

CONDOMINIUM PUBLIC REPORT

Prepared &

Issued by:

Developer Schuler Homes, Inc.

Address 828 Fort Street Mall, 4th Floor, Honolulu, Hawaii 96813

Project Name(\*): Village on the Green at Waikele Phase 1B

Address: Lumiau'au Street, Waikele, Hawaii 96797

Registration No. 3415

Effective date: October 28, 1996

Expiration date: November 28, 1997

Preparation of this Report:

This report has been prepared by the Developer pursuant to the Condominium Property Act, Chapter 514A, Hawaii Revised Statutes. This report is not valid unless the Hawaii Real Estate Commission has issued a registration number and effective date for the report.

This report has not been prepared or issued by the Real Estate Commission or any other government agency. Neither the Commission nor any other government agency has judged or approved the merits or value, if any, of the project or of purchasing an apartment in the project.

Buyers are encouraged to read this report carefully, and to seek professional advice before signing a sales contract for the purchase of an apartment in the project.

Expiration Date of Reports. Preliminary Public Reports and Final Public Reports automatically expire thirteen (13) months from the effective date unless a Supplementary Public Report is issued or unless the Commission issues an order, a copy of which is attached to this report, extending the effective date for the report.

Exception: The Real Estate Commission may issue an order, a copy of which shall be attached to this report, that the final public report for a two apartment condominium project shall have no expiration date.

Type of Report:

PRELIMINARY: (yellow) The developer may not as yet have created the condominium but has filed with the Real Estate Commission minimal information sufficient for a Preliminary Public Report. A Final Public Report will be issued by the developer when complete information is filed.

FINAL: (white) The developer has legally created a condominium and has filed complete information with the Commission.

- No prior reports have been issued.
- This report supersedes all prior public reports.
- This report must be read together with \_\_\_\_\_

SECOND SUPPLEMENTARY: (pink) This report updates information contained in the:  
 Preliminary Public Report dated: \_\_\_\_\_  
 Final Public Report dated: Effective date October 26, 1995.  
 Supplementary Public Report dated: Effective date December 27, 1995.

- And  Supersedes all prior public reports  
 Must be read together with the Final and Supplementary Public Reports  
Registration No. 3415.  
 This report reactivates the \_\_\_\_\_  
public report(s) which expired on \_\_\_\_\_

(\*) Exactly as named in the Declaration  
FORM: RECO-30 286/986/189/1190/892

**Disclosure Abstract:** Separate Disclosure Abstract on this condominium project:

Required and attached to this report                       Not Required - disclosures covered in this report.

**Summary of Changes from Earlier Public Reports:**

This summary contains a general description of the changes, if any, made by the developer since the last public report was issued. It is not necessarily all inclusive. Prospective buyers should compare this public report with the earlier reports if they wish to know the specific changes that have been made.

No prior reports have been issued by the developer.

Changes made are as follows:

1.        Developer has amended the Declaration of Condominium Property Regime to clarify that microwave ovens are not included in the Highland series (Apartment Types Mid B, End B-1, End B-2, G, H-1 and H-2) of Village on the Green at Waikele Phase 1B. The Developer has also amended the Declaration of Condominium Property Regime to reflect the transfer of parking stalls appurtenant to various apartments, as reflected in Exhibit "B". The Bylaws and Association Community Rules have also been amended to clarify that a reasonable number of common household pets, such as dogs, cats, aquarium fish and birds may be maintained by the apartment owner subject to the provisions of Section 8.4(e) of the Bylaws.
  
2.        The proposed construction of an approximate 800 square foot open air recreation pavilion in Phase 1B at Village on the Green is reflected in the Fifth Amendment to Declaration of Condominium Property Regime. The pavilion will be located next to Buildings PP, CC & BB and will be available for use by all owners and occupants in this phase and all merged phases of the Village on the Green community.

**IMPORTANT NOTE:**

Village on the Green at Waikele Phase 1B is intended to be the second phase of a four phase overall condominium development that ultimately may be "merged" for administrative and/or ownership purposes. The four phase condominium project is estimated to contain a total of approximately 282 residential apartments. Upon any such merger of the phases, the common facilities in each phase will be available to apartment owners in all merged phases, subject to limitations on the use of limited common elements. See page 16 of the final public report for additional information.

