

# 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

FERN GARDEN  
1715 Fern Street  
Honolulu, Hawaii  
REGISTRATION NO. 931

### **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: September 30, 1977  
Expires: October 30, 1978

#### SPECIAL ATTENTION

A comprehensive reading by the prospective purchaser is urged in order that personal requirements and expectations to be derived from the property can be ascertained. The attention of the prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED ON AUGUST 11, 1977 AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF SEPTEMBER 26, 1977. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, SET FORTH IN CHAPTER 514, HAWAII REVISED STATUTES.

1. FERN GARDEN is a fee simple condominium project consisting of a twenty-four (24) unit, five (5) story building, containing four (4) apartment floors with six (6) apartments on each floor and

one (1) level of parking with nineteen (19) parking stalls (three of which are compact).

2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of this condominium project and the issuance of this Final Public Report.
3. The basic documents (Declaration of Horizontal Property Regime, Amendment to Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owners and a copy of the approved floor plans) have been filed in the Office of the Recording Officer.

The Declaration of Horizontal Property Regime with the By-Laws attached, was recorded in the Bureau of Conveyances, City and County of Honolulu, State of Hawaii, in Liber 12348, Page 726. The said Declaration of Horizontal Property Regime was amended by an Amendment of Declaration of Horizontal Property Regime dated September 8, 1977, and recorded in Liber 12420, Page 664. Condominium Map No. 510 has been assigned to the project by the Bureau of Conveyances.

4. This Final Public Report is made a part of the registration, and the Developer is responsible for placing this Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers and securing a signed receipt therefor from each such person.
5. There is no advertising or promotional material to be submitted to the Commission.
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 Regimes.
7. This Final Public Report automatically expires thirteen (13) months after the date of issuance, September 30, 1977, unless a Supplementary Public Report is issued, or the Commission, upon review of the registration, issues an Order extending the effective period of this Report.

NAME OF PROJECT: FERN GARDEN

LOCATION: The land submitted to the Regime, approximately 8733 square feet, is located at 1715 Fern Street, Honolulu, Hawaii.

TAX MAP KEY: FIRST TAXATION DIVISION 2-3-32-43.

ZONING: Apartment A-4 District

DEVELOPER: JACK HISATSUGU UJIMORI, HARUMI UJIMORI and STANLEY TAKITO UJIMORI, all residents of the City and County

of Honolulu, State of Hawaii, whose business and post office address is Suite 269, Alexander Young Building, 1077 Bishop Street, Honolulu, Hawaii.

ATTORNEY REPRESENTING DEVELOPER: T. IRVING CHANG, Suite 334, Alexander Young Building, 1077 Bishop Street, Honolulu, Hawaii; Telephone 531-4136.

DESCRIPTION: The Declaration and said Condominium Map reflect that the project is to consist of the land aforesaid with a twenty-four (24) unit five (5) story apartment building containing four (4) apartment floors and one (1) parking level, consisting of six (6) apartments on each floor, nineteen (19) parking stalls and five (5) planting areas. The principal materials used in the construction of the project are reinforced concrete, hollow tile blocks, glass, structural steel, aluminum and allied building materials.

The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter or party walls or interior loadbearing walls, the floors and ceilings surrounding each apartment or any pipes, wires, conduits or other utility or service lines running through such apartments which are utilized for or serve more than one apartment, the same being deemed common elements as hereinafter provided.

Each apartment shall be deemed to include all the walls and partitions which are not loadbearing within its perimeter or party walls, the inner decorated or finished surfaces of all walls, floors and ceilings, doors and door frames, windows and window frames, the lanai air space and all fixtures originally installed therein.

