

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**

INDUSTRIAL PLAZA
96-1272 Waihona Street
Waiawa, Ewa, Hawaii

REGISTRATION NO. 1255

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 28, 1981
Expires: February 28, 1982

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 March 3, 1980 AND INFORMATION SUBSEQUENTLY FILED AS OF January 21, 1981. 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, AS AMENDED.

1. Since the issuance of the Commission's Preliminary Public Report of April 15, 1980, on INDUSTRIAL PLAZA, Registration No. 1255, the Developer reports that certain changes have been made in the project. The changes made are determined to be a material revision of the information disclosed earlier.
2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the issuance of this Final Public Report.
3. The basic documents, the Declaration of Horizontal Property Regime dated November 24, 1980, with the By-Laws attached thereto, have been recorded in the Bureau of Conveyances of the State of Hawaii in Liber 15166 at Page 458. Condominium Map No. 775 was filed as aforesaid.
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 the Horizontal Property Regime.
6. This Final Public Report automatically expires thirteen (13) months after date of issuance, January 28, 1981, 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 amends the Preliminary Public Report, becoming a part of the registration of INDUSTRIAL PLAZA. The Seller is responsible for placing the Preliminary Public Report (yellow paper stock), this Final Public Report (white paper stock), and the Disclosure Abstract in the hands of all purchasers and prospective purchasers and securing a signed copy of the receipt therefor.

The information in the Preliminary Public Report of April 15, 1980, with the exception of that information contained under the topical headings DESCRIPTION (first paragraph), LIMITED COMMON ELEMENTS (subparagraph c), OWNERSHIP OF TITLE, ENCUMBRANCES AGAINST TITLE, PURCHASE MONEY HANDLING (last paragraph) and STATUS OF PROJECT, has not been changed.

Since the issuance of the Preliminary Public Report a new encumbrance has been placed against title to the land. This and other changes are recited in their entirety as the Commission is of the opinion that all purchasers and prospective purchasers should be cognizant of the changes.

DESCRIPTION: The Declaration reflects that the project is to consist of a single-story building, without basement, containing a total of fourteen (14) industrial apartment units, and eighty-one (81) parking stalls, all constructed in accordance with plans and specifications prepared by Paul Osumi, Jr. AIA. Each apartment consists of one (1) large open room and a lavatory. Apartments 2, 4 and 6 are identical; apartments 13, 11 and 9 being the reverse. Apartments 3, 5 and 7 are identical; apartments 12, 10 and 8 being the reverse.

LIMITED COMMON ELEMENTS: Paragraph (c) under this topical heading of the Preliminary Public Report has been amended as follows:

(c) The 6' high chain link fence partitions separating and dividing individual apartments as indicated on the Condominium Map. The use of each chain link fence partition shall be reserved for the use of the apartments it separates and divides.

Additionally, designation of parking stalls as referred to under paragraph (a) has been amended as shown on the Exhibit attached hereto.

OWNERSHIP OF TITLE: A Preliminary Title Report dated October 15, 1980, issued by Title Guaranty of Hawaii, Inc., reports that title to the land is now vested in the Developer, Industrial Plaza Associates.

ENCUMBRANCES AGAINST TITLE: Said Preliminary Title Report issued by Title Guaranty of Hawaii, Inc., states that as of the date of the search, October 15, 1980, title to the land is subject to:

1. Real Property taxes as may be due and owing. For further information on taxes, check with the Tax Assessor, First Division.
2. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
3. Reservation set forth in that certain Declaration of Taking dated July 24, 1945, filed in the District Court of the United States for the District of Hawaii as Civil No. 533, and recorded as aforesaid on July 15, 1947, in Liber 2052 at Page 88.

4. Rights of way, restrictions, reservations and easements now existing or of record, as mentioned in Deed dated June 24, 1964 and recorded as aforesaid in Liber 4872 at Page 301.

5. Declaration of Covenants for Waiawa Industrial Park, dated August 26, 1975 and recorded as aforesaid in Liber 10866 at Page 116, as supplemented by instrument recorded as aforesaid in Liber 13601 at Page 673.

6. Easement 19, 44 feet wide, (formerly known as Easement 2-B), for roadway and utility purposes, situate along the westerly boundary and a portion of the southerly boundary of Lot 39, as shown on File Plan No. 1461.

7. Reserving unto the United States of America, its successors and assigns, said Easement 19 (formerly known as Easement 2-B) for roadway and utility purposes; as reserved in Deed recorded as aforesaid in Liber 4872 at Page 301.