I. PERSONS CONNECTED WITH THE PROJECT

Developer: Schuler Homes, Inc. Phone: (808) 521-5661  
Name (Business)  
828 Fort Street Mall, 4th Floor  
Business Address  
Honolulu, HI 96813

Names of officers or general partners of developers who are corporations or partnerships:

- James K. Schuler, President, Secretary, Treasurer
- Michael T. Jones, Executive Vice President
- Pamela S. Jones, Vice President of Finance
- Harvey L. Goth, Senior Vice President
- Thomas A. Bevilacqua, Assistant Secretary

Real Estate Broker: Schuler Realty/Oahu, Inc. Phone: (808) 526-3588  
Name (Business)  
828 Fort Street Mall, 4th Floor  
Business Address  
Honolulu, HI 96813

Escrow: Security Title Corporation Phone: (808) 521-9511  
Name (Business)  
1164 Bishop Street, Suite 1105 P.O. Box 3979  
Business Address  
Honolulu, HI 96812-3979

General Contractor: Hawaiian Dredging & Construction Co. Phone: (808) 735-3211  
Name (Business)  
619 Kapahulu Avenue  
Business Address  
Honolulu, Hawaii 96815

Condominium Managing Agent: Chaney Brooks & Company Phone: (808) 544-1600  
Name (Business)  
606 Coral Street; P.O. Box 212  
Business Address  
Honolulu, HI 96813

Attorney for Developer: Case Myrdal Bigelow & Lombardi (Dennis M. Lombardi and Scott D. Radovich) Phone: (808) 547-5400  
Name (Business)  
Grosvenor Center, Mauka Tower  
737 Bishop Street, Suite 2600  
Business Address  
Honolulu, HI 96813

**II. CREATION OF THE CONDOMINIUM;  
CONDOMINIUM DOCUMENTS**

A condominium is created by recording in the Bureau of Conveyances and/or filing with the Land Court a Declaration of Condominium Property Regime, a Condominium Map (File Plan), and the Bylaws of the Association of Apartment Owners. The Condominium Property Act (Chapter 514A, HRS), the Declaration, Bylaws, and House Rules control the rights and obligations of the apartment owners with respect to the project and the common elements, to each other, and to their respective apartments. The provisions of these documents are intended to be, and in most cases are, enforceable in a court of law.

- A. **Declaration of Condominium Property Regime** contains a description of the land, buildings, apartments, common elements, limited common elements, common interests, and other information relating to the condominium project.

The Declaration for this condominium is:

Proposed

Recorded - Bureau of Conveyances

Document No. \_\_\_\_\_

Book \_\_\_\_\_ Page \_\_\_\_\_

Filed - Land Court

Document Number 2261144

The Declaration referred to above has been amended by the following instruments [state name of document, date and recording/filing information]:

Instrument: Amendment to Declaration of Condominium Property Regime of Village on the Green at Waikele Phase 1B  
Dated: October 9, 1995  
Document No.: 2266786

Instrument: Second Amendment to Declaration of Condominium Property Regime of Village on the Green at Waikele Phase 1B  
Dated: December 6, 1995  
Document No.: 2278234

Instrument: Third Amendment to Declaration of Condominium Property Regime of Village on the Green at Waikele Phase 1B  
Dated: April 1, 1996  
Document No.: 2302866

Instrument: Amendment to Declaration of Condominium Property Regime of Village on the Green at Waikele Phase 1B  
Dated: April 19, 1996  
Document No.: 2305580

Instrument: Fifth Amendment to Declaration of Condominium Property Regime of Village on the Green at Waikele Phase 1B  
Dated: July 11, 1996  
Document No.: 2335376

- B. **Condominium Map (File Plan)** shows the floor plan, elevation and layout of the condominium project. It also shows the floor plan, location, apartment number, and dimensions of each apartment.