The floor area of each apartment is approximately, more or less, as follows:

- |                         |   |
|-------------------------|---|
| i) 201, 301, 401, 501   | Approximately 532 square feet, together with a lanai area of approximately 33 square feet |
| ii) 202, 302, 402, 502  | Approximately 448 square feet, together with a lanai area of approximately 33 square feet |
| iii) 203, 303, 403, 503 | Approximately 432 square feet, together with a lanai area of approximately 33 square feet |
| iv) 204, 304, 404, 504  | Approximately 422 square feet, together with a lanai area of approximately 33 square feet |
| v) 205, 305, 405, 505   | Approximately 521 square feet, together with a lanai area of approximately 68 square feet |
| vi) 206, 306, 406, 506  | Approximately 613 square feet   |

The apartment units are located on the second through the fifth floors, with six (6) units on each floor and the apartment numbers for each floor are as follows: 201 through

206, second floor; 301 through 306, third floor; 401 through 406, fourth floor; 501 through 506, fifth floor. Each apartment, will include a bedroom, a kitchen area, a living /dining room and a bathroom.

COMMON ELEMENTS: The Declaration provides that the common elements shall include, but are not limited to, the following: (a) the said land in fee simple; (b) all foundations, floor slabs, columns, girders, beams, supports, unfinished perimeter, party and loadbearing walls, roofs, entries, stairways, walkways, entrances and exits of said building; (c) all yards, grounds and landscaping; (d) all roads, driveways and parking areas, as designated on said Condominium Map; (e) all pipes, cables, conduits, ducts, electrical equipment, wiring and other central and appurtenant transmission facilities and installations over, under and across the project which serve more than one apartment for services such as power, light, gas, water, sewer, telephone and television distribution, if any; and (f) any and all other apparatus and installations of common use, including, but not limited to, the elevator and elevator shaft, and all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

LIMITED COMMON ELEMENTS: Certain parts of the common elements herein designated as "limited common elements," are set aside and reserved for the exclusive use of certain apartments as follows:

Each apartment, except for apartments 201, 202, 203, 306, and 401 shall have appurtenant to it one (1) parking space designated on the Condominium Map. No parking space is assigned to apartments 201, 202, 203, 306, and 401. The respective apartments and parking spaces appurtenant thereto are as follows (parking space with a "(c)" denotes a compact parking stall):

<u>Apt. No.</u>	<u>Parking Space</u>	<u>Apt. No.</u>	<u>Parking Space</u>
403	1	503	10
204	2	305	11
303	3	402	12
502	4	405	13
505	5	301	14
205	6(c)	406	15
302	7(c)	304	16
206	8	506	17
504	9	404	18(c)
		501	19

Apartments 201, 202, 203, 306 and 401 shall have appurtenant to it one (1) planting area designated on the Condominium Map. The respective apartments and planting areas appurtenant thereto are as follows:

<u>Apt. No.</u>	<u>Planting Area</u>
201	A
202	B
306	C
203	D
401	E

Certain of the apartments shall have an undivided one-half interest in and to the entry hallway leading to and/or between such apartments. The respective apartments and entry hallway interests appurtenant thereto are as follows:

(A) Apartments 201 and 202, 301 and 302, 401 and 402 and 501 and 502 shall have an undivided one-half interest in and to the entry hallway leading to and between such apartments, all as is more particularly shown on Condominium Map No. 510.

(B) Apartments 203 and 204, 303 and 304, 403 and 404 and 503 and 504 shall have an undivided one-half interest in and to the entry hallway leading to and between such apartments, all as is more particularly shown on Condominium Map No. 510.

(C) Apartments 206, 306, 406 and 506 shall have a limited common interest in and to the entry hallway immediately appurtenant to such apartments, all as is more particularly shown on Condominium Map No. 510.

INTEREST TO BE CONVEYED TO PURCHASER: Each apartment shall have appurtenant thereto an undivided percentage interest equal to 4.16% in all of the common elements of the project, called "common interest" in the Declaration, and for all other purposes including voting; except that such percentage for apartments numbered 206, 306, 406, and 506 shall be 4.20%.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The apartments shall be used for residential purposes and for no other purpose, unless consent of the Board of Directors of the Association is secured; provided, that the owners of the apartments shall have the right to lease or rent the apartments to third parties. No more than two (2) occupants per bedroom are permitted by the House Rules.

OWNERSHIP OF TITLE: Title to the land committed to the project is vested in JACK HISATSUGU UJIMORI and HARUMI UJIMORI, husband and wife, and STANLEY TAKITO UJIMORI, husband of Kay Sadako Ujimori, by Deed dated November 20, 1975 recorded in Liber 11235 at Page 192.

