

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

1010 RICHARDS STREET  
P. O. BOX 3469  
HONOLULU, HAWAII 96801

## PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on  
MOANALUA VIEW ESTATES  
2168 Maha Place  
Honolulu, Hawaii

REGISTRATION NO. 1243

### 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 but may only take reservations therefore after

- (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: March 24, 1980

Expires: April 24, 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:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED FEBRUARY 12, 1980, AND INFORMATION SUBSEQUENTLY SUBMITTED AS OF MARCH 10, 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. MOANALUA VIEW ESTATES is a proposed fee simple condominium project consisting of six condominium dwelling units in three levels of building with no basement. Each dwelling unit shall have its own garage.
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 issuance of this Preliminary Public Report.

3. The basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Owners and a copy of the approved floor plans) have not been filed in the Office of the recording officer.
4. No advertising or promotional matter has 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 514A, Hawaii Revised Statutes, and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.
6. This Preliminary Public Report automatically expires thirteen months after date of issuance, March 24, 1980, unless a Final or Supplementary Public Report is issued or the Commission, upon review of the registration, issues an order extending the effective period of this report.
7. This Preliminary Public Report is made a part of the registration of the MOANALUA VIEW ESTATES condominium project. The Developer has the responsibility of placing a true copy of this Preliminary Public Report (yellow paper stock) together with Disclosure Abstract in the hands of all purchasers and prospective purchasers and securing signed copy of the receipt therefor.

NAME OF PROJECT: MOANALUA VIEW ESTATES.

LOCATION: The 8.359 acres of fee simple land and improvements thereon to be submitted to the Horizontal Property Regime is located at 2168 Maha Place, Honolulu, Hawaii.

A copy of the description of the property to be committed to the Horizontal Property Regime together with the proposed site designation, reservations, easements, area of possible withdrawal from the common element are herein attached as Exhibits "A", "B" and "C".

TAX KEY: 1st Division, 1-1-12:24.

ZONING: R-5.

DEVELOPER: AMAHO CORPORATION, a Hawaii corporation, whose principal place of business is 1451 South King Street, Honolulu, Hawaii, Telephone 955-5791. The officers are: Katsumi Ohama, President; Eiko Ohama, Vice President-Treasurer; Mei P. Ohama, Vice President; and Kei K. Ohama, Secretary; all of 1451 South King Street, Honolulu, Hawaii.

ATTORNEY REPRESENTING DEVELOPER: Hiroshi Sakai, Attorney at Law, A Law Corporation, Suite 602, City Bank Building, 810 Richards Street, Honolulu, Hawaii 96813, Telephone 531-4171.

DESCRIPTION: The proposed Declaration of Horizontal Property Regime reflects that the project will consist of six individual condominium dwelling units serviced by a roadway easement. The buildings will be of wood frame construction with wood and glass and shake roof. The description of the units are as follows:

a. Unit 2168A. One freehold estate consisting of a three-story building without a basement constructed principally of wood construction and with a wood shake roof which space is designated as a Unit and designated on an area of land on said Condominium Map as Site 2168-A, of some 7,709 square feet and includes the following: First level of 464 square feet being a garage and storage, the second level of 1,174 square feet being a living-dining room, kitchen, bathroom and three bedrooms and the third level of 360 square feet having a master bedroom, dressing room and bathroom.

b. Unit 2168B. One freehold estate consisting of a three-story building without a basement constructed principally of wood construction and with a wood shake roof which space is designated as a Unit and designated on an area of land on said Condominium Map as Site 2168-B, of some 8,685 square feet and includes the following: First level of 464 square feet being a garage and storage, the second level of 1,174 square feet being a living-dining room, kitchen, bathroom and three bedrooms and the third level of 360 square feet having a master bedroom, dressing room and bathroom.

c. Unit 2168C. One freehold estate consisting of a three-story building without a basement constructed principally of wood construction and with a wood shake roof which space is designated as a Unit and designated on an area of land on said Condominium Map as Site 2168C, of some 7,887 square feet and includes the following: First level of 464 square feet being a garage and storage, the second level of 1,174 square feet being a living-dining room, kitchen, bathroom and three bedrooms and the third level of 360 square feet having a master bedroom, dressing room and bathroom.