The Condominium Map for this condominium project is:

Proposed

Recorded - Bureau of Conveyances Condo Map No. \_\_\_\_\_

Filed - Land Court Condo Map No. 1104

The Condominium Map has been amended by the following instruments [state name of document, date and recording/filing information]:

Instrument: Fifth Amendment to Declaration of Condominium Property Regime of Village on the Green at Waikele Phase 1B  
Dated: July 11, 1996  
Document No.: 2335376

C. **Bylaws of the Association of Apartment Owners** govern the operation of the condominium project. They provide for the manner in which the Board of Directors of the Association of Apartment Owners is elected, the powers and duties of the Board, the manner in which meetings will be conducted, whether pets are prohibited or allowed and other matters which affect how the condominium project will be governed.

The Bylaws for this condominium are:

Proposed  
 Recorded - Bureau of Conveyances Document No. \_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_  
 Filed - Land Court Document No. 2261145

The Bylaws referred to above have been amended by the following instruments [state name of document, date and recording/filing information]:

Instrument: First Amendment to Bylaws of the Association of Apartment Owners of Village on the Green at Waikele Phase 1B  
Dated: May 9, 1996  
Document No.: 2337308

5. Special Use Restrictions:

The Declaration and Bylaws may contain restrictions on the use and occupancy of the apartments. Restrictions for this condominium project include but are not limited to:

Pets: Reasonable number of common household pets, such as dogs, cats, aquarium fish and birds. No livestock or poultry, and no animals classified as "pests" or prohibited from importation under state statutes.

Number of Occupants: No more than 2 persons per bedroom, not including children under 5 years old; no more than 3 persons per bedroom including children under 5 years old; and otherwise only in accordance with any limitations imposed by state or municipal law or ordinance.

Other: Apartments shall be used for residential purposes only; no "time-sharing" permitted.

There are no special use restrictions.

6. Interior (fill in appropriate numbers):

Elevators: 0 Stairways: 5 Trash Chutes: 0

Apt. Type	Quantity	BR/Bath	Net Living Area(s)*	Lanai/Patio(s)	Entry	Exterior Storage
MID B	12	2/2	811	76	N/A	N/A
END B-1	6	2/2	858	76	N/A	N/A
END B-2	6	2/2	917	76	N/A	N/A
G	8	2/2	791	75	66	8
H-1	4	3/2	965	93	N/A	18
H-2	4	3/2	1029	93	N/A	N/A
MID L	4	2/ 2 1/2	922	49	30	20
END L	2	2/ 2 1/2	914	59	69	19
M	2	2/ 2 1/2	993	59	56	19
M-1	3	2/ 2 1/2	987	61	63	21
M-2	1	2/ 2 1/2	1071	59	57	19
N	2	3/ 2 1/2	1125	59	59	19

Total Apartments 54

*\*Net Living Area is the floor area of the apartment measured from the interior surface of the apartment perimeter walls. Other documents and maps (including the Condominium Map) may give floor area figures which differ from those above because a different method of determining the floor area may have been used.*

Boundaries of Each Apartment: Each Apartment includes all walls, columns and partitions which are not load-bearing within the Apartment's perimeter walls, (including the garage, if any, associated therewith, as shown on the Condominium Map), the inner decorated or finished surfaces of all walls, floors, ceilings, doors, door frames and window frames along the perimeters, all windows along the perimeters, the air space within the perimeter, the lanais, if any, shown on the Condominium Map to the inner decorated or finished surfaces of the perimeter walls of such lanais and to the interior edge of the exterior railings or other boundaries of such lanais, the entry court or area, if any, shown on the Condominium Map to the inner decorated or furnished surfaces of the perimeter walls of such entry court or area and to the interior edge of other boundaries of such entry court or area, the exterior storage areas, if any, shown on the Condominium Map, all fixtures originally installed in the Apartment, and all pipes, plumbing (including water heaters), wires, conduits and other utility or service lines and facilities servicing only the Apartment. The Apartments shall not include the undecorated or unfinished surfaces of the perimeter party or non-party walls, the undecorated or unfinished surfaces of the doors, door frames and window frames along the perimeters, the interior load-bearing columns, girders, beams and walls, the undecorated or unfinished surfaces of the floors and ceiling surrounding each Apartment, the exterior edge of the exterior railings or other exterior boundaries of the lanais, if any, shown on the Condominium Map, or any pipes, shafts, wires, conduits or other utility or service lines running through an Apartment which are utilized for or serve more than one Apartment, all of which are deemed common elements as provided in this Declaration.

