

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

1010 RICHARDS STREET
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HONOLULU, HAWAII 96801

SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

SUNSET SHORES
Au Street
Mokuleia, Oahu, Hawaii

Registration No. 1303

This Report Is Not an Approval or Disapproval of This Condominium Project

It was prepared as a supplement to an earlier Report dated August 14, 1980 issued by the Real Estate Commission on the above 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: March 17, 1981
Expires: September 14, 1981

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 or prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION TO SELL SUBMITTED ON APRIL 29, 1980, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF MARCH 12, 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 August 14, 1980, on SUNSET SHORES, Resigtration No. 1303, the Developer reports that changes have been made in the plan or set up as presented in the April 29, 1980 Notice of Intention to Sell.
2. The changes are determined to be a material revision to the information disclosed earlier. This Supplementary Public Report (pink paper stock) amends the Preliminary Public Report (yellow paper stock), becoming a part of the SUNSET SHORES registration. The Developer is responsible for placing a true copy of this Supplementary Public Report in the hands of all purchasers and prospective purchasers, along with a copy of the Preliminary Public Report and revised Disclosure Abstract, and obtaining a signed receipt therefor.
3. No promotional or advertising materials have been submitted to the Commission yet.
4. The Developers have filed all documents and materials deemed necessary by the Commission for the registration of this condominium project and issuance of this Supplementary Public Report.
5. The basic documents (Declaration of Horizontal Property Regime with By-Laws attached, and a copy of the Floor Plans) have been filed in the Office of the recording officer.

The Declaration of Horizontal Property Regime with attached By-Laws was recorded in the Bureau of Conveyances of the State of Hawaii on June 25, 1980, at Liber 14813, page 635, and the Floor Plans were assigned Condominium Map No. 738. Said Declaration and Floor Plans are to be amended. The material changes are reflected in this Supplementary Public Report.

6. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A, Hawaii Revised Statutes, as amended, and the Real Estate Commission's rules and regulations relating to horizontal property regimes.
7. This Supplementary Public Report expires on September 14, 1981 unless the Commission, upon review of the registration, issues an order extending the effective period of this report.

SPECIAL NOTE: Purchaser's attention is directed to the fact that Developer has advised the Commission that an amendment to the Declaration of Horizontal Property Regime for the project will soon be recorded. The proposed amendment includes revisions to the Condominium Map for the project (Condominium Map. No. 738) and reflects a change in the floor plans and sizes of all apartments in the project, parking stall designations, configurations, sizes and locations, types of common elements, and their sizes and locations. Copies of the revised floor plans and the proposed Amendment to the Declaration of Horizontal Property Regime are available for purchaser's inspection at the office of the Real Estate Commission.

Except for the information under the following topical headings of the Preliminary Public Report: DESCRIPTION OF THE PROJECT, COMMON ELEMENTS, LIMITED COMMON ELEMENTS, INTEREST TO BE CONVEYED TO PURCHASER, PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE, ENCUMBRANCES AGAINST TITLE, MANAGEMENT OF PROJECT, AND STATUS OF PROJECT, and except for the insertion of a new topical heading entitled SPECIAL MANAGEMENT AREA PERMIT, all other topical headings in the Preliminary Public Report for the project remain unchanged. Hereinafter follow the revised portions of the Preliminary Public Report for the project.

DESCRIPTION OF THE PROJECT: Based on the proposed amendment of the Declaration of Horizontal Regime for the Project, Sections 2.(a) and (b) under this topical heading have been revised and now read as follows:

- (a) Each Apartment Unit consists of that portion of the Building containing the Unit which lies within the boundaries of the Unit as shown on the proposed revision of the Condominium Map (hereinafter referred to as said Condominium Map, exclusive of any stairways, interior load-bearing walls and pillars, and any existing and future pipes, wires, conduits, ducts, vents and other service and utility lines which are utilized for or serve more than one Unit. Where a Unit is bounded by an exterior wall, the Unit shall be considered to include any door, window, or other closure therein, and the boundary shall be the unfinished surface of such wall on the exterior of the building, to the effect that the Unit shall exclude the paint, enamel, stain or other finishings on such surface. Where a Unit is bounded by an interior wall immediately adjacent to and adjoining a common element, the Unit shall be considered to include any door, window, or other closure therein, and the boundary shall be the unfinished surface of such wall on the side of the Common element to the effect that the Unit shall exclude the paint, wallpaper, enamel, stain or other finishings on such surface. Despite the boundary of each apartment extending to the exterior of any wall on the exterior of the building and to the side of the wall on the side of the common element in the case of a wall or walls bordering a common element, as aforesaid, the finishing of such wall on the side of the exterior or the side of the common element, as the case may be, shall be subject to the control of the Association of Owners, by way of painting,