d. Unit 2168D. One freehold estate consisting of a three-story building without a basement constructed principally of wood construction and with a wood shake roof which space is designated as a Unit and designated on an area of land on said Condominium Map as Site 2168D, of some 6,223 square feet and includes the following: First level of 464 square feet being a garage and storage, the second level of 1,174 square feet being a living-dining room, kitchen, bathroom and three bedrooms and the third level of 360 square feet having a master bedroom, dressing room and bathroom.

e. Unit 2168E. One freehold estate consisting of a three-story building without a basement constructed principally of wood construction and with a wood shake roof which space is designated as a Unit and designated on an area of land on said Condominium Map as Site 2168E, of some 5,608 square feet and includes the following: First level of 464 square feet being a garage and storage, the second level of 1,174 square feet being a living-dining room, kitchen, bathroom and three bedrooms and

the third level of 360 square feet having a master bedroom, dressing room and bathroom.

f. Unit 2168F. One freehold estate consisting of a three-story building without a basement constructed principally of wood construction and with a wood shake roof which space is designated as a Unit and designated on an area of land on said Condominium Map as Site 2168F, of some 5,816 square feet and includes the following: First level of 464 square feet being a garage and storage, the second level of 1,174 square feet being a living-dining room, kitchen, bathroom and three bedrooms and the third level of 360 square feet having a master bedroom, dressing room and bathroom.

The units are as shown on the Condominium Map and are numbered in consecutive order from the Maha Place access over Site 2168 to this project in the following order: Unit 2168A through Unit 2168F inclusive. Each unit will have access over and across the roadway area being Site 2168 into Maha Place, a public street.

Each unit shall include the entire structure located within the ground area of each site.

COMMON ELEMENTS: The common elements include:

- a. The land in fee simple.
- b. Site 2168, roadway area of 12,230 square feet, and Site 2168-G of 1.325 acres.
- c. Any installation for services such as power, light, gas, sewer lines, water lines, telephone, radio and television signal distribution and like utilities.
- d. Any parts of project existing for the common use and are necessary for the maintenance and safety of the project.

LIMITED COMMON ELEMENTS: The limited common elements are the ground area surrounding each unit as designated in the Condominium Map and shall be for the sole and exclusive use of each unit.

INTEREST TO BE CONVEYED TO PURCHASER: Each unit shall have the following appurtenant common interest and the same shall be determinative for all purposes including voting and the amount of maintenance required to be paid by each unit as follows:

<u>Unit Number</u>	<u>Percentage Interest</u>
2168A	.18
2168B	.21
2168C	.19
2168D	.15
2168E	.13
2168F	.14

EASEMENTS: Each unit shall have and be subject to and have appurtenant thereto the following easements:

a. Nonexclusive easements in the common elements designed for such purpose for ingress to and egress from utility services for and in support of such unit; in the other common elements for use according to the respective purposes subject always to the exclusive use of the limited common elements as provided herein; and in all other units and in the buildings for support; and

b. Each unit owner shall have an easement in common with the other unit owners to use all pipes, wires, ducts, cables, conduits, public utility lines and other common elements located in any of the other units which are connected to and serves his unit. Each unit shall be subject to an easement in favor of the holders of all other units for access to any common elements located in such unit.

USES: The units shall be occupied and used for residential family uses and other uses now existing or hereafter permitted under the zoning ordinances.

OWNERSHIP OF TITLE: A preliminary report dated January 29, 1980 issued by Security Title Corporation certifies that the fee simple title to the land to be submitted to the Horizontal Property Regime is in EHIKU, INC., a Hawaii corporation, who has sold the land under an Agreement of Sale to the Developer dated October 15, 1979, recorded in the Office of the Assistant Registrar of the Land Court, State of Hawaii as Document No. 971391.

ENCUMBRANCES AGAINST TITLE: Said Preliminary Report reflects the following encumbrances:

1. Real property taxes for the Fiscal Year 1979-1980 reference is made to Tax Assessor, First Division, State of Hawaii.

2. Designation of Easement 42, as shown on Map Nos. 116, 335 and 460, as set forth by Land Court Order No. 10035, filed January 3, 1951.