7. Parking Stalls:

Total Parking Stalls: 114

	<u>Regular</u>		<u>Compact</u>		<u>Tandem</u>		<u>TOTAL</u>
	<u>covered</u>	<u>open</u>	<u>covered</u>	<u>open</u>	<u>covered</u>	<u>open</u>	
Assigned (for each unit)	<u>54</u>	<u>15</u>	<u>          </u>	<u>39</u>	<u>          </u>	<u>          </u>	<u>108</u>
Guest Unassigned	<u>          </u>	<u>5</u>	<u>          </u>	<u>1</u>	<u>          </u>	<u>          </u>	<u>6</u>
Extra for Purchase	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
Other:	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
Total Covered & Open	<u>74</u>	<u>          </u>	<u>40</u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>

Each apartment will have the exclusive use of at least 2 parking stall(s).

Commercial parking garage permitted in condominium project.

Exhibit B contains additional information on parking stalls for this condominium project.

8. Recreational and Other Common Facilities.

There are no recreational or common facilities.

Swimming pool

Storage Area

Recreation Area

Laundry Area

Tennis Court

Trash Chute

Other: Trash receptacle areas (1); Mail areas (1)

9. Compliance With Building Code and Municipal Regulations; Cost to Cure Violations

There are no violations.

Violations will not be cured.

Violations and cost to cure are listed below.

Violations will be cured by \_\_\_\_\_

10. Condition and Expected Useful Life of Structural Components, Mechanical, and Electrical Installations

(For conversions of residential apartments in existence for at least five years):

(Not applicable)

2. Rights Under the Sales Contract: Before signing the sales contract, prospective buyers should ask to see and carefully review all documents relating to the project. If these documents are not in final form, the buyer should ask to see the most recent draft. These include but are not limited to the:
- A) Condominium Public Reports issued by the developer which have been given an effective date by the Hawaii Real Estate Commission.
  - B) Declaration of Condominium Property Regime, as amended.
  - C) Bylaws of the Association of Apartment Owners, as amended.
  - D) House Rules.
  - E) Condominium Map, as amended.
  - F) Escrow Agreement.
  - G) Hawaii's Condominium Property Act (Chapter 514A, HRS, as amended) and Hawaii Administrative Rules, (Chapter 16-107, adopted by the Real Estate Commission, as amended).
  - H) Other: Master Declaration of Covenants, Conditions and Restrictions of the Waikele Community dated December 28, 1990, recorded as Land Court Document No. 1791991, Twelfth Supplemental Master Declaration of Covenants, Conditions and Restrictions for the Waikele Community, dated January 11, 1994, Land Court Document No. 2107005, Memorandum of Declaration of Development Covenants, Conditions and Restrictions (Parcel 9), Dated January 11, 1994, Land Court Document No. 2107006.

Copies of the condominium and sales documents and amendments made by the developer are available for review through the developer and are on file at the Department of Commerce and Consumer Affairs. Reprints of Hawaii's Condominium Property Act (Chapter 514A, HRS) and Hawaii Administrative Rules, Chapter 16-107, are available at the Cashier's Office, Department of Commerce and Consumer Affairs, 1010 Richards Street, 3rd Floor, Honolulu, Hawaii, mailing address: P.O. Box 541, Honolulu, Hawaii 96809, at a nominal cost.

This Public Report is a part of Registration No. 3415 filed with the Real Estate Commission on 9/22/95.

Reproduction of Report. When reproduced, this report must be on:

yellow paper stock     white paper stock     pink paper stock



D. The developer hereby certifies that all the information contained in this Report and the Exhibits attached to this Report and all documents to be furnished by the developer to buyers concerning the project have been reviewed by the developer and are, to the best of the developer's knowledge, information and belief, true, correct and complete.

Schuler Homes, Inc.

Name of Developer

By:

  
Duly Authorized Signatory

10-11-96

Date

Michael T. Jones, Executive Vice President

print name & title of person signing above

Distribution:

Department of Finance, City & County of Honolulu  
Planning Department, City & County of Honolulu  
Federal Housing Administration

**EXHIBIT "B"**

**PARKING STALLS**

Each of the following apartments shall have appurtenant to it the exclusive right to use the parking stalls designated below, located as shown on the Condominium Map.

