, and whose telephone number is 524-5163.

The principal officers of the corporation are:

<u>Name</u>	<u>Office</u>
YOSHIRO OHBAYASHI	President and Director
KINYA MIZUHO	Vice President and Director and Secretary-Treasurer
GENRO KASHIWA	Director

ATTORNEY REPRESENTING DEVELOPER: Kashiwa and Kanazawa (Attention: Milton M. Motooka), Suite 302, Town Tower at Harbor Square, 225 Queen Street, Honolulu, Hawaii, 96813; Telephone: 521-4943.

DESCRIPTION: The proposed project consists of a 92,083 square feet parcel of land situated at Maunalua, Honolulu, Oahu, Hawaii, with improvements to be constructed thereon consisting of one (1) multi-family structure, together with parking facilities. Said structure is constructed basically of reinforced concrete floor slabs and walls.

There will be twelve types of apartment units which have been designated, for classification purposes only, as Models "A-1", "A-2", "B-1", "B-2", "C-1", "C-2", "PA-1", "PA-2", "PB-1", "PB-2", "PC-1", and "PC-2". The area contained in each of said types of apartment units are as follows:

(a) Unit A-1, an end unit located on the Ewa end of the building, consists of 1,328 square feet, including the lanai area and is comprised of:

Two bedrooms, a living room and dining room area, a kitchen, two bathrooms and a lanai.

(b) Unit A-2, the reverse of Unit A-1, an end unit located on the Kokohead end of the building, consists of 1,328 square feet, including the lanai area.

(c) Unit B-1 consisting of 1,328 square feet, including the lanai area, is comprised of:

Two bedrooms, a living room and dining room area, a kitchen, two bathrooms and a lanai.

(d) Unit B-2, the reverse of Unit B-1, consists of 1,328 square feet, including the lanai area.

(e) Unit C-1, consisting of 937 square feet, including the lanai area, is comprised of:

One bedroom, a living room and dining room area, a kitchen, a bathroom and a lanai.

(f) Unit C-2, the reverse of Unit C-1, consists of 937 square feet, including the lanai area.

(g) Penthouse Unit PA-1, an end unit located on the Ewa end of the building, consists of 1,328 square feet, including the lanai area and is comprised of:

Two bedrooms, a living room and dining room area, a kitchen, two bathrooms and a lanai.

(h) Penthouse Unit PA-2, the reverse of Unit PA-1, an end unit located on the Kokohead end of the building, consists of 1,328 square feet, including the lanai area.

(i) Penthouse Unit PB-1, consisting of 1,328 square feet, including the lanai area, is comprised of:

Two bedrooms, a living room and dining room area, a kitchen, two bathrooms and a lanai.

(j) Penthouse Unit PB-2, the reverse of Unit PB-1 consists of 1,328 square feet, including the lanai area.

(k) Penthouse Unit PC-1, consisting of 937 square feet, including the lanai area, is comprised of:

One bedroom, a living room and dining room area, a kitchen, a bathroom and a lanai.

(l) Penthouse Unit PC-2, the reverse of Unit PC-1, consists of 937 square feet, including the lanai area.

All units will be furnished with a refrigerator, a range with hood, a dishwasher, a garbage disposal unit and a stacked washer and dryer. The kitchen and bathroom floors will be covered with sheet vinyl tile. The walls of the living room and dining room area and bedrooms will be covered with a primary coat of paint.

The apartment number of each apartment space, its location and model are as shown on Exhibit "A" attached hereto and by reference made a part hereof.

PARKING STALLS: Forty-two (42) parking stalls are available for purchase by the purchasers of the apartment units. Each one bedroom apartment owner shall have the first right-of-refusal to purchase one (1) parking stall before any apartment has the right to have three (3) or more parking stalls. Said parking stalls are designated in Exhibit "C".