3. Designation of Easement 62, as shown on Map Nos. 132, 335 and 460, as set forth by Land Court Order No. 12693, filed March 12, 1954.

4. Grant dated November 17, 1954, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 169401, in favor of The City and County of Honolulu, granting an easement to construct, etc., an open drainage ditch etc., over and across said Easement 62, (also affects other property).

5. Designation and Easements 274, 277, 279, 280, 287, 289, 295 and 297, as shown on Maps 257, 335 and 460, as set forth by Land Court Order No. 21016, filed March 7, 1963.

6. Grant dated December 8, 1960, filed in the Office of the Assistant Registrar as Document No. 270773, in favor of The City and County of Honolulu, for the use of the Board of Water Supply, to install etc., an underground water pipe line etc., under and across Easement 297, affecting Lot 2838, (also affects other property).

7. "EXCEPTING AND RESERVING THEREFROM unto the Trustees under the Will and of the Estate of Samuel M. Damon, deceased, all artesian and other underground water and rights thereto appurtenant to said premises.", as reserved in Deed dated April 30, 1962, filed in the Office of the Assistant Registrar as Document No. 289547.

8. Grant dated May 28, 1963, filed in the Office of the Assistant Registrar as Document No. 310445, in favor of Hawaiian Electric Company, Inc., and Hawaiian Telephone Company, granting an easement over and across a portion of land herein described, (also affects other property).

9. Designation of Easements 315 and 319, as shown on Maps 271, 335 and 460, as set forth by Land Court Order No. 21918, filed October 31, 1963.

10. Grant dated July 16, 1963, filed in the Office of the Assistant Registrar as Document No. 331399, in favor of The City and County of Honolulu, granting an easement over Easements 315 and 319 over Lot 2838, (also affects other property).

11. Grant dated May 12, 1964, filed in said Office of the Assistant Registrar as Document No. 331596, in favor of the United States of America, granting an easement over Easement 274 over Lot 2838, (also affects other property).

12. Designation of Easements 547, 548, 549 and 550, as shown on Maps 335 and 460 as set forth by Land Court Order No. 25754, filed June 2, 1966.

13. Delineation of easement for sanitary sewer purposes, as shown on Map 376, as set forth by Land Court Order No. 26986, filed April 14, 1967.

14. Grant dated July 18, 1967, filed in the Office of the Assistant Registrar as Document No. 422468, in favor of Hawaiian Electric Company, Inc., granting an easement for utility purposes over Lot 2838.

15. Designation of Easement 860, as shown on Map 506, as set forth by Land Court Order No. 37127, filed March 22, 1973.

16. Grant dated September 20, 1973, filed in the Office of the Assistant Registrar as Document No. 623707, in favor of the City and County of Honolulu, granting an easement for sewer purposes across Easement 860, across Lot 2838-A. Consent thereto filed as Document No. 623707A.

17. Designation of Easement 900, as shown on Map 556, as set forth by Land Court Order No. 45808, filed November 8, 1976.

18. Grant dated November 12, 1976, filed in the Office of the Assistant Registrar as Document No. 791093, in favor of TV Systems, Inc., a Hawaii corporation, granting a perpetual right and easement for television cable purposes across Easement 900.

19. Delineation of easement for storm drain purposes over and across Lot 2838-A, as shown on Map 569, as set forth by Land Court Order No. 48801, filed November 28, 1977.

20. Grant dated August 15, 1977, filed in the Office of the Assistant Registrar as Document No. 847931, in favor of the City and County of Honolulu, granting an easement for a storm drain across Lot 2838-A.

21. Mortgage dated March 19, 1979, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 928504, made by EHIKU, INC., a Hawaii corporation, as Mortgagor, to STATE SAVINGS AND LOAN ASSOCIATION, a Utah corporation qualified to do business in Hawaii, as Mortgagee, to secure the repayment of the sum of \$150,000.00, any additional advances and other amounts secured thereby, all according to the terms of that certain promissory note of said Mortgagor therein referred to.

