

SUPPLEMENTARY  
HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)  
PUBLIC REPORT

on  
LEILANI CONDOMINIUM  
2058 Kuhio Avenue  
Honolulu, Hawaii

REGISTRATION NO. 47

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

It was prepared as a supplement to an earlier Report dated \_\_\_\_\_ 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.

October 5, 1966

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 prospective purchaser is particularly directed to the following:

1. Since the issuance of the Commission's Final Public Report of December 2, 1964 on this Horizontal Property Regimes project material changes have been made to the plan presented in the September 11, 1964 registration. The subsequent changes are determined to constitute a material revision to the information first disclosed. This Supplementary Public Report amends the December 2, 1964 document becoming a part of the Final Public Report on LEILANI CONDOMINIUM.

The Developer is responsible for placing this Supplementary Public Report (Pink Paper Stock) in the hands of all purchasers and prospective purchasers.

2. Under the conveyance of interests to purchasers in the original plan, the Developer assigned his interests in apartments to buyers by separate lease agreements or "Apartment Leases" and the master lessor did not join in the Declaration of Horizontal Property Regimes.

The revised prospectus involves direct apartment leases to individual apartment owners from the master lessor, with the master lessor joining in the Declaration. Each direct apartment lease is to act as a partial release of the master lease.

3. The Commission has determined that the basic documents have been filed in the office of the recording officer.

The amendment of lease was recorded September 15, 1966 and filed as Land Court Document No. 400,095.

The Declaration of Horizontal Property Regimes, with By-Laws of the Association of Apartment Owners attached, was recorded on September 15, 1966 and filed as Land Court Document No. 400,096.

The Assistant Registrar of the Land Court assigned Condominium Map No. 37 to the project.

4. No advertising or promotional matter has been filed pursuant to the Rules and Regulations promulgated by the Commission.
5. The prospective purchaser is advised to acquaint himself with the provisions of Chapter 170A, Revised Laws of Hawaii 1955 (as amended) and the Rules and Regulations promulgated thereunder which relate to Horizontal Property Regimes.
6. This Report reflects information disclosed in the required Notice of Intention submitted to the Commission on September 11, 1964.

Further, it incorporates essential information and data filed with the Commission by the Developer under communications of September 13 and 15, 1966.

NAME OF PROJECT: LEILANI CONDOMINIUM

DEVELOPER: On January 1, 1965, Mr. Randolph Crossley, as the general partner of Crossport, a registered Hawaii limited partnership, took over the project. Mr. Crossley took over both the leasehold and improvements from Clark Enterprises, Inc., based on a letter agreement dated December 29, 1964 between them. The formal title documents were signed and delivered January 18, 1965.

Crossport has its offices at Suite 919, Ala Moana Building, 1441 Kapiolani Boulevard, Honolulu, Hawaii. Telephone 962-802.

ATTORNEY REPRESENTING DEVELOPER: Carlsmith, Carlsmith, Wichman and Case (Attention: Mr. James W. Boyle), Penthouse, Trustco Building, 250 South King Street, Honolulu, Hawaii. Telephone 512-071.

DESCRIPTION: There are fourteen (14) apartments, each containing one bedroom, combination living-dining room, one bathroom and kitchen, except that Apartments 205 and 305 have a small balcony off the bedroom on the Kuhio Avenue side. The apartments are located in a three-story, hollow-tile, concrete-column building.

The first (ground) floor of the building contains four apartments, four parking spaces, storage areas, stairway and walkways. The second and third floors each contain five apartments and a balcony running along the full length of the building, parallel to Olohana Street.

Each apartment is designated with a three digit number, with the first digit indicating the floor of the building upon which the apartment is located; the second digit is a zero; and the third digit indicates the apartment farthest away from the Kuhio Avenue side. Each apartment on the first floor opens on to the walkway, parallel to Olohana Street, and each apartment on the second and third floors opens on the balcony running along the Olohana Street side. The approximate areas of the apartments and the undivided percentage interests in the common elements are as follows:

<u>First Floor</u>	<u>Square Feet</u>	<u>Percentage</u>
Apartment No. 101	522.5	7.109%
" " 102	505.0	6.871%
" " 103	505.0	6.871%
" " 104	522.5	7.109%
 <u>Second Floor</u>		
Apartment No. 201	522.5	7.109%
" " 202	505.0	6.871%
" " 203	505.0	6.871%
" " 204	510.0	6.939%
" " 205	606.0	8.230%
 <u>Third Floor</u>		
Apartment No. 301	522.5	7.109%
" " 302	505.0	6.871%
" " 303	505.0	6.871%
" " 304	510.0	6.939%
" " 305	606.0	8.230%
		<u>100.000%</u>

There are only 4 parking spaces available at the present time. The Developer represents that it will make a good faith effort to provide an additional 10 spaces if and when the adjacent property under the master lease is developed as a condominium or other high-rise development. However, the Developer emphasizes that this is not a binding commitment and that the providing of the same and the terms and conditions of such provision shall be solely at the Developer's discretion.