COMMON ELEMENTS: A freehold estate consisting of all remaining portions of the project being described and referred to in the Declaration as "Common Elements" which definition includes, but is not limited to:

- (a) Said land in fee simple;
- (b) All foundations, floor slabs, columns, girders, beams, supports, unfinished perimeter and load-bearing walls, roofs, and walkways around and between said building;
- (c) All yards, grounds, landscaping, planters, mail boxes, refuse facilities, swimming pool, activities room, and like facilities; the restrooms, stairwells and lobby areas for common use and areas assigned to be used for bulk storage and office;
- (d) All driveways and loading bay area, screen walls and all handrailings;
- (e) All ducts, sewer lines, electrical equipment, pipes, wiring and other central installations and appurtenant transmission facilities, over, under and across the Project, which serve more than one apartment for services including sewer, power, light, water, gas, refuse, telephone and radio and television signal distribution, and passenger elevators;
- (f) The resident manager's apartment, designated as Apartment Number 103 which is inclusive of a residential unit on the first floor, type C-1, and a parking stall designated as Number 103 on the Condominium File Plan for such resident manager's personal use;
- (g) Fourteen (14) guest automobile parking spaces as designated in Exhibits "B" and "C" of the Parking Lot Assignments; and
- (h) Any and all other apparatus and installations of common use and all other parts of the property necessary or convenient to its existence, maintenance or safety, and normally in common use.

LIMITED COMMON ELEMENTS: Certain parts of the common elements, herein called the designated "limited common elements", are hereby set aside and reserved for the exclusive use of certain apartments and such apartments shall have appurtenant thereto exclusive easements for the use of such limited common elements. The limited common elements so set aside and reserved are as follows:

- (a) Two automobile parking stalls for two bedroom apartments and one automobile parking stall for one bedroom apartments, totalling one hundred sixty seven (167) out of two hundred twenty four (224) parking stalls and so designated on said Condominium File Plan by the number corresponding to the number of each apartment shall be appurtenant to and for the exclusive use of such apartment, with which the same are conveyed upon the initial conveyance by lease or deed;

(b) Each of the forty two (42) parking stalls designated on said Condominium File Plan as Numbers 1 through 28 inclusive, 38, 45, 46, 48, 49, 63, 93, 113, 114, 122, 149, 150, 161, and 185, of which Numbers 12, 13, 14, 28, 38, 45, 46, 49, 63, 93, 113, 114, 122, 149, 150, 161, and 185 may not accommodate a full size automobile, shall be appurtenant to and for the exclusive use of an apartment as and when conveyed by the Lessee to the owner of such apartment; provided, however, that the Lessee shall use his best effort to secure the right of first refusal to the owner of an apartment which has only one parking stall appurtenant thereto when any one of said parking stalls is available for transfer hereunder;

(c) Each apartment shall always have at least one parking stall appurtenant to it but, otherwise, any automobile parking stall easement may be transferred from apartment to apartment in the Project, but shall always be appurtenant to one of the apartments in the Project;

(d) Each stairway landing and elevator lobby on the residential floors shall be appurtenant to and for the exclusive use of the two apartments served thereby. The owners of such apartments may decorate the elevator lobby appurtenant thereto, provided that such decorations are approved by the Board of Directors of the Association and maintained in good order and condition by such owners;

(e) One storage space in the storage area level shall be assigned to each of the apartments and shall be appurtenant to and for the exclusive use of such apartment; and

(f) All other common elements of the project which are rationally related to less than all of said apartments or buildings shall be limited to the use of such apartments or buildings.

INTEREST TO BE CONVEYED PURCHASER: Each one bedroom apartment shall have appurtenant thereto an undivided percentage interest of .745 and each two bedroom apartment shall have appurtenant thereto an undivided percentage interest of 1.054 in all common elements of the project (herein called the "common interest") and the same proportionate share in all common profits and expenses of the project and for all other purposes, including voting.

PURPOSE AND USE OF THE APARTMENT SPACES: The apartments shall be occupied and used only as private dwellings by the respective owners thereof, their tenants, families, domestic servants and social guests, and for no other purpose. The apartment shall not be rented for transient or hotel purposes, which are defined as (a) rental for any period less than 90 days, or (b) any rental in which the occupants of the apartment are provided customary hotel services such as room service for food and beverage, maid service, laundry and linen or bellboy service. Except for such transient or hotel purposes the owners of the respective apartments shall have the absolute right to lease such apartment subject to all provisions of this Declaration.