<b>APT #</b>	<b>STALL #1</b>	<b>STALL #2</b>	<b>APT #</b>	<b>STALL #1</b>	<b>STALL #2</b>
JJ101	94	92C	MM104	308	359C
JJ102	96	90C	MM201	299	301
JJ103	98	103C	MM202	303	354C
JJ104	100	101	MM203	305	356C
JJ201	93	91C	MM204	307	358C
JJ202	95	105C	NN101	291	350C
JJ203	97	104C	NN102	293	346C
JJ204	99	102	NN103	295	348C
KK101	74	106	NN104	297	352C
KK102	77	85C	NN201	292	351C
KK103	79	87C	NN202	294	347C
KK104	82	83	NN203	296	349C
KK201	75	84	NN204	298	353C
KK202	78	86C	PP1	283	285
KK203	80	88C	PP2	286	341C
KK204	81	89C	PP3	287	342C
LL101	310	361C	PP4	282	288
LL102	312	363C	PP5	289	343C
LL103	314	365C	PP6	284	290
LL104	316	367C	QQ1	273	274
LL201	309	360C	QQ2	275	335
LL202	311	362C	QQ3	276	336
LL203	313	364C	QQ4	277	337
LL204	315	366C	QQ5	278	338
MM101	300	302	QQ6	279	339
MM102	304	355C	QQ7	280	340
MM103	306	357C	QQ8	281	272

Note: A parking stall marked with a "C", as shown on the list above and on the Condominium Map, indicates a parking stall that is "compact" in size. A parking stall marked with a number designation only, as shown on the list above and on the Condominium Map, indicates a parking stall that is "standard" in size. The additional "C" marking appearing on the list above and/or the Condominium Map are for informational purposes only and do not constitute part of the legal identification of a parking stall, the sole means of legal identification being the numerical designation of the parking stall.

The project contains six "guest" parking stalls numbered 344CG, 345CG, 368CG, 369CG, 603G and 604G, as shown on the Condominium Map and identified thereon as guest stalls by the letter "G".

## EXHIBIT "C"

### COMMON ELEMENTS

The common elements of the Project shall specifically include, but are not limited to, the following:

1. The land, in fee simple, described in Exhibit "A" attached to the Declaration of Condominium Property Regime.
2. All structural components, such as foundations, girders, columns, beams, floor slabs, supports, main walls, load-bearing walls, floors, ceilings (except the inner or decorated surfaces of such walls, floors and ceilings), roofs, exterior stairs and stairways, landings, railings, entrances and exits (other than the entry courts or entry areas included in the definition of an apartment) of the buildings and/or apartments, doors, door frames, windows, window frames and other building appurtenances; provided, however, that all rollers, locks, handles, tracks and appurtenant hardware associated with all windows, doors, and exterior automobile garage doors and all sliding or swinging screen doors and all glass and window screens shall be the responsibility of the apartment owners.
3. All yards, grounds, gardens, planters, plants, landscaping, refuse facilities, barbecue areas, designated children's play areas, and recreational facilities, if any.
4. All sidewalks, pathways, driveways, roads, curbs, parking areas and parking stalls (including, without limitation, the five "guest" parking stalls numbered 344CG, 345CG, 368CG, 369CG, 603G and 604G, as shown on the Condominium Map and identified thereon as guest stalls by the letter "G"), within the Project, all as shown on the Condominium Map.
5. All ducts, electrical equipment, transformers, wiring, pipes and other central and appurtenant transmissions facilities and installations over, under and across the Project which are utilized by or serve more than one apartment for services such as power, light, water, gas, sewer, telephone and radio and television signal distribution, if any.
6. All areas, rooms, spaces, structures, housings, chutes, shafts or facilities of the Project within or outside of the buildings, which are for common use or which serve more than one apartment, such as electrical, maintenance, service, security, machine, mechanical and equipment rooms and the equipment, machinery and facilities therein.
7. All the benefits, if any, inuring to the land or to the Project from all easements, if any, shown on the Condominium Map or listed in Exhibit "A" attached to the Declaration of Condominium Property Regime.
8. Any and all 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.
9. All other parts of the Project which are not included in the definition of an apartment.
10. An approximate 800 square foot recreation pavilion located next to buildings PP, CC & BB available for use by all owners and occupants in this phase and all merged phases of the Village on the Green community.