22. Undated Financing Statement covering certain fixtures located on the real property, given as security by EHIKU, INC. in favor of STATE SAVINGS AND LOAN ASSOCIATION, recorded on March 21, 1979 in the Bureau of Conveyances in Book 13562, Page 651.

23. Designation of Easements 981 and 982, affecting Lot 2838-A, as shown on Map 594, as set forth by Land Court Order No. 53702, filed July 9, 1979.

24. Agreement of Sale dated October 15, 1979, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 971391, made by and between EHIKU, INC., a Hawaii corporation, as Seller, and AMAHO CORPORATION, a Hawaii corporation, as Purchaser, wherein said Seller agrees to sell, and said Purchaser agrees to buy the land for the consideration, and on the terms and conditions therein contained.

PURCHASE MONEY HANDLING: A copy of the Escrow Agreement dated February 11, 1980 by and between Security Title Corporation and the Developer has been submitted to the Commission as part of this registration. On examination, the Escrow Agreement and Sales Contract are found to be in compliance with Chapter 514A, Hawaii Revised Statutes. The provisions of the Sales Contract should be carefully read by the purchasers. The specimen document filed as a part of the registration cites the conditions under which the purchaser acknowledges receipt of the Public Report.

Among other things the Escrow Agreement provides that Escrow shall release from Escrow and disburse all sums received by it with respect to particular purchase agreement when the following conditions are met:

(i) When the Seller has obtained a final public report for the project.

(ii) The disbursements to be made as provided in the purchase agreement.

MANAGEMENT AND OPERATION: The proposed Declaration of Horizontal Property Regime provides that the operation of the project shall be conducted for the Association of Owners by a Managing Agent. The Developer contemplates being the initial managing agent until the Association selects its own agent.

The Developer has submitted to the Commission a breakdown of the annual maintenance fees and the monthly estimated cost for each unit.


RESERVATIONS IN FAVOR OF DEVELOPER: Developer has reserved the right to subdivide and remove from the project Site 2168-H of 2.683 acres and Site 2168-I of 2.107 acres for a period of three years from the filing of this Declaration with the Office of the Assistant Registrar, Land Court, State of Hawaii. If Developer fails to remove either or both sites from the project, then the same to remain with the Association as a common element. During the period of the reservation the unit owners will have free access to use said Sites 2168-H and 2168-I save and except that all real property taxes and assessments for said areas shall be borne as common expenses of the Association until removed from the project. In the event Developer does remove the sites, it shall be responsible for and pay any costs involved in the subdivision of the same and shall receive all of the proceeds from the disposition of said sites. A map outlining the area of withdrawal is herein attached as Exhibit "B".

STATUS OF PROJECT: The Developer reports that the roadway easement has been built and that as such purchaser determines the type of dwelling unit it desires to build, that it will build the same upon payment of the balance of the purchase price under the Agreement of Sale by the Developer.

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The purchaser or prospective purchaser shall be cognizant of the fact that this published report represents information disclosed by the Developer in the required Notice of Intention submitted February 12, 1980 and information subsequently filed as of March 10, 1980.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1243 filed with the Commission on February 12, 1980.

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

 (for)  
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AH KAU YOUNG, 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

REGISTRATION NO. 1243

March 24, 1980



Exhibit "A"

All of that certain parcel of land situate at Moanalua, City and County of Honolulu, State of Hawaii, described as follows:

Lot 2838-A, area 8.359 acres, as shown on Map 460, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1074 of the Trustees under the Will and of the Estate of Samuel M. Damon, deceased.

TOGETHER WITH a right-of-way for roadway purposes to be used in common with all others entitled thereto over and across Lot 118-G, as shown on Map 154 of said Application No. 1074; provided, however, that whenever said Lot 118-C is dedicated as a public highway, the said right-of-way granted over and across said Lot 118-G in favor of said above-described Lot shall at once terminate.