8. Easement 21 (5 feet wide) for electrical purposes, situate at a portion of the southerly boundary of Lot 39, as shown on File Plan No. 1461.

9. Easement 22 (5 feet wide) for electrical purposes, situate at a portion of the southerly boundary of Lot 39, as shown on File Plan No. 1461.

10. Mortgage dated September 29, 1980, in favor of Honolulu Federal Savings and Loan Association, recorded as aforesaid in Liber 15057 at Page 541.

Subsequent to the issuance of said Preliminary Title Report dated October 15, 1980, the Developer reported the following additional encumbrances:

1. Grant of Drainage Easement dated October 24, 1980, made by Railings, Inc. and Imua Builders Service, Ltd., as Grantors, and Industrial Plaza Associates, as Grantee, recorded as aforesaid in Liber 15111 at Page 293, and all terms, covenants, conditions, obligations and provisions contained therein.

2. The restrictions on use and other restrictions and all other of the covenants, agreements, obligations, conditions, reservations, easements, and other provisions set forth in the Declaration of Horizontal Property Regime dated November 24, 1980, and the By-Laws attached thereto, recorded as aforesaid in Liber 15166 at Page 458. The project is covered by Condominium Map No. 775.

The purchaser should be aware that the Grant of Drainage Easement mentioned above is being conveyed to the purchaser along with the obligation to maintain said easement in a clean, safe and sanitary condition. The responsibility for the maintenance of said easement will ultimately be that of the Association of Apartment Owners.

PURCHASE MONEY HANDLING:

It is incumbent upon the purchaser and the prospective purchaser that he read with care the Sales Contract and the executed Escrow Agreement. The latter establishes how the proceeds from the sale of commercial apartments are placed in trust, as well as the retention and disbursement of said trust funds. The specimen Sales Contract specifically provides that the purchaser approves said Escrow Agreement and assumes the benefits and obligations therein provided and that such contract is subordinate to the lien of any construction or interim loan.

Each Purchaser and prospective purchaser understands that the Developer will borrow or has borrowed money from an interim lender ("Interim Lender") for the development of the Project and that the Interim Lender will have a lien and security interest under various security instruments securing the loan (the "Mortgage Loan"). The Mortgage Loan (i) shall not exceed the aggregate principal sum of \$2,000,000.00, (ii) shall not have an interest rate of more than twenty-four per cent (24%), and (iii) shall not be for a term greater than thirty-six (36) months. Each purchaser and prospective purchaser understands and agrees that the Mortgage Loan and any renewals and extensions thereof shall be and remain at all times a lien or charge on the Project prior and superior to any and all liens or charges on the Project arising from such purchaser's or prospective purchaser's Sales Contract or any prior reservation agreement. Each purchaser and prospective purchaser intentionally waives, relinquishes and subordinates the priority or superiority of any interest under such Sales Contract in favor of the liens, security interests and charges of the Mortgage Loan upon the Project.

STATUS OF PROJECT. The construction of the building will commence on or about January 15, 1981 and is scheduled for completion on or about June 30, 1981.

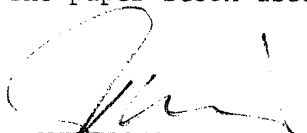
NOTE: Since issuance of the Commission's Preliminary Public Report, the Developer has made revisions to drafts of the Declaration, By-Laws, Apartment Deed and Escrow Agreement earlier submitted. Most of the changes were requested by the lender (Honolulu Federal Savings and Loan Association) and appear minor. Red-lined copies of documents changed

have been submitted to the Commission and are available for inspection.

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 March 3, 1980 and information subsequently filed as of January 21, 1981.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1255, filed with the Commission on March 3, 1980.

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.



G.A. "Red" MORRIS, Chairman
Real Estate Commission
State of Hawaii

DISTRIBUTION:

Department of Taxation
Bureau of Conveyances
Planning Commission, County of Honolulu
Federal Housing Administration
Escrow Agent

Registration No. 1255

January 28, 1981

EXHIBIT

<u>Apartment No.</u>	<u>Parking Stall Nos.</u>
1	1 - 6
2	7 - 12
3	13 - 18
4	19 - 24
5	25 - 30
6	31 - 36
7	37 - 41
8	42 - 48
9	49 - 54
10	55 - 60
11	61 - 66
12	67 - 72
13	73 - 77
14	78 - 81

Area of Apartments:

Apts. 1 and 14	2,100 square feet, more or less.
2 - 13, incl.	1,400 square feet, more or less.