

# 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

HALAWA INDUSTRIAL PLAZA  
99-1135 Iwaena Street  
Halawa, Ewa, Hawaii

REGISTRATION NO. 1392

### 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: March 23, 1982  
Expires: April 23, 1983

#### 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 February 13, 1981 AND INFORMATION SUBSEQUENTLY FILED AS OF March 19, 1982. 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 March 24, 1981, Supplementary Public Report of June 30, 1981 and Second Supplementary Public Report of October 16, 1981, on HALAWA INDUSTRIAL PLAZA, Registration No. 1392, 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 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 January 25, 1982, with the By-Laws attached thereto, have been filed in the Office of the Assistant Registrar of the State of Hawaii as Document No. 1102956 and also recorded in the Bureau of Conveyances of the State of Hawaii in Liber 16143 at Page 40. Condominium Map No. 741 and Condominium File Plan No. 839 were respectively filed and recorded 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, as amended, and the Condominium Rules and Regulations which relate to the Horizontal Property Regime Act.
6. This Final Public Report automatically expires thirteen months after date of issuance, March 23, 1982, unless a Third 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), Supplementary Public Report and Second Supplementary Public Report (pink paper stock), becoming a part of HALAWA INDUSTRIAL PLAZA 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,

Supplementary Public Report, Second Supplementary Public Report and revised Disclosure Abstract of January 13, 1982. The Developer is responsible for securing from each purchaser or prospective purchaser a signed receipt therefor.

The information contained in the Preliminary Public Report of March 24, 1981, the Supplementary Public Report of June 30, 1981 and the Second Supplementary Public Report of October 16, 1981, has not changed except for information contained under the topical headings DESCRIPTION, COMMON ELEMENTS, LIMITED COMMON ELEMENTS, OWNERSHIP OF TITLE, ENCUMBRANCES AGAINST TITLE and STATUS OF PROJECT.

The approximate areas of Apartments 18 and 19 of the project have been changed resulting in changes to the percentages of undivided interest in the common elements. Also, designation of one parking stall has been changed and all of the parking stalls have been changed to open instead of semi-covered as originally disclosed. These changes are reflected in the Exhibit attached hereto and made a part hereof. The Exhibit is intended to replace and supersede in its entirety the Exhibit attached to the Second Supplementary Public Report of October 16, 1981. Reference to said Exhibit is made in information contained under the topical heading DESCRIPTION, LIMITED COMMON ELEMENTS and INTEREST TO BE CONVEYED TO PURCHASER. Since the issuance of the Preliminary Public Report a new encumbrance has been placed against title to the land. Certain language changes have been made under the topical headings COMMON ELEMENTS and LIMITED COMMON ELEMENTS. The sections of the earlier Public Reports which have been changed as summarized above are recited in their entirety below.

DESCRIPTION: The Declaration reflects that the project is to consist of two separate single-story buildings with mezzanines and without basements, designated as Building A and Building B, as shown on the Condominium Map. Building A and Building B are rectangular-shaped buildings located parallel to each other, with the length of the buildings running perpendicular to Iwaena Street. Building A is located to the north of Building B, and each building contains ten (10) apartment units. The buildings are constructed primarily of concrete, glass, concrete block, steel, aluminium and gypsum board. A parking area consisting of fifty-six (56) open parking stalls of which fourteen (14) are compact size stalls, and two loading spaces, are located at ground level between Building A and Building B, as shown on the Condominium Map. Each parking stall and loading space are basically rectangular shaped, except as necessary to accomodate the superstructure of each building, and paved with asphaltic

concrete. The parking stalls are part of the limited common elements.

Apartments. Twenty (20) separate freehold estates are hereby designated within the perimeter walls, floors, and ceilings, or (in the event that an intervening perimeter wall separating two adjoining apartments has not been constructed, or has been altered or removed), within the perimeter walls, floors, ceilings and the vertical planes extending from floor to ceiling along the boundaries separating each apartment unit, as said boundaries are shown on the Condominium Map.

Each Apartment consists of one (1) ground floor, rectangular-shaped room and a mezzanine located above the ground floor extending forward from the rear perimeter wall over a portion of the ground floor, together with a stairway leading from the ground floor directly to the mezzanine. Each apartment has immediate access to the parking area. None of the apartments have lanais.

Apartment Location and Numbering: Apartments 01 and 10 are located in Building A and each contains a total floor area of approximately 1012 square feet, including the mezzanine. Apartments 02 through 09 inclusive are all located in Building A and each contains a total floor area of approximately 1150 square feet, including the mezzanine.

Apartments 11 through 20, inclusive, are located in Building B. Apartments 11 and 20 each contains a total floor area of approximately 1012 square feet, including the mezzanine. Apartments 12 through 17, inclusive, each contains a total floor area of approximately 1150 square feet, including the mezzanine. Apartment 18 contains a total floor area of approximately 1840 square feet, including the mezzanine, and apartment 19 contains a total floor area of approximately 460 square feet, including the mezzanine. The foregoing areas are fully set forth in the Exhibit attached hereto.