wallpapering, or other finishings thereon. The decision of the Association of Owners with regard to the type, color, quality or other details concerning the finishing on such wall or walls shall bind all owners of Apartments in the Project. The foregoing shall constitute a restrictive covenant binding on all persons who own, use or occupy any Apartment of the Project without necessity of specific mention thereof. With the exception of load-bearing walls and pillars, the interior one-half of any party wall between Units shall be deemed to be part of the Unit. The horizontal boundaries of each Unit shall be the unfinished surface of the top of the concrete floor and the unfinished surface of the bottom of the concrete ceiling. Where a Unit consists in whole or in part of unenclosed space, the boundary defining such space is the boundary as shown on said Condominium Map.

- (b) There are three types of apartments: two-bedroom apartments of three design types (Design Plan A, B or C). "R" after any Design Plan indicates the reverse of that Design Plan, but is otherwise identical to that Design Plan.

Two-bedroom apartments of Design Plan A are each approximately 981 square feet and consist of two bedrooms, two baths, living-dining room, kitchen entry foyer, three closets, and space for stacked washer-dryer.

Two-bedroom apartments of Design Plan B and C are each approximately 860 square feet and consist of two-bedrooms, two baths, a living-dining room, kitchen, three closets, and space for stacked washer-dryer. The difference between Design Plan B and C is in the layout of the foregoing.

The apartment design plans are shown on said Condominium Map. Two bedroom Design Plan A apartments are numbered with the last digit "2", "4", "5", "6" or "7", and Design Plan "C" with last digit "3".

The apartments in the building are located as shown on said Condominium Map. are numbered as follows, and are of the type and on the floor designated:

<u>Number</u>	<u>Floor</u>
201	2nd 2-Bedroom, Design Plan A
202	2nd 2 Bedroom, Design Plan B
203	2nd 2 Bedroom, Design Plan C
204	2nd 2 Bedroom, Design Plan B
205	2nd 2 Bedroom, Design Plan B R

<u>Number</u>	<u>Floor</u>
206	2nd 2-Bedroom, Design Plan B
207	2nd 2 Bedroom, Design Plan B R
208	2nd 2 Bedroom, Design Plan A R
301	3rd 2 Brdroom, Design Plan A
302	3rd 2 Bedroom, Design Plan B
303	3rd 2 Bedroom, Design Plan C
304	3rd 2 Bedroom, Design Plan B
305	3rd 2 Bedroom, Design Plan B R
306	3rd 2 Bedroom, Design Plan B
307	3rd 2 Bedroom, Design Plan B R
308	3rd 2 Bedroom, Design Plan A R
401	4th 2 Bedroom, Design Plan A
402	4th 2 Bedroom, Design Plan B
403	4th 2 Bedroom, Design Plan C
404	4th 2 Bedroom, Design Plan B
405	4th 2 Bedroom, Design Plan B R
406	4th 2 Bedroom, Design Plan B
407	4th 2 Bedroom, Design Plan B R
408	4th 2 Bedroom, Design Plan A R
501	5th 2 Bedroom, Design Plan A
502	5th 2 Bedroom, Design Plan B
503	5th 2 Bedroom, Design Plan C
504	5th 2 Bedroom, Design Plan B
505	5th 2 Bedroom, Design Plan B R
506	5th 2 Bedroom, Design Plan B
507	5th 2 Bedroom, Design Plan B R
508	5th 2 Bedroom, Design Plan A R

Each of the apartments has access to a corridor, which is part of the common elements, leading to the two stairways, on either end of the building, and elevator, also part of the common elements, and serving all of the apartments.

