

# 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  
KONANE KAI  
68-151 and 68-155 Au Street  
Waialua, Hawaii

REGISTRATION NO. 1149

### **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 3, 1980

Expires: October 3, 1981

#### SPECIAL ATTENTION

A comprehensive reading of this 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 JULY 6, 1979 AND INFORMATION SUBSEQUENTLY FILED AS OF AUGUST 29, 1980. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514A, HAWAII REVISED STATUTES.

1. Since the issuance of the Commission's Preliminary Report on August 31, 1979 on the KONANE KAI, Registration No. 1149, the Developer reports that certain material changes have been made in the project.
2. The Developer 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.

3. The basic documents (Declaration of Horizontal Property Regimes, By-Laws of the Association of Apartment Owners) were executed on August 14, 1979 and filed in the Bureau of Conveyances, State of Hawaii in Book 14014, Page 405. Amendments thereof dated March 8, 1980 and August 20, 1980 were filed in said Bureau in Book 14880, Page 643 and Book 14932, Page 568 respectively. A copy of the floor plans has been filed as Condominium Map No. 647 in said Bureau.
4. Advertising and promotional matter has been filed 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 514A, Hawaii Revised Statutes, as amended, and the Condominium Rules and Regulations which relate to the Horizontal Property Regimes.
6. This Final Public Report automatically expires thirteen (13) months after date of issuance, September 3, 1980, unless a Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the effective period of this report.
7. This Final Public Report (white paper stock) amends the Preliminary Public Report (yellow paper stock), becoming a part of the KONANE KAI registration. 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 along with a copy of the Preliminary Public Report (yellow paper stock) and Disclosure Abstract. The Developer is also responsible for securing from each purchaser or prospective purchaser a signed receipt therefor.

The information in the Preliminary Report of August 31, 1979, under the topical headings LOCATION, DEVELOPER, DESCRIPTION OF THE PROJECT, COMMON ELEMENTS, LIMITED COMMON ELEMENTS, OWNERSHIP OF TITLE, ENCUMBRANCES, and STATUS OF PROJECT has been changed. The Developer reports that all other information in the Preliminary Report remains the same.

LOCATION: The street address has been changed by the addition of 68-155 Au Street, Mokuleia, Oahu, Hawaii, thereby having two addresses 68-151 and 68-155.

DEVELOPER: One of the general partners, Ralph V. Barouche's telephone number has changed from "536-5477" to "523-6117".

There has been the addition of two general partners:

Westbury Holdings NV, a Netherland Antilles corporation, of Makai Tower, Suite 1910, 733 Bishop Street, Honolulu, Hawaii 96813, Telephone 523-6117.

Wolfer Partners, Inc., a Hawaii corporation, of 1311 Kapiolani Boulevard, Suite 605, Honolulu, Hawaii 96814, Telephone 524-3300.

DESCRIPTION OF PROJECT: The description of the project and apartments have been changed as follows:

The project shall consist of one 4-1/2 story apartment building without basement, having a total of 45 apartments including the manager's apartment together with 61 parking stalls including 14 compact parking stalls, loading zones and amenities to be constructed thereon in accordance with plans and specifications prepared by James K. Tsugawa, Registered Professional Architect.

There has been added to the Declaration the following language to clarify the method by which the square footage is calculated:

"The gross square footage of the floor area of the apartment units and lanais is measured center line to center line on a horizontal plane between units and outside to outside in a transverse direction."

COMMON ELEMENTS: Subparagraph "c" is hereby amended by deleting the listed parking stalls (#18-23, 45-51 and 59) and substituting in place thereof (1, 9, 10, 20, 21, 27, 28, 36, 37, 40, 46, 47, 48, 54, 58, 61).

LIMITED COMMON ELEMENTS: The parking stall assignments have been changed as set forth in the Exhibit attached hereto.

OWNERSHIP OF TITLE: The ownership of title is now vested in Oceanside Park by Deed dated April 18, 1980, recorded in the Bureau of Conveyances, State of Hawaii in Book 14907, Page 691.

ENCUMBRANCES AGAINST TITLE: A policy of title insurance of August 8, 1980 reflects the following encumbrances:

1. The Improvement Assessment for Mokuleia Beach, District No. 168, Lot No. 59-1, payable in 20 installments, balance of \$3,631.59, Installment No. 19 of \$1,815.85 plus interest at 6% of \$217.90 totaling \$2,033.75 due on July 5, 1981.
2. The reservation in favor of the State of Hawaii of all mineral and metallic mines.
3. The location of the seaward boundary in accordance with the laws of the State of Hawaii, and shoreline setback line in accordance with county regulation and/or ordinance.
4. The restrictive covenant contained in instruments recorded in Liber 8836 at Pages 427 and 408, to-wit:

"The purchaser shall not place any used or secondhand buildings on the property herein described, or use or incorporate any used or secondhand materials into any buildings placed thereon prior to December 31, 1992. The purchaser covenants and agrees with the seller that the foregoing covenant shall run with the land and inure to the benefit of Lots 56-60, inclusive, Lots 65-71, inclusive, Lots 79, 80 and 87, Lots 90-94, inclusive, Lots 96, 99, 100, 104, 105, 108, 109, 110, 111, 112 and 120 as shown on File Plan No. 863, filed at the Bureau of Conveyances of the State of Hawaii."