ENCUMBRANCES AGAINST TITLE: A Preliminary Report prepared by Security Title Corporation as of July 6, 1977, certifies that the land is subject to the following encumbrances:

1. Reservation in favor of the State of Hawaii in all mineral and metallic mines as reserved in Royal Patent No. 103.

2. Temporary Easement 6' wide for access and utility purposes over and across Lot G-2 in favor of THE CITY AND COUNTY OF HONOLULU, a municipal corporation of the State of Hawaii, as reserved in that certain Deed dated July 31, 1974, recorded on August 23, 1974 in the Bureau of Conveyances of the State of Hawaii in Book 10103, Page 496.

3. For any taxes that are due and owing, reference is hereby made to the Office of the Tax Assessor, First Division.

4. First Mortgage dated December 3, 1976, recorded on December 17, 1976 in said Bureau of Conveyances in Book 11886, Page 338, made by JACK HISATSUGU UJIMORI and HARUMI UJIMORI, husband and wife, and STANLEY TAKITO UJIMORI, husband of Kay Sadako Ujimori, as Mortgagors, to STATE SAVINGS AND LOAN ASSOCIATION, a Utah corporation, as Mortgagee, to secure the repayment of the sum of \$350,000.00, any additional advances and other amounts secured thereby, all according to the terms of that certain promissory note of said mortgagors therein referred to.

By instrument entitled "ASSIGNMENT OF LEASE RENTS", dated December 3, 1976, recorded on December 17, 1976 in said Bureau of Conveyances in Book 11886, Page 363, JACK HISATSUGU UJIMORI, HARUMI UJIMORI and STANLEY TAKITO UJIMORI, assigned to STATE SAVINGS AND LOAN ASSOCIATION, a Utah corporation, " ... all of the rents, revenue, issues and profits now due and hereafter to become due from the mortgaged premises above described, and also all leases and rental agreements affecting the said premises.", as additional security for the repayment of the foregoing mortgage.

PURCHASE MONEY HANDLING: A copy of the Escrow Agreement, dated May 27, 1977, made between State Savings and Loan Association, as Depository, and Developer, as Seller, has been submitted to the Commission as part of the registration. On examination, the specimen Sales Contract and the executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes, and particularly Section 514-35 and Sections 514-36 through 514-40, Hawaii Revised Statutes.

Among other provisions, the Sales Contract provides that the purchaser agrees that all of the rights of the purchaser are and shall be subject and subordinate to the lien of any mortgage securing the repayment of the interim loan made to finance the cost of construction and other costs during construction and to any and all sums which may become a lien pursuant to the terms of such interim loan or any other agreement relating thereto.

It is incumbent upon the prospective purchaser that he read with care the Sales Contract and the executed Escrow Agreement. The Escrow Agreement establishes how the proceeds from the sale of units and all sums from any source are placed in trust, as well as the retention, disbursement and refund of said trust funds.

MANAGEMENT AND OPERATIONS: Administration and operations of the project shall be conducted for the Association of Apartment Owners, consisting of all apartment owners of the project, through the Board of Directors, by a responsible management agent, in accordance with the By-Laws of the Association. The initial managing agent shall be Ujimori Realty, Inc., appointed by the Developer for a term of one year.

STATUS OF PROJECT: Construction of the project has been completed. The Developer has furnished the Commission a copy of the City's Certificate of Occupancy dated July 13, 1977.

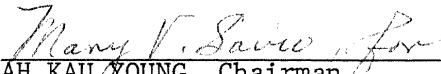
NOTE: The Developer has advised the Commission that the one year warranty period on construction will commence on the date of occupancy.

PROGRAM OF FINANCING: The statement of the Program of Financing submitted by the Developer reflects that the Developer has obtained written commitments from State Savings and Loan Association to provide for the permanent take out loans.

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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 on August 11, 1977 and additional information subsequently filed as of September 26, 1977.

This FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 931 filed with the Commission on August 11, 1977.

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.

  
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AH KAU YOUNG, Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII

Distribution:

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

Registration No. 931  
September 30, 1977