- NOTE: a) Lot 2838-A shall have access over and across Lot 1322, area 141,242.0 square feet Lot 1324, area 50,430 square feet, as shown on Maps 257, 335 and 460, as set forth by Land Court Order No. 23390, filed October 29, 1964.
- b) Lot 2838-A shall have an easement, designated as Easement 978, for roadway and driveway purposes over Lot 1258 of Land Court Application No. 1974, Transfer Certificate of Title No. 90,635, as shown on Map 583, as set forth by Land Court Order No. 51733, filed November 15, 1978.

Being all of the land described in Transfer Certificate of Title No. 209,256.

SUBJECT, HOWEVER, TO:

1. Designation of Easement 42, as shown on Map Nos. 116, 335 and 460, as set forth by Land Court Order No. 10035, filed January 3, 1951.
2. Designation of Easement 62, as shown on Map Nos. 132, 335 and 460, as set forth by Land Court Order No. 12693, filed March 12, 1954.
3. Grant dated November 17, 1954, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 169401, in favor of The City and County of Honolulu, granting an easement to construct, etc., an open drainage ditch etc., over and across said Easement 62, (also affects other property).
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5. Grant dated December 8, 1960, filed in said Office of the Assistant Registrar as Document No. 270773, in favor of The

City and County of Honolulu, for the use of the Board of Water Supply, to install etc., an underground water pipe line etc., under and across Easement 297, affecting Lot 2838, (also affects other property).

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20. Designation of Easements 981 and 982, affecting Lot 2838-A, as shown on Map 594, as set forth by Land Court Order No. 53702, filed July 9, 1979.