COMMON ELEMENTS: Paragraph "C" under this topical hearing have been revised and now read as follows:

- A. The hallways, corridors and walkways, stairs, and stairways, ramps, driveways, roadways, loading zones, parking areas, and two "Guest Parking" stalls, being stall numbers 23 and 24 (all other parking stalls are limited common elements),

LIMITED COMMON ELEMENTS: All information under this topical heading in the Preliminary Public Report remains unchanged, except that the Exhibit has been completely revised to read as set forth in the Exhibit attached hereto.

INTEREST TO BE CONVEYED TO PURCHASER: The Exhibit "A" referred to under this topical heading is revised in its entirety. The revision is attached hereto as Exhibit "A".

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE. The Declaration and Bylaws will be amended to specifically prohibit in any form or program time sharing occupancy or use of any apartment or any part of the project.

ENCUMBRANCES AGAINST TITLE: A Preliminary Title Report prepared by Pacific Guaranty Title Corporation dated March 9, 1981 reveals that the fee simple title, which is vested in the Developer, is subject to the following encumbrances:

1. Current Taxes, Tax Map Key: 6-8-11-46, City and County of Honolulu. For further information, check with the Tax Assessor, First Division.
2. Title to all minerals and metallic mines reserved to the State of Hawaii.
3. The property borders on the ocean and is subject to the provisions of Hawaii Revised Statute 205, Sections 31 to 37 relative to shoreline setbacks and prohibitions on use, and to the regulations of the Land Use Commission and the County Planning Department.
4. Covenants, conditions, restrictions, reservations, agreements, obligations and other provisions set forth in the Instrument, dated December 1, 1972, recorded December 5, 1972, in the Bureau of Conveyances, State of Hawaii, in Book 8782, Page 445.
5. Condominium Map No. 738, filed in the Bureau of Conveyances, State of Hawaii.
6. Covenants, conditions, restrictions, reservations, agreements, obligations, provisions, easements and by-laws set forth in the Declaration of Horizontal Property Regime dated June 25, 1980, recorded June 26, 1980, in the Bureau of Conveyances, State of Hawaii, in Book 14813, Page 635.
7. Mortgage dated June 25, 1980, recorded June 26, 1980 in the Bureau of Conveyances, State of Hawaii, in Book 14813, Page 614, to secure the repayment of \$137,500.00, and any additional advances and other amounts secured thereby, under the terms and provisions thereof,
Mortgagor: Sunset Shores Partners, a registered Hawaii joint venture.
Mortgagee: Hawaii Thrift and Loan Incorporated, a Hawaii corporation.
8. The Developer has further indicated, in conjunction with item 3 above, that the property is subject to any claim based upon (a) a conflict in the determination of the seaward boundary of said land, (b) a

conflict in the location of such seaward boundary, or (c) the assertion that any portion of said land is submerged land or is land beneath tidal waters.

9. Mortgage dated July 29, 1980, recorded July 30, 1980, in the Bureau of Conveyances, State of Hawaii, in Book 14890, Page 127, to secure the repayment of \$100,000.00, and any additional advances and other amounts secured thereby, under the terms and provisions thereof.

SPECIAL MANAGEMENT AREA PERMIT: The Project is located within a Special Management Area and the Declaration will be amended to add a new section 21 regarding the requirements of the Special Management Area Permit for the Project, which section reads as follows:

"21. Special Management Area. This Project is located within a Special Management Area and is therefore built and to be subject at all times to the Special Management Area act, H.R.S. Ch. 205, City and County Ordinance No. 4529, and Rules and Regulations thereunder, as amended from time to time, and to the Special Management Area Permit. All owners, users, and occupants of the Project, and the Association of Owners shall at all times comply with all requirements of such act, Regulations and Special Management Area Permit. Among the requirements of the Special Management Area Permit for this Project are those found in the recommendation on the Department of Land Utilization of the City and County of Honolulu, State of Hawaii, dated October 3, 1980, 80/SMA 22 (SM), relevant conditions of which are as follows:

Special Management Area Use Permit approval is subject to the following conditions:

- A. All conditions of approval shall be filed and recorded with the Assistant Registrar of the Bureau of Conveyances by the applicant/developer and a certified copy shall be filed with DLU prior to the issuance of the Certificate of Occupancy.
- B. Minimum Habitable floor elevation shall conform to the base flood elevations found in Flood Insurance Rate Map, dated September 3, 1980. The structure and the treatment facility shall be designed and constructed in accordance with requirements contained in the National Flood Insurance Program.
- C. The private sewage treatment facility shall also be constructed in accordance with all applicable regulations of the DOH (Chapter 38, Public Health Regulations), as amended, August 6, 1979.