**EXHIBIT "F"**

**ENCUMBRANCES AGAINST TITLE**

1. For real property taxes that may be due and owing, reference is made to the Director of Finance, City and County of Honolulu.
2. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
3. **GRANT**

In Favor of: City and County of Honolulu, a municipal corporation of the State of Hawaii, and the Board of Water Supply  
Dated: July 25, 1974  
Document No.: 690819  
Purpose: Easement to construct, etc., an underground water pipeline(s), etc., over, under, across and through Easement "C" (20.00 feet wide), for water pipeline purposes.

4. Reservations and exceptions as contained in:

**WARRANTY DEED**

Dated: December 21, 1983  
Document No.: 1209274

The foregoing Warranty Deed was modified by:

**PARTIAL RELEASE OF ENCUMBRANCES**

<u>Dated</u>	<u>Document No.</u>
May 28, 1993	2029926
July 30, 1993	2051047

5. Certificate dated March 31, 1986, recorded in the Bureau of Conveyances of the State of Hawaii in Book 19393, Page 686, made by Amfac Property Development Corp., a Hawaii corporation. Re: Reclassification of land from Agricultural district to Urban district, subject to the terms and conditions set forth therein.
6. Certificate dated April 16, 1986, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 1366767, made by Amfac Property Development Corp., a Hawaii corporation. Re: Reclassification of land from Agricultural district to Urban district, subject to the terms and conditions set forth therein.
7. Certificate dated September 30, 1986, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 1414537, made by the United States of America, by direction of the Commander, Naval Facilities Engineering Command, acting under the direction of the Secretary of the Navy.

8. The terms and provisions as contained in:

**UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING**

Dated: November 14, 1986  
Document No.: 1416018

9. Designation of Easement 4902 (20-foot wide), area: 1.245 acres, for buffer zone purposes, as shown on Map 787, as set forth by Land Court Order No. 100008, filed on October 31, 1990.
10. Covenants, conditions, restrictions, reservations, agreements, obligations and other provisions as contained in:

**MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE WAIKELE COMMUNITY**

Dated: December 28, 1990  
Document No.: 1791991

The foregoing Master Declaration as amended was supplemented by:

Twelfth Supplemental Master Declaration of Covenants, Conditions and Restrictions for the Waikēle Community (collectively the Master Declaration)

Dated                      Document No.

January 11, 1994      2107005

11. Reserving, however, unto Amfac Property Investment Corp., its successors and assigns, the right to so convey or dedicate Roadway Lots 13201, 13188, 13192 and 13193 to the City and County of Honolulu or other governmental authority for use as public roadways, as reserved in:

**LIMITED WARRANTY DEED**

Dated                      Document No.

January 11, 1994      2107004  
January 11, 1994      2107007

12. The terms and provisions of that certain unrecorded Declaration of Development Covenants, Conditions and Restrictions, a short form of which is recorded as:

**MEMORANDUM DECLARATION OF DEVELOPMENT COVENANTS, CONDITIONS AND RESTRICTIONS (PARCEL 9)**

Dated: January 11, 1994  
Document No.: 2107006

Made by and between Amfac Property Development Corp., a Hawaii corporation ("AMFAC"), and Schuler Homes, Inc., a Delaware corporation, ("Builder").

13. Covenants, agreements and reservations as contained in:

**LIMITED WARRANTY DEED**

Dated: January 11, 1994  
Document No.: 2107007

14. The terms and provisions of that certain unrecorded Option Agreement and Escrow Instruction, a short form of which is recorded as:

**MEMORANDUM OF OPTION AGREEMENT AND ESCROW INSTRUCTIONS (PARCEL 9)**

Dated: January 11, 1994  
Document No.: 2107008

Made by and between Amfac Property Development Corp., a Hawaii corporation ("AMFAC"), and Schuler Homes, Inc., a Delaware corporation, ("Builder").