OWNERSHIP: Title to the land committed to the project is vested in the TRUSTEES OF THE ESTATE OF BERNICE PAUAHI BISHOP and the OHBAYASHI CORPORATION has the exclusive development rights.

ENCUMBRANCES AGAINST TITLE: The following easements encumber the land and building:

(a) Title to all mineral and metallic mines reserved to the State of Hawaii.

(b) Easement 4, 10-foot wide, for drainage purposes as shown on File Plan No. 1281.

(c) Terms and conditions contained in that certain unrecorded development agreement dated April 27, 1961, by and between Kaiser Hawaii-Kai Development Co., a Nevada corporation, as nominee partner of and for Kaiser Aetna, a registered California partnership and the Trustees of the Estate of Bernice Pauahi Bishop of which a short form agreement is dated May 27, 1971, recorded in Liber 7592, Page 467.

(d) Terms, covenants, conditions, reservations and restrictions contained in the Master Lease dated May 23, 1973, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 9249, Page 196.

(e) The covenants, conditions and restrictions for NANIWA GARDENS as set forth in that certain Declaration executed December 13, 1973 and recorded in the Bureau of Conveyances in Liber 9690, Page 118.

(f) Real Property Taxes for fiscal year 1973-1974 are now a lien.

In addition, the apartments and common elements shall also have and be subject to the following easements:

(a) Each apartment shall have appurtenant thereto non-exclusive easements in the common elements designed for such purposes for ingress to, egress from, utility services for and support of such apartment; in the other common elements for use according to their respective purposes, subject always to the exclusive use of the limited common elements as provided herein; and in all other apartments of the building for support.

(b) If any part of the common elements now or hereafter encroaches upon any apartment or limited common element, a valid easement for such encroachment and the maintenance thereof, so long as it continues, shall exist. In the event the building shall be partially or totally destroyed and then rebuilt, minor encroachments of any parts of the common elements due to construction shall be permitted, and valid easements for such encroachments and the maintenance thereof shall exist.

(c) Each apartment shall be subject to an easement in favor of the owners of all other apartments for access to any common elements located in such apartment.

PURCHASE MONEY HANDLING: An Escrow Agreement dated November 27, 1973 has been executed and a copy of same has been filed with the Commission. The Escrow Agent is TITLE GUARANTY ESCROW SERVICES, INC. Upon examination, the Specimen Sales Contract and the executed Escrow Agreement are found to be consonant with Chapter 514, Hawaii Revised Statutes, and particularly Sections 514-15(6) and 514-36 through 514-40.

It is incumbent upon the prospective purchaser that he reads with care the Sales Contract and the executed Escrow Agreement. The latter Agreement establishes how the proceeds from the sale of condominium units are placed in trust as well as the retention and disbursement of said funds.

MANAGEMENT AND OPERATIONS: The By-Laws of the Association of Owners vest the Board of Directors with the powers and duties necessary for the administration of the affairs of the project. An initial managing agent has been identified as Aaron M. Chaney, Inc., in the Specimen Sales Contract and Management Agreement submitted as part of the registration.

FINANCING OF PROJECT: Developer has filed an estimated total project cost of \$6,985,700.00. Developer has advised the Commission that it intends to finance part of the total project costs through an existing building construction loan of \$6,900,000.00 from the Sanwa Bank of California. The balance of the total project cost will be financed by the Developer.

STATUS OF PROJECT: A Building Contract has been executed on July 16, 1973, between Developer and Ohbayashi-Gumi, Ltd. as Contractor. The Developer advised the Commission that construction of the project began on July 17, 1973, and that the estimated date of completion is September, 1974.


The purchaser or prospective purchaser should be cognizant of the fact that this Public Report represents information disclosed by the Developer in the required Notice of Intention submitted June 27, 1973, and information subsequently filed as of January 15, 1974.

THIS FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 582 filed with the Commission on June 27, 1973.