In conformance with the Water Quality Management Program, a certified treatment plant operator must be retained by the owner/developer.

- D. Installation of and the first year of operation and maintenance of the sewage treatment facility shall be the responsibility of the applicant/developer.

The proposed financing scheme to support the proper operation, maintenance and replacement costs of the treatment plant shall be submitted by the applicant/developer to the Department of Public Works, Wastewater Management, Planning Branch, for their review and approval. A copy of this approved scheme shall be submitted to the DOH at the time of the request for a permit to operate the facility.

- E. All deeds and sales agreements for purchase of the units shall indicate that the sewage treatment facility is private and that its responsibility is the owners' association after the first year of operation and until the development can be connected to a municipal sewer system.
- F. A landscape plan indicating mature plant materials for the beachfront area shall be submitted to the DLU for review and approval prior to the issuance of the building permit.

Implementation of the plan shall commence within thirty days after the issuance of the Certificate of Occupancy."


MANAGEMENT OF PROJECT: The Developer has advised the Commission that the proposed amendment to the Declaration of Horizontal Property Regime contains revisions to the Bylaws regarding the responsibility of the Owners Association to purchase and maintain insurance for the project as a common expense of the project.

STATUS OF PROJECT: The Developer advises that construction should commence about March 31, 1981, and be completed by about February 1, 1982.

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 April 29, 1980, and additional information subsequently filed as of March 12, 1981.

This is a SUPPLEMENTARY HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT which is made a part of Registration No. 1303 filed with the Commission on April 29, 1980.

This Report, when reproduced, shall be a true copy of the Commission's Public Report. The paper stock used in making facsimiles must be pink.



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

Registration No. 1303

DATED: March 17, 1981

<u>APARTMENT NUMBER</u>	<u>APPROXIMATE AREA</u>	<u>UNDIVIDED INTEREST IN COMMON ELEMENTS</u>	<u>PARKING STALL</u>
201	981 sq. ft.	0.03446	10
202	860 sq. ft.	0.03018	1
203	860 sq. ft.	0.03018	9*
204	860 sq. ft.	0.03018	2
205	860 sq. ft.	0.03018	8*
206	860 sq. ft.	0.03018	30
207	860 sq. ft.	0.03018	22
208	981 sq. ft.	0.03446	40
301	981 sq. ft.	0.03446	7
302	860 sq. ft.	0.03018	3
303	860 sq. ft.	0.03018	6
304	860 sq. ft.	0.03018	4
305	860 sq. ft.	0.03018	5
306	860 sq. ft.	0.03018	25*
307	860 sq. ft.	0.03018	37
308	981 sq. ft.	0.03446	28
401	981 sq. ft.	0.03446	13
402	860 sq. ft.	0.03018	12
403	860 sq. ft.	0.03018	11
404	860 sq. ft.	0.03018	17
405	860 sq. ft.	0.03018	16
406	860 sq. ft.	0.03018	15
407	860 sq. ft.	0.03018	18
408	981 sq. ft.	0.03446	14
501	981 sq. ft.	0.03446	35*, 36*
502	860 sq. ft.	0.03018	19
503	860 sq. ft.	0.03018	33*, 34*
504	860 sq. ft.	0.03018	26*, 27
505	860 sq. ft.	0.03018	29
506	860 sq. ft.	0.03018	38
507	860 sq. ft.	0.03018	39
508	981 sq. ft.	0.03446	31*, 32* 20, 21

* Compact stalls

Note: Stall Numbers 31 - 36, inclusive are compact - Tandem stalls.