

**FORECLOSURE FACT SHEET**

By Order of the Third Circuit Court in Civil No. 12-1-0141, filed May 7, 2015, the Commissioner, named below, has been appointed to sell the property at public auction:

**I. PROPERTY DESCRIPTION:**

- A. Address: 92-2084 Sea Breeze Parkway, Ocean View, Hawaii 96737
- B. Tax Map Key: Tax Map Key (3) 9-2-116-064
- C. Description of Property:

ALL OF THAT CERTAIN PARCEL OF LAND SITUATE AT KAHUKU, DISTRICT OF KAU, ISLAND AND COUNTY OF HAWAII, STATE OF HAWAII, BEING LOT 7, AREA 43,608 SQUARE FEET, MORE OR LESS, BLOCK 215, OF THE "HAWAIIAN OCEAN VIEW ESTATES", AS SHOWN ON THE MAP THEREOF FILED IN THE OFFICIAL RECORDS AS FILE PLAN NO. 787.

TOGETHER WITH AN UNDIVIDED 1/11,500TH FEE SIMPLE INTEREST IN AND TO ALL ROADWAYS LOCATED WITHIN THE ABOVE-MENTIONED SUBDIVISION, TOGETHER WITH A PERPETUAL NON-EXCLUSIVE EASEMENT-OF-WAY IN COMMON WITH ALL OTHER OWNERS FROM TIME TO TIME OF LANDS THEREIN, IN, OVER, UNDER AND ACROSS ALL OF SAID ROADWAYS, FOR ALL INGRESS, EGRESS AND UTILITY PURPOSES; PROVIDED, HOWEVER, IN THE EVENT IT SHALL AT ANY FUTURE TIME BE DEEMED DESIRABLE BY THE COMMITTEE HAVING CONTROL OF THE ROAD MAINTENANCE ESCROW FUND HERETOFORE ESTABLISHED TO CONVEY THE SAID ROADWAYS OR ANY PORTION OF THEM TO ANY PROPER GOVERNMENTAL AUTHORITY WHICH SHALL UNDERTAKE THE MAINTENANCE OF SAID ROADWAYS, THE OWNERSHIP AND EASEMENTS HEREIN SET FORTH SHALL, TO THE EXTENT NECESSARY, BE FORTHWITH TERMINATED, AND THE SAID GRANTEE HEREIN DOES HEREBY IRREVOCABLY APPOINT SAID COMMITTEE AND ITS SUCCESSORS HIS ATTORNEY-IN-FACT TO MAKE SUCH CONVEYANCES.

Sale must be approved by the Court. The property is sold "AS IS" and "WHERE IS."



**II. TAX INFORMATION:**

The following approximation was obtained from the Hawai'i County Property Tax website for Tax Map Key No. (3) 9-2-116-064. Please note, this is an unofficial report, and the Commissioner cannot vouch for its accuracy or its reliability:

2015 Assessed Value:	Land	\$ 7,500.00
2015 Assessed Value:	Building	\$116,800.00
2015 Total Taxable Value:		\$124,300.00
2014 Real Property Taxes:		\$ 1,135.91

**III. SALES INFORMATION:**

**OPEN FOR INSPECTION:**

**July 15, 2015**

**9:00 a.m. – 12:00 p.m.**

**July 22, 2015**

**9:00 a.m. – 12:00 p.m.**

**AUCTION DATE:**

**July 28, 2015 at noon, at the flagpole fronting Hale  
Halawai, Kailua-Kona, Hawaii**

**IV. ENCUMBRANCES/EXCEPTIONS:**

The lien being foreclosed is: Mortgage – Nationstar Mortgage LLC – \$215,771.68, being principal, interest, expenses and costs incurred up to and through October 6, 2014, plus accruing interest, late fees and any further advances made by Plaintiff, and such other amounts as the Court shall determine at a subsequent hearing. This foreclosure sale is subject to: ① Real property taxes, if any that may be due and owing, and ② terms and provisions contained in various reservations, easements, grants, declarations, certifications, covenants, conditions, restrictions, encroachments, bylaws and other provisions set forth in any title report. It is the sole responsibility of all prospective bidders to verify the information contained herein for themselves through their own independent investigations and to hire their own professionals/consultants to obtain other information regarding the property before bidding on the property, including, but not limited to, a title report.