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

DISTRIBUTION:

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


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

REGISTRATION NO: 582
JANUARY 17, 1974

EXHIBIT "A"

<u>FLOOR NUMBER</u>	<u>APARTMENT NUMBER</u>	<u>TYPE OF UNIT</u>
1	101	A-1
	102	C-2
	104	B-2
	105	B-1
	106	C-2
	107	C-1
	108	A-2
	2	201
202		C-2
203		C-1
204		B-2
205		B-1
206		C-2
207		C-1
208		A-2
3	301	A-1
	302	C-2
	303	C-1
	304	B-2
	305	B-1
	306	C-2
	307	C-1
	308	A-2
4	401	A-1
	402	C-2
	403	C-1
	404	B-2
	405	B-1
	406	C-2
	407	C-1
	408	A-2
5	501	A-1
	502	C-2
	503	C-1
	504	B-2
	505	B-1
	506	C-2
	507	C-1
	508	A-2
6	601	A-1
	602	C-2
	603	C-1
	604	B-2
	605	B-1
	606	C-2
	607	C-1
	608	A-2

<u>FLOOR NUMBER</u>	<u>APARTMENT NUMBER</u>	<u>TYPE OF UNIT</u>
7	701	A-1
	702	C-2
	703	C-1
	704	B-2
	705	B-1
	706	C-2
	707	C-1
	708	A-2
8	801	A-1
	802	C-2
	803	C-1
	804	B-2
	805	B-1
	806	C-2
	807	C-1
	808	A-2
9	901	A-1
	902	C-2
	903	C-1
	904	B-2
	905	B-1
	906	C-2
	907	C-1
	908	A-2
10	1001	A-1
	1002	C-2
	1003	C-1
	1004	B-2
	1005	B-1
	1006	C-2
	1007	C-1
	1008	A-2
11	1101	A-1
	1102	C-2
	1103	C-1
	1104	B-2
	1105	B-1
	1106	C-2
	1107	C-1
	1108	A-2
12	1201	A-1
	1202	C-2
	1203	C-1
	1204	B-2
	1205	B-1
	1206	C-2
	1207	C-1
	1208	A-2

<u>FLOOR NUMBER</u>	<u>APARTMENT NUMBER</u>	<u>TYPE OF UNIT</u>
13	1301	A-1
	1302	C-2
	1303	C-1
	1304	B-2
	1305	B-1
	1306	C-2
	1307	C-1
	1308	A-2
14	1401	PA-1
	1402	PC-2
	1403	PC-1
	1404	PB-2
	1405	PB-1
	1406	PC-2
	1407	PC-1
	1408	PA-2

EXHIBIT "B"

NANIWA GARDENS
Schedule of Parking Stall Assignment
by Apartments

<u>Apt. No.</u>	<u>Stall No.</u>	<u>Stall No.</u>	<u>Apt. No.</u>	<u>Stall No.</u>	<u>Stall No.</u>	<u>Apt. No.</u>	<u>Stall No.</u>	<u>Stall No.</u>
	<u>1st</u>	<u>2nd</u>		<u>1st</u>	<u>2nd</u>		<u>1st</u>	<u>2nd</u>
101	103	195(U)	601	53	169	1101	51	182
102	155	-	602	131	-	1102	141	-
103	166	-	603	144	-	1103	136	-
104	92	186(U)	604	89	188(U)	1104	105	198(U)
105	94	189(U)	605	110	203(U)	1105	100	215(U)
106	164	-	606	148	-	1106	124	-
107	174	-	607	146	-	1107	119	-
108	85	199(U)	608	62	151	1108	58	172
201	84	213(U)	701	29	168	1201	57	156
202	181	-	702	117	-	1202	120	-
203	175	-	703	134	-	1203	140	-
204	78	206(U)	704	109	217(U)	1204	80	216(U)
205	112	218(U)	705	96	201(U)	1205	86	200(U)
206	162	-	706	116	-	1206	139	-
207	180	-	707	132	-	1207	138	-
208	82	212(U)	708	30	152	1208	52	165
301	83	194(U)	801	61	170	1301	56	173
302	157	-	802	145	-	1302	121	-
303	163	-	803	128	-	1303	95	-
304	108	220(U)	804	107	190(U)	1304	104	193(U)
305	98	205(U)	805	97	208(U)	1305	102	214(U)
306	179	-	806	143	-	1306	111	-
307	177	-	807	126	-	1307	90	-
308	47	211(U)	808	50	153	1308	58	176
401	31	210(U)	901	44	183	1401	221	222
402	178	-	902	127	-	1402	33	-
403	158	-	903	133	-	1403	35	-
404	87	187(U)	904	106	192(U)	1404	36	37
405	81	204(U)	905	99	209(U)	1405	39	40
406	160	-	906	135	-	1406	54	-
407	159	-	907	118	-	1407	41	-
408	60	196(U)	908	59	167	1408	223	224
501	34	197(U)	1001	32	171			
502	115	-	1002	125	-			
503	130	-	1003	137	-			
504	101	219(U)	1004	88	191(U)			
505	91	207(U)	1005	79	202(U)			
506	129	-	1006	123	-			
507	147	-	1007	142	-			
508	42	184	1008	43	154			

