

# 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  
PALEHUA GARDENS, PHASE IV  
Makakilo Drive  
Ewa Beach, Hawaii

REGISTRATION NO. 953

### **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: May 4, 1978  
Expires: June 4, 1979

#### SPECIAL ATTENTION

A comprehensive reading of this 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 and prospective purchaser is particularly directed to the following:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED NOVEMBER 21, 1977, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF APRIL 14, 1978. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514, HAWAII REVISED STATUTES, AS AMENDED.

1. Since the issuance of the Commission's Preliminary Public Report of December 5, 1977, the Developer reports that no changes have been made in the plan or setup of the project but an Amendment to the Declaration of

Horizontal Property Regime has been filed to correct a discrepancy in the site plan.

This Final Public Report (white paper stock) amends the PALEHUA GARDENS, PHASE IV, Preliminary Public Report (yellow paper stock), becoming a part of this 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. A copy of each report shall be delivered to the purchaser who shall be asked to sign a receipt signifying that he has received and has had an opportunity to read the 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 condominium documents have been filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii, as follows:

The Declaration of Horizontal Property Regime of Palehua Gardens, with Bylaws of the Association of Apartment Owners of Palehua Gardens, dated September 27, 1977 was filed in said Office as Document No. 837298 and noted on Transfer Certificate of Title No. 193,853, as amended by instruments dated January 25, 1978 and February 7, 1978 as Document Nos. 864534 and 860516, respectively.

The Assistant Registrar has designated Condominium Map No. 314 to floor plans of the project.

4. Advertising and promotional matter has been submitted to the Commission.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A, Hawaii Revised Statutes, as amended, 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, May 4, 1978, 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 December 5, 1977 has not been disturbed except that there are certain additions, corrections and clarifications under the topical headings ENCUMBRANCES AGAINST TITLE and STATUS OF PROJECT.

ENCUMBRANCES AGAINST TITLE: By the Preliminary Report submitted by Security Title Corporation and dated September 29, 1977, as supplemented by reports dated October 14, 1977, October 24, 1977, January 6, 1978, February 17, 1978 and March 29, 1978, the following are encumbrances against the land:

1. For any taxes that are due and owing and a lien on the land, reference is hereby made to the Office of the Tax Assessor, First Division.
2. Development Rights 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 George M. Collins, Trustees under the Will and of the Estate of James Campbell, Deceased, and Finance Realty Co., Ltd., a Hawaii corporation.
3. 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, any additional advances and other amounts secured thereby, all according to the terms of that certain promissory note of said mortgagor therein referred to (also affects other property). Consent thereto filed as Document No. 589483.
4. Additional Charge Mortgage dated November 14, 1974, filed in said Office of the Assistant Registrar as Document No. 703186, 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 \$4,300,000, together with interest thereon in accordance with the terms of the promissory note therein referred to. Consent thereto filed as Document No. 703187. This is an additional charge mortgage to the foregoing mortgage.
5. Second Additional Charge Mortgage dated May 13, 1976, filed in said Office of the Assistant Registrar as Document No. 766717, made by Finance Realty Co., Ltd., as Mortgagor, to Bank of Hawaii, as Mortgagee, to secure the repayment of the

additional loan of \$1,500,000, together with interest thereon in accordance with the terms of the promissory note therein referred to. Consent thereto filed as Document No. 766718. This is an additional charge mortgage to the foregoing mortgage.

6. Undated Financing Statement recorded on May 28, 1976 in the Bureau of Conveyances in Book 11441, at Page 7.
7. By instruments dated January 12, 1977, and September 27, 1977, filed in said Office as Document Nos. 801573 and 837294a, respectively, the Mortgage and Additional Charge Mortgages described above were amended.
8. Designation of Easements 820 through 828 affecting Lot 2556 as set forth by Land Court Order No. 44241 filed April 15, 1976.
9. Designation of Easement 866 over and across Lot 2556, as shown on Map 284, as set forth by Land Court Order No. 47863, filed August 3, 1977.
10. Grant of Easement in favor of Palehua Community Association in Easement 866, for public access to school site, dated September 27, 1977, filed as Document No. 837295.
11. Grant of Easement to the City and County of Honolulu dated June 27, 1977, filed as Document No. 830147.
12. Declaration of Additional Property Annexed to Palehua Community dated September 27, 1977 filed as Document No. 837297.
13. Declaration of Horizontal Property Regime of Palehua Gardens, with Bylaws of the Association of Apartment Owners of Palehua Gardens dated September 27, 1977, effective as of October 1, 1977, filed in said Office as Document No. 837298, as amended by instrument dated September 28, 1977, filed in said Office as Document No. 839709. The Assistant Registrar has designated Condominium Map No. 314 to floor plans of the project.
14. Declaration of Covenants, Conditions and Restrictions of the Palehua Community dated January 14, 1977, filed in said Office as Document No. 801577.
15. Grant of Easement in favor of Hawaiian Electric Co., Inc. dated June 1, 1977, filed in said Office as Document No. 841709.

16. Amendment of Declaration of Horizontal Property Regime of Palehua Gardens dated February 7, 1978, effective as of February 15, 1978, filed in said Office as Document No. 860516 (by this document Phase III of Palehua Gardens was merged with Phases II and III).
17. Additional Charge and Additional Security Mortgage, Financing Statement, Consolidation Agreement and Loan Modification Agreement dated February 17, 1978, filed in said Office as Document No. 861755.
18. Amendment of Declaration of Horizontal Property Regime of Palehua Gardens dated January 25, 1978, filed in said Office as Document No. 864534 (by this document Condominium Map 314 was amended by the substitution of a new site plan for Phase IV which shows that the correct placement of the balconies for the apartments in Building No. 92-1041, which are Apartments 77 through 83, inclusive, is as shown on said new site plan).

Note: Prior to the conveyance of the first apartment to a purchaser in Phase IV, Phase IV will be merged with the other phases of the project by an additional filed instrument.

STATUS OF THE PROJECT: The Developer reports that construction of the buildings in Phase IV of the project has been completed as evidenced by copies of Notice of Completion of Contract submitted to the Commission.

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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 November 21, 1977, and additional information subsequently filed as of April 14, 1978.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 953 filed with the Commission on November 21, 1977.

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.

*Ah Kau Young*  
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 AH KAU YOUNG, Chairman  
 REAL ESTATE COMMISSION  
 STATE OF HAWAII

Distribution:

Department of Taxation  
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 Planning Commission, City & County of Honolulu  
 Department of Housing and Urban Development  
 Escrow Agent

REGISTRATION NO. 953

May 4, 1978