Limits of Apartments: Notwithstanding the floor areas set forth above and the manner in which such floor areas are measured, the respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or interior load-bearing walls or partitions, the foundations, columns, girders, beams, supports, roofs, skylights, ceilings and floors located within or at the perimeter of or surrounding such apartment, or any fire sprinklers or their components and any pipes, wires, vents, shafts,

ducts, conduits or other utility or service lines or enclosed spaces for wiring, pipes, air exhaust or air conditioning running through or otherwise located within such apartment, which are utilized for or serve more than one apartment, the same being deemed common elements. Each apartment shall be deemed to include all the walls and partitions which are not load-bearing within its perimeter walls and, (where adjoining apartments are not separated by an intervening perimeter wall) within the vertical planes extending from floor to ceiling along the boundaries separating each apartment unit, as said boundaries are shown on the Condominium Map, the inner decorated or finished surfaces of all walls, floors and ceilings, all windows, window frames, door and door frames along the perimeter, and the built-in fixtures, if any, within the apartment.

The Developer has expressly reserved the right to not erect the intervening party walls separating two or more adjacent apartments which are or will be under common ownership. In this case, the said adjacent apartments shall be deemed to be separated by the vertical planes extending from floor to ceiling along the boundaries separating each apartment unit, as said boundaries are shown on the Condominium Map.

COMMON ELEMENTS: The Declaration of Horizontal Property Regime designates all of the remaining portions of the project as "common elements", including specifically, but not limited to:

- (a) Said land in fee simple.
- (b) All foundations, floor slabs, columns, beams, supports, unfinished perimeter walls and loadbearing walls, roofs, chases, corridors, stairs, stairways, entry halls, walkways, entrances, and exits of the buildings.
- (c) All walkways, sidewalks, driveways, parking stalls, loading zones, fire escapes, yards, grounds, landscaping, refuse areas, planter boxes and mailboxes.
- (d) All pipes, cables, conduits, ducts, electrical equipment, wiring and other central and appurtenant transmission facilities and installations over, under and across the project which serve more than one apartment for services such as power, light, gas, water, sewer, telephone and television signal distribution, if any.
- (e) Any and all other apparatus and installations of common use and all other parts of the project necessary

or convenient to its existence, maintenance and safety,  
or normally in common use.

LIMITED COMMON ELEMENTS. The Declaration reflects that certain parts of the common elements, herein called and designated "limited common elements", are designated, set aside and reserved for the exclusive use of certain apartments and such apartments shall have appurtenant thereto exclusive easements for the use of such limited common elements. The limited common elements so set aside and reserved are as follows:

(a) Each of the fifty-six (56) parking stalls in the project shall be a limited common element appurtenant to and reserved for the exclusive use of the apartment to which it is assigned as set forth in the Exhibit attached hereto and as shown on the Condominium Map; PROVIDED, HOWEVER, that any or all of such parking stalls may be transferred and assigned as limited common elements appurtenant to other apartments by way of amendment of the Declaration.

(b) Any entrance, exit, entry patio, porch, decks or steps which would normally be used only for the purposes of ingress to and egress from a specific apartment shall be a limited common element appurtenant to and reserved for the exclusive use of such apartment.

OWNERSHIP OF TITLE: A Preliminary Title Report dated February 3, 1982, issued by Title Guaranty of Hawaii, Inc., reports that title to the land is vested in the Queen Emma Foundation, a Hawaii non-profit corporation. By Lease No. 43, dated November 21, 1980, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 1043816, and also recorded in the Bureau of Conveyances of the State of Hawaii in Liber 15169 at Page 652. The Queen Emma Foundation did lease said land to the Developer, Halawa Industrial Plaza Associates, a Hawaii registered partnership, for a term of fifty-five (55) years commencing January 1, 1980 and terminating December 31, 2034. Said Lease was amended by instrument dated May 29, 1981, filed as aforesaid as Document No. 1073892, and also recorded as aforesaid in Liber 15642 at Page 794 and further amended and restated in the entirety by instrument dated December 29, 1981, filed as aforesaid as Document No. 1100629, and also recorded as aforesaid in Liber 16100 at Page 164. The Developer proposes to issue a subleasehold interest to each purchaser of an apartment.

ENCUMBRANCES AGAINST TITLE. Said Preliminary Title Report issued by Title Guaranty of Hawaii, Inc., states that as of the date of the search, February 3, 1982, 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 Office, City and County of Honolulu.