NOTE: "U" = Uncovered

EXHIBIT "C"

NANIWA GARDENS

Schedule of Parking Stall Assignment
in Numerical Order

<u>Stall No.</u>	<u>Apt. No.</u>	<u>Stall No.</u>	<u>Apt. No.</u>	<u>Stall No.</u>	<u>Apt. No.</u>	<u>Stall No.</u>	<u>Apt. No.</u>
1	Open	41	1407	81	405	121	1302
2	"	42	508	82	208	122	Open
3	"	43	1008	83	301	123	1006
4	"	44	901	84	201	124	1106
5	"	45	Open	85	108	125	1002
6	"	46	"	86	1205	126	807
7	"	47	308	87	404	127	902
8	"	48	Open	88	1004	128	803
9	"	49	"	89	604	129	506
10	"	50	808	90	1307	130	503
11	"	51	1101	91	505	131	602
12	"	52	1208	92	104	132	707
13	"	53	601	93	Open	133	903
14	"	54	1406	94	105	134	703
15	"	55	1308	95	1303	135	906
16	"	56	1301	96	705	136	1103
17	"	57	1201	97	805	137	1003
18	"	58	1108	98	305	138	1207
19	"	59	908	99	905	139	1206
20	"	60	408	100	1105	140	1203
21	"	61	801	101	504	141	1102
22	"	62	608	102	1305	142	1007
23	"	63	Open	103	101	143	806
24	"	64	Guest	104	1304	144	603
25	"	65	"	105	1104	145	802
26	"	66	"	106	904	146	607
27	"	67	"	107	804	147	507
28	"	68	"	108	304	148	606
29	701	69	"	109	704	149	Open
30	708	70	"	110	605	150	"
31	401	71	"	111	1306	151	608
32	1001	72	"	112	205	152	708
33	1402	73	"	113	Open	153	808
34	501	74	"	114	"	154	1008
35	1403	75	"	115	502	155	102
36	1404	76	"	116	706	156	1201
37	1404	77	"	117	702	157	302
38	Open	78	204	118	907	158	403
39	1405	79	1005	119	1107	159	407
40	1405	80	1204	120	1202	160	406

<u>Stall No.</u>	<u>Apt. No.</u>	<u>Stall No.</u>	<u>Apt. No.</u>
161	Open	193	1304
162	206	194	301
163	303	195	101
164	106	196	408
165	1208	197	501
166	103	198	1104
167	908	199	108
168	701	200	1205
169	601	201	705
170	801	202	1005
171	1001	203	605
172	1108	204	405
173	1301	205	305
174	107	206	204
175	203	207	505
176	1308	208	805
177	307	209	905
178	402	210	401
179	306	211	308
180	207	212	208
181	202	213	201
182	1101	214	1305
183	901	215	1105
184	508	216	1204
185	Open	217	704
186	104	218	205
187	404	219	504
188	604	220	304
189	105	221	1401
190	804	222	1401
191	1004	223	1408
192	904	224	1408