**V. TERMS OF SALE:**

Property sold “AS IS” and “WHERE IS” condition at public auction, without any representations or warranties whatsoever as to title or possession and by way of conveyance by public Commissioner’s sale, without an upset price. Commissioner may continue the sale from time to time at the Commissioner’s discretion. Plaintiff and all other parties are hereby authorized to purchase the Mortgaged Property at the foreclosure sale. The successful bidder at the sale shall make a down payment to the Commissioner in an amount not less than 10% of highest successful bid price, such payment to be made in cash or by way of certified or cashier’s check, provided that Plaintiff may satisfy the down payment by way of offset up to the amount of its secured debt. Prior to bidding, any person not hereby authorized to credit bid must show the Commissioner such person’s present ability to make the required down payment in the required form. At the Court’s discretion, the 10% down payment may be forfeited in full or in part if the purchaser shall fail to pay the balance of the purchase price as herein set forth. In no event shall the purchaser be liable for damages greater than the forfeiture of the 10% down payment. A further hearing shall be held to consider confirmation of the Commissioner’s sale. At the confirmation hearing, the Court shall hear proof of claim of any other party and shall determine the priority among the claims of the other parties besides Plaintiff, as appropriate. The Court shall also determine the amount of Commissioner’s fees and attorneys’ fees. The balance of said purchase price shall be paid to the Commissioner upon approval and confirmation of the foreclosure sale, provided that Plaintiff may satisfy the balance of the purchase price by way of offset up to the amount of its secured debt if Plaintiff is the purchaser at the Commissioner’s sale. All costs and expenses of closing, including, but not limited to, the following: costs of drafting the conveyance document, conveyance taxes notary fees, consent fees, escrow and recording fees, any proof of title or title insurance, costs of securing possession of the Property and any orders of this Court, shall be paid by the purchaser. Neither the availability of title insurance nor securing possession of the Mortgage Property shall be a condition of closing. The Court, at its discretion, may upon showing of good cause reopen the auction and accept open bids in Court at the confirmation hearing, such bidding will be allowed on the condition that the initial opening bid be at 5% higher than the highest bid received at the Commissioner’s sale. Should the Court allow, anyone may reopen the auction by bidding, including all parties to this action and any other interested person, whether or not any such party or interested person has bid, or could have bid, at the Commissioner’s sale. All Defendants, including Borrower, and all other parties hereto, and all persons claiming by, through or under them, except any governmental authority enforcing a lien for unpaid real property taxes as to the Property, will be perpetually barred of and from any and all rights, title and interest in the Property or any part thereof, upon closing of the sale herein authorized. Pursuant to Hawaii Revised Statutes §501-151, as amended, and Hawaii Revised Statutes §634-51, any and all other or further encumbrances or purchasers with respect of the Property or any part thereof, whose interest arises from and after April 4, 2012, will be forever barred of and from any and all right, title and interest to the Property and every part thereof upon closing of the sale herein authorized. **SALE SHALL NOT BE FINAL UNTIL APPROVED BY AND SUBJECT TO COURT CONFIRMATION.**

**VI. DISCLAIMER:**

The information contained in the Notice of Foreclosure Sale ad and this Foreclosure Fact Sheet has been obtained from sources believed by the Commissioner to be reliable but may not necessarily be accurate or complete and cannot, therefore,

be guaranteed by the Commissioner or relied upon by any prospective bidder for the property. It is the sole responsibility of all prospective bidders to verify the information contained herein for themselves through their own independent investigations and to hire their own professionals/consultants to obtain other information regarding the property before bidding on the property. Plaintiff and all parties are hereby authorized to purchase the subject property at the foreclosure sale. Sale of the property is subject to Court approval.

**VII. COMMISSIONER:**

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