COMMON ELEMENTS: The common elements of the project include the residential building and all elements mentioned in the Horizontal Property Act which are actually constructed in the project, including, but not limited to: (a) the land in fee simple; (b) all foundations, columns, girders, beams, supports, bearing walls, roofs, chases, entry halls, foyers, stairs, walkways, entrances and exists of the building; (c) all yards, trash enclosure, trash chute and storage areas; (d) all parking areas; and (e) all ducts, electrical equipment, wiring and other central and appurtenant installations for services including power, light, cold and hot water, refuse and telephone.

LIMITED COMMON ELEMENTS: The limited common elements shall be one or more of the 4 parking spaces designated on the condominium map which are assigned by the Developer to the respective apartment owners purchasing the same.

OWNERSHIP TO TITLE: The Developer advises that Katherine Kim Choy owns the property in fee. The Long & Melone, Ltd. Lien Search Letter of May 21, 1964, referencing Transfer Certificate of Title No. 30,062 certifies that the title is vested in Katherine Kim Choy.

The Developer states that a Master Lease was executed between Katherine Kim Choy and Clark Enterprises, Inc. on July 7, 1964. Said lease is for a period of sixty (60) years and permits leasing as a Horizontal Property Regime. Said lease was assigned to the Developer herein by Clark Enterprises, Inc. by Assignment of Lease dated January 8, 1965, and was amended by Amendment of Lease dated September 9, 1966, to permit a condominium project with direct apartment leases.

ENCUMBRANCES AGAINST TITLE: The Developer advises that the following are encumbrances:

1. Lease from Katherine Kim Choy to Clark Enterprises, Inc., executed on July 7, 1964, and recorded July 31, 1964 as Land Court Document No. 338,233 and noted on Land Court Transfer Certificate of Title No. 30,062, which lease was assigned to the Developer by Clark Enterprises, Inc. by Assignment of Lease dated January 8, 1965, and recorded as Land Court Document No. 367,599, and was amended by Amendment of Lease dated September 9, 1966, and recorded as Land Court Document No. 400,095.
2. Agreement of Sale covering the improvements located thereon by and between Katherine Kim Choy and Clark Enterprises, Inc., dated July 7, 1964, which was assigned to the Developer by Clark Enterprises, Inc. by Assignment dated January 18, 1965;
3. Mortgage by Katherine Kim Choy to First National Bank of Hawaii; and
4. A perpetual easement to Hawaiian Electric Company, Ltd. for electric power and telephone lines across a 5-foot strip along northeast boundary of this lot.

Note: The Developer advises that the above Mortgage will be cleared upon full performance of the Agreement of Sale, and that the Agreement of Sale will be cleared prior to consummation of an apartment sale.

INTEREST TO BE CONVEYED PURCHASER: Separate Apartment Leases will be entered into between the master lessor and each apartment purchaser which will lease to the purchaser:

1. A certain apartment;
2. The exclusive use of a parking stall (if purchased by the purchaser);
3. An undivided percentage interest as tenant in common with the other apartment owners in the building, in the common elements in the percentages set forth above.

Each apartment lease will act as a partial release of the master lease.

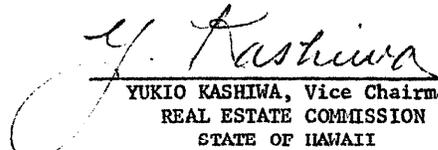
PURCHASE MONEY HANDLING: The Developer advises that, with respect to each apartment, all purchase money will be placed in escrow and will not be disbursed prior to consummation of the sale of such apartment.

The specimen Sales Contract submitted to the Commission for examination reflects that the transaction shall be processed by an unnamed escrow and that all escrow fees shall be borne by the purchaser.

Note: The Developer has reported to the Commission that the nominated escrow will be Security Title Corporation, a Hawaii corporation.

MANAGEMENT AND OPERATION: The Declaration provides that the Association shall appoint a responsible corporate Managing Agent to conduct the operation of the project. The apartment leases also make it mandatory that a responsible corporate Managing Agent be maintained by the Association of Apartment Owners for the direct management, operation, maintenance and repair of the common elements and also for the collection, custody and disbursement of all rent, property taxes and assessments.

This SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION 47 filed with the Commission on September 11, 1964, said registration amended by change information submitted to the Commission on September 13 and 15, 1966.

  
YUKIO KASHIWA, Vice Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII

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