15. **REAL PROPERTY MORTGAGE AND FINANCING STATEMENT**

Mortgagor: Schuler Homes, Inc., a Delaware corporation  
Mortgagee: First Hawaiian Bank, a Hawaii corporation  
Dated: December 4, 1992  
Document No.: 1977157

The foregoing Mortgage was amended by the following:

**AMENDMENT TO MORTGAGE: PARTIAL RELEASE AND SUBSTITUTION OF SECURITY**

Dated: March 8, 1994  
Document No.: 2125969

16. Easement 5585, area 6,646 square feet, for drainage purposes, as shown on Map 923, as set forth in Land Court Order No. 120231, filed April 12, 1995.
17. Restrictions and other provisions within Sections 4.40-21 of the Land Use Ordinance ("LUO") of the City and County of Honolulu, as contained in:

**AGREEMENT FOR ISSUANCE OF CONDITIONAL USE PERMIT UNDER SECTION 4.40-21 OF THE LAND USE ORDINANCE (LUO)**

Dated: May 18, 1995  
Document No.: 2239037

The foregoing Agreement was amended by the following:

Dated: July 25, 1995  
Document No.: 2251651

18. Easement 5620, area 7,135 square feet, for access purposes, as shown on Map 931, as set forth in Land Court Order No. 121196, filed July 17, 1995.

19. Grant of Easement made by and between Schuler Homes, Inc., a Delaware corporation, Hawaiian Electric Company, Inc., a Hawaii corporation, and GTE Hawaiian Telephone Company Incorporated, a Hawaii corporation, dated June 30, 1995, filed as Land Court Document No(s). 2256800 through 2256802.

20. Covenants, conditions, restrictions, reservations, agreements, obligations and other provisions as contained in:

**DECLARATION OF MERGER OF CONDOMINIUM PHASES VILLAGE ON THE GREEN AT WAIKELE**

Dated: June 19, 1995  
Document No.: 2251022

21. Covenants, conditions, restrictions, reservations, agreements, obligations and other provisions as contained in:

**DECLARATION OF CONDOMINIUM PROPERTY REGIME OF VILLAGE ON THE GREEN AT WAIKELE PHASE 1B**

Dated: September 7, 1995  
Document No.: 2261144

22. Covenants, conditions, restrictions, reservations, agreements, obligations and other provisions as contained in:

**BYLAWS OF THE ASSOCIATION OF APARTMENT OWNERS OF VILLAGE ON THE GREEN AT WAIKELE PHASE 1B**

Dated: September 7, 1995  
Document No.: 2261145

23. Covenants, conditions, restrictions, reservations, agreements, obligations and other provisions as contained in:

**AMENDMENT TO DECLARATION OF CONDOMINIUM PROPERTY REGIME OF VILLAGE ON THE GREEN AT WAIKELE PHASE 1B**

Dated: October 9, 1995  
Document No.: 2266786

24. Covenants, conditions, restrictions, reservations, agreements, obligations and other provisions as contained in:

**SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM PROPERTY REGIME OF VILLAGE ON THE GREEN AT WAIKELE PHASE 1B**

Dated: December 6, 1995  
Document No.: 22778234



25. Covenants, conditions, restrictions, reservations, agreements, obligations and other provisions as contained in:

**THIRD AMENDMENT TO DECLARATION OF CONDOMINIUM PROPERTY REGIME OF VILLAGE ON THE GREEN AT WAIKELE PHASE 1B**

Dated: April 1, 1996  
Document No.: 2302866

26. Covenants, conditions, restrictions, reservations, agreements, obligations and other provisions as contained in:

**AMENDMENT TO DECLARATION OF CONDOMINIUM PROPERTY REGIME OF VILLAGE ON THE GREEN AT WAIKELE PHASE 1B**

Dated: April 19, 1996  
Document No.: 2305580

27. Covenants, conditions, restrictions, reservations, agreements, obligations and other provisions as contained in:

**FIRST AMENDMENT TO BYLAWS OF THE ASSOCIATION OF APARTMENT OWNERS OF VILLAGE ON THE GREEN AT WAIKELE PHASE 1B**

Dated: May 9, 1996  
Document No.: 2337308

28. Covenants, conditions, restrictions, reservations, agreements, obligations and other provisions as contained in:

**FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM PROPERTY REGIME OF VILLAGE ON THE GREEN PHASE 1B**

Dated: July 11, 1996  
Document No.: 2335376