5. As to Parcel Fourth only: Easement "3" (12 feet wide) in favor of the City and County of Honolulu situate along the Westerly (side) boundary of said lot as shown on File Plan No. 863.

6. The restrictions on use and other restrictions and all other of the covenants, agreements, obligations, conditions, reservations, easements, and other provisions set forth in Declaration of Horizontal Property Regime dated August 14, 1979, recorded in the Office of the Registrar of Conveyances at Honolulu in Liber 14014 at Page 405, and the By-Laws attached thereto, as the same are or may hereafter be amended in accordance with law, said Declaration or said By-Laws. (Project covered by Condominium Map No. 647, as amended). Said Declaration was amended by instrument dated March 8, 1980, recorded in Liber 14880 at Page 652. A Second Amendment dated August 20, 1980 was recorded in Liber 14932, Page 568.

7. Declaration of Restrictive Covenants (Private Park) dated March 8, 1980, recorded in Liber 14880 at Page 643.

8. Mortgage of Oceanside Park, a Hawaii limited partnership, in favor of Trustees of the Hawaii Carpenters Pension Fund in the amount of \$600,000 dated August 7, 1980, recorded in Liber 14907, Page 706.

9. Mortgage of Oceanside Park dated August 12, 1980 in favor of City Bank, a Hawaii corporation, recorded in Liber 14916, Page 443.

STATUS OF PROJECT: The construction is tentatively scheduled for October 1, 1980 or thereabouts. Based therein, completion is estimated for September 30, 1981.

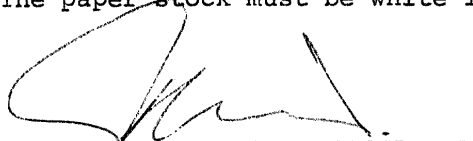
NOTE: The Association shall annually review the sewer charges for the sewer facility, to determine the actual operation and maintenance costs and advise the Department of Public Works, Division of Wastewater Management of the City and County of Honolulu, the amount of charges collected, spent, held in reserve and the projected cost for the following year. The Association shall create and establish within its budget a special fund to be known as the "Sewer Fund". Expenditures from this fund shall be limited to carrying out the operation and maintenance of the sewer system including replacement.

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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 July 6, 1979 and information subsequently filed as of August 29, 1980.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1149 filed with the Commission on July 6, 1979.

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



G. A. "RED" MORRIS, CHAIRMAN  
REAL ESTATE COMMISSION  
STATE OF HAWAII

Distribution:

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

SEPTEMBER 3, 1980.

REGISTRATION NO. 1149

EXHIBIT

| APARTMENT | STALL<br>NO. | APARTMENT | STALL<br>NO. | APARTMENT | STALL<br>NO. |
|-----------|--------------|-----------|--------------|-----------|--------------|
| PH 1      | 43           | 301       | 8            | 201       | 3            |
| PH 2      | 44           | 302       | 5            | 202       | 2            |
| PH 3      | 42           | 303       | 4            | 203       | 38           |
| PH 4      | 6            | 304       | 14           | 204       | 17           |
| PH 5      | 7            | 305       | 13           | 205       | 16           |
| PH 6      | 41           | 306       | 12           | 206       | 15           |
| PH 7      | 31           | 307       | 25           | 207       | 24           |
| PH 8      | 29           | 308       | 51           | 208       | 23           |
| PH 9      | 30           | 309       | 50           | 209       | 49           |
| PH 10     | 57           | 310       | 34           | 210       | 60           |
| PH 11     | 56           | 311       | 33           | 211       | 52           |
| PH 12     | 55           | 312       | 32           | 212       | 35           |

|     |    |                      |    |    |       |
|-----|----|----------------------|----|----|-------|
| 101 | 39 | Compact Guest Stalls |    |    |       |
| 102 | 11 | 1                    | -- | 9  | -- 10 |
| 103 | 45 | 27                   | -- | 28 | -- 36 |
| 104 | 19 | 37                   | -- | 40 | -- 46 |
| 105 | 18 | 47                   | -- | 48 | -- 54 |
| 109 | 22 | 58                   | -- | 61 |       |
| 110 | 26 |                      |    |    |       |
| 111 | 52 |                      |    |    |       |
| 112 | 59 | Guest Stalls         |    |    |       |
|     |    | 20                   | -- | 21 |       |

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