2. Improvement District No. 252, Lot No. 41, Assessment totalling \$57,730.66.

3. Title to all minerals and metallic mines reserved to the State of Hawaii.

4. A Lease, No. 43, affecting the premises therein stated, upon the terms, covenants and conditions therein provided, dated November 21, 1980, filed in the Office of the Assistant Registrar of the Land Court, State of Hawaii, as Document No. 1043816, and also recorded in the Bureau of Conveyances, State of Hawaii in Liber 15169 at Page 652, The Queen Emma Foundation, a Hawaii non-profit corporation, as Lessor, and Halawa Industrial Plaza Associates, a Hawaii registered partnership, as Lessee, for a term of 55 years commencing January 1, 1980 and terminating December 31, 2034. Said Lease was amended by instrument dated May 29, 1981, filed as aforesaid as Document No. 1073892, and also recorded as aforesaid in Liber 15642 at Page 794 and further amended and restated in its entirety by instrument dated December 29, 1981, filed as aforesaid as Document No. 1100629, and also recorded as aforesaid in Liber 16100 at Page 164.

Said Lease, as amended, is subject to the following:

Mortgage dated December 24, 1981, made by and between Halawa Industrial Plaza Associates, a duly registered Hawaii general partnership, as Mortgagor, and Honolulu Federal Savings and Loan Association, a Federal savings and loan association, as Mortgagee, filed as aforesaid as Document No. 1100630, and also recorded as aforesaid in Liber 16100 at Page 265.

Lessor's Consent to Mortgage and Estoppel Certificate dated December 30, 1981, filed as aforesaid as Document No. 1100631, and also recorded in Liber 16100 at Page 312, by The Queen Emma Foundation, a Hawaii non-profit corporation.

5. The restriction 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 January 25, 1982, filed as aforesaid as Document No. 1102956 and also recorded as aforesaid in Liber 16143 at Page 40, 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 Maps Nos. 741 filed in said Office of the Assistant Registrar and 839 recorded in said Bureau of Conveyances.)

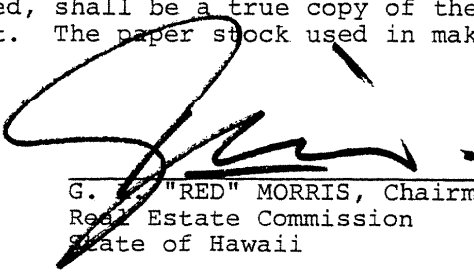
STATUS OF PROJECT. The construction of the building commenced on or about September 30, 1981 and is scheduled for completion on or about March 15, 1982.

NOTE. Since issuance of the Commission's Preliminary Public Report, the Developer has made revisions to drafts of the Declaration, By-laws, Apartment Sublease, Sales Contract, Escrow Agreement, Management Agreement, Master Lease and Disclosure Abstract earlier submitted. Most of the changes were requested by the fee simple owner (The Queen Emma Foundation) and the lender (Honolulu Federal Savings and Loan Association) and appear minor. Red-lined pages of the Declaration that contain changes have been submitted to the Commission and are available for inspection.

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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 February 13, 1981 and information subsequently filed as of March 19, 1982.

This FINAL HORIZONTAL ROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1392, filed with the Commission on February 13, 1981.

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. "RED" MORRIS, Chairman  
Real Estate Commission  
State of Hawaii

DISTRIBUTION:

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

Registration No. 1392

March 23, 1982



# EXHIBIT

<u>Apartment No.</u>	<u>Apartment Area</u>	<u>Percentage Interest in the Common Elements to be Conveyed</u>	<u>Parking Stall Nos.</u>
01	approximately 1012 square feet	4.52%	1 and 2
02	approximately 1150 square feet	5.12%	3C, 4 and 5
03	approximately 1150 square feet	5.12%	6, 7 and 8C
04	approximately 1150 square feet	5.12%	9C, 10 and 11
05	approximately 1150 square feet	5.12%	12, 13 and 14C
06	approximately 1150 square feet	5.12%	15C, 16 and 17
07	approximately 1150 square feet	5.12%	18, 19 and 20C
08	approximately 1150 square feet	5.12%	21C, 22 and 23
09	approximately 1150 square feet	5.12%	24, 25 and 26
10	approximately 1012 square feet	4.52%	27 and 28
11	approximately 1012 square feet	4.52%	29 and 30
12	approximately 1150 square feet	5.12%	31C, 32 and 33
13	approximately 1150 square feet	5.12%	34, 35 and 36C
14	approximately 1150 square feet	5.12%	37C, 38 and 39
15	approximately 1150 square feet	5.12%	40, 41 and 42C
16	approximately 1150 square feet	5.12%	43C, 44 and 45
17	approximately 1150 square feet	5.12%	46, 47 and 48C
18	approximately 1840 square feet	8.19%	49C, 50, 51 and 52
19	approximately 460 square feet	2.05%	53 and 54
20	approximately 1012 square feet	4.52%	55 and 56
		<u>100.00%</u>	