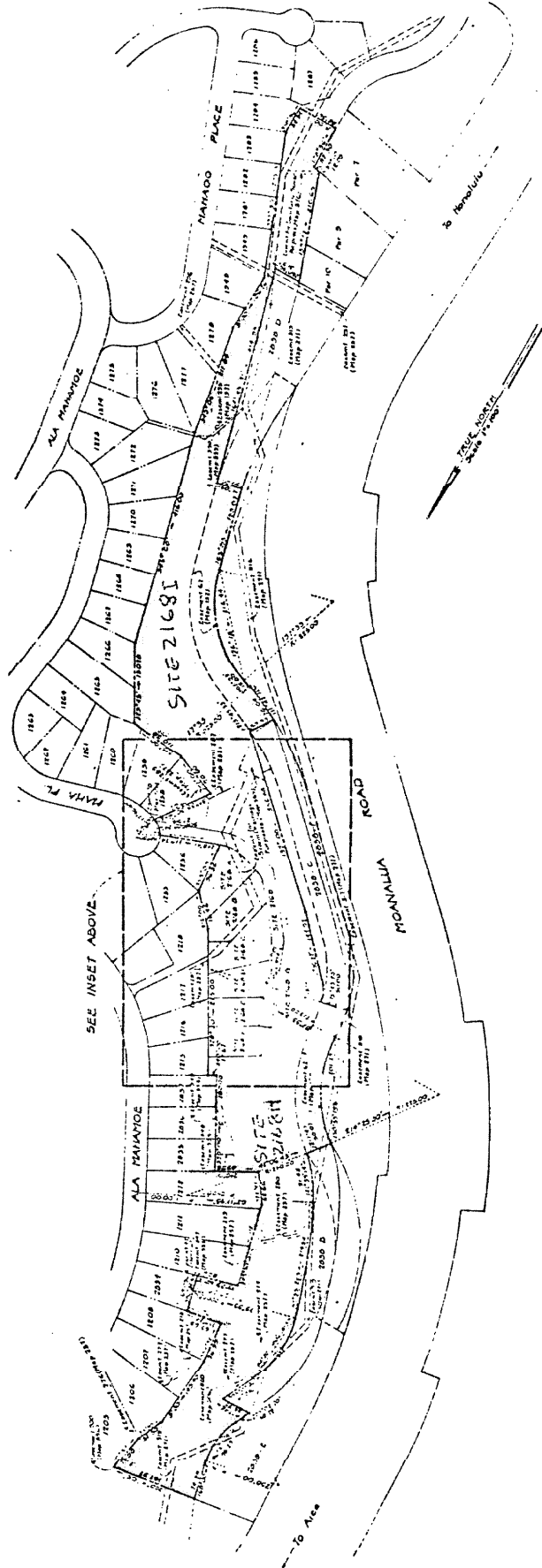
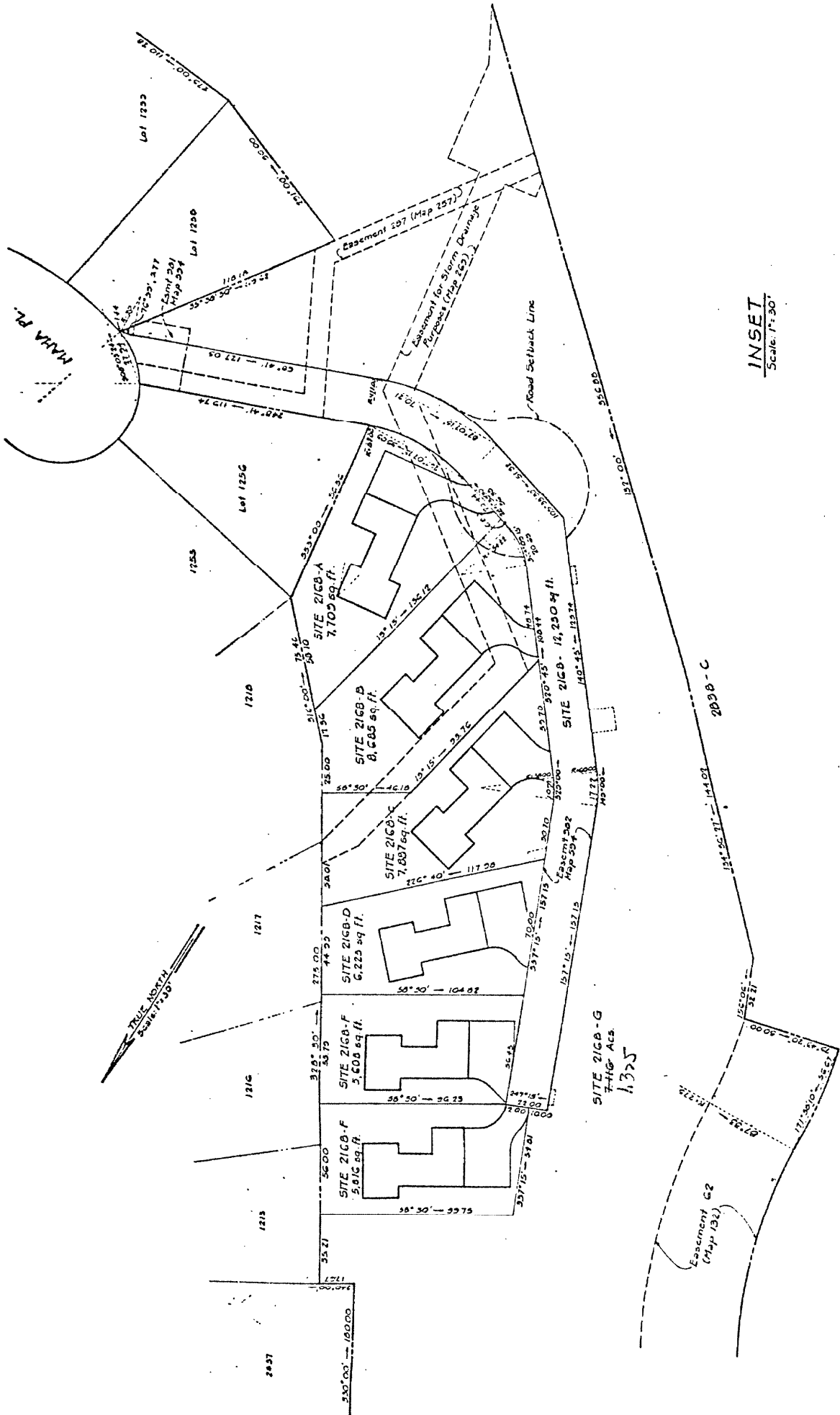


Exhibit "B" - Area of Possible Withdrawal in Dark Outline



**INSET**  
Scale: 1"=50'

Exhibit "C" - Apartment Site Designation