



**REAL ESTATE COMMISSION**  
PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES  
STATE OF HAWAII  
424 SO. BERETANIA STREET  
P. O. BOX 3469  
HONOLULU, HAWAII 96801

**FINAL**  
**HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)**  
**PUBLIC REPORT**  
on  
SUNSET TOWERS  
419 Atkinson Drive  
Honolulu, Hawaii

REGISTRATION NO. 117

**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.

January 21, 1966

SPECIAL ATTENTION

A comprehensive reading of the 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 prospective purchaser is particularly directed to the following:

1. SUNSET TOWERS is a proposed lease condominium project consisting of eighty-three (83) dwelling units.
2. The Developer of said project has filed all required documents and material deemed essential by the Commission for the registration of this proposed condominium project.
3. Advertising and promotional matter required to be filed with the Commission pursuant to the rules and regulations promulgated by the Commission has been submitted as part of this registration.
4. The Developer has submitted a statement showing all costs involved in completing the project as required by the Commission.
5. The Developer in his letter of January 8, 1966, has advised that he has recorded with the Assistant Registrar of the Land Court on January 7, 1966, Lease Document No. 379490, Apartment Condominium Map 20 and Architect's Certificate No. 379490-A, and the Declaration of Horizontal Property Regimes and By-Laws No. 379491.

6. The prospective purchaser is advised to acquaint himself with the provisions of Chapter 170-A, Revised Laws of Hawaii 1955, as amended, and the rules and regulations promulgated thereunder which relates to Horizontal Property Regimes.

NAME OF PROJECT: SUNSET TOWERS

LOCATION: 419 Atkinson Drive, Honolulu, Hawaii

TAX KEY: FIRST DIVISION 2-3-36-1

ZONING: Commercial

DEVELOPER: Sunset Towers Corporation, 408 International Savings Building, 1022 Bethel Street, Honolulu, Hawaii. Telephone: 575-365

Donald Francis Haines  
President and Director

Larry Stevens  
Vice President

David L. Mui  
Secretary-Treasurer

DESCRIPTION: The building to be constructed shall be a multi-story reinforced concrete building containing five (5) levels devoted to parking, one (1) level devoted to the commercial use of the International Order of Odd Fellows, and fourteen (14) floors devoted to apartments in accordance with the floor plans of the building filed with the Commission, and also to be filed with the Office of the Assistant Registrar of the Land Court.

The boundary line of each condominium unit in the building is the exterior of the lanai railing, and where there is no such railing, the exterior of doors, windows, and glass walls and the frames thereof, and the interior of unfinished surfaces of the perimeter walls, bearing walls and floors, and ceilings, said condominium unit meaning and including the paint, wallpaper, tile enamel, stain or other finishings on such interior surfaces, the lanai and air space encompassed within said boundary, together with fixtures and other such improvements located within said boundary line. The buildings shall contain the following condominium units:

- (a) Five (5) levels of garage area, hereinafter called the garage, the first garage level to be about four (4) feet below street grade, containing one (1) enclosed space for parking area, 7,049 square feet, more or less, as shown on Condominium Map No. 20, together with immediate access to the level adjoining thereto, and, the second garage level to be about five (5) feet above street grade, containing one (1) enclosed space for parking, area 6,309 square feet, more or less, together with access by ramp to land adjoining thereto as shown on Condominium Map No. 20 and the third garage level, encompassing the boundary line over the enclosed area of the second garage level, containing 7,229 square feet, together with access ramp to second garage level, as shown on Condominium Map No. 20, the fourth garage level encompassing the boundary line over the enclosed area of the third garage level, containing 7,299 square feet, together with access ramp to the third garage level as shown on Condominium Map No. 20, and the fifth garage level encompassing the boundary line over the enclosed area of the fourth garage level, containing 7,229 square feet, more or less, together with access ramp to the fourth garage level as shown on Condominium Map No. 20, the five-level garage totaling 36,245 square feet, more or less, together with ramp area of 1,690 square feet, more or less.

- (b) Sixth floor, containing one (1) commercial area:

The commercial area, containing one enclosed area for the exclusive use of Excelsior Lodge Number One, Independent Order of Odd Fellows, containing 6,273 square feet, more or less, as shown on Condominium Map No. 20, together with immediate access to and the exclusive use of the elevator lobby located thereto.

- (c) Seventh floor, containing seven (7) apartments.
- (d) Eighth floor, containing seven (7) apartments.
- (e) Ninth floor, containing seven (7) apartments.
- (f) Tenth floor, containing seven (7) apartments.
- (g) Eleventh floor, containing seven (7) apartments.
- (h) Twelfth floor, containing six (6) apartments.
- (i) Thirteenth floor, containing six (6) apartments.
- (j) Fourteenth floor, containing six (6) apartments.
- (k) Fifteenth floor, containing six (6) apartments.
- (l) Sixteenth floor, containing six (6) apartments.
- (m) Seventeenth floor, containing four (4) apartments.
- (n) Eighteenth floor, containing four (4) apartments.
- (o) Nineteenth floor, containing four (4) apartments.
- (p) Twentieth floor, containing four (4) apartments.

COMMON ELEMENTS: The Developer in his declaration states that the common elements shall include each of the elements which are mentioned in section 170A-2(c) of Chapter 170A, Revised Laws of Hawaii 1955, as amended, and which are actually constructed or provided on the land described above, and specifically include, but are not limited to, the following:

- (a) Leasehold interest in the land;
- (b) All foundations, columns, girders, beams, supports, bearing walls, roofs, chases, lobbies, stairs, stairways, hallways, elevators, ducts, exits and entrances, central and appurtenant utility installations and TV antennae and equipment for common use in the building;
- (c) The roads, sidewalks, and other common ways, landscaping, yards, gardens, swimming pool and yard area, refuse area and storage rooms, janitorial, and utility rooms;
- (d) All other elements and facilities rationally for common use and necessary to the existence, upkeep and safety of the building.

INTEREST TO BE CONVEYED PURCHASER: The common interest in the common elements appertaining to each apartment and its owner, the commercial area (the Lodge) and its owner, and the garage area and its owner, for all purposes, including voting shall be allocated as follows:

- (a) 4/1500 common interest for Apartment No. 1601;
- (b) 6/1500 common interest for Apartment Nos. 706, 806, 906, 1006, 1106;
- (c) 7/1500 common interest for Apartment No. 1501;
- (d) 8/1500 common interest for Apartment Nos. 703, 803, 903, 1002, 1103, 1203, 1301, 1303, 1401, 1403, 1503, 1603, 1703, 1803, 1903, 2003;
- (e) 9/1500 common interest for Apartment Nos. 702, 705, 802, 805, 902, 905, 1002, 1005, 1102, 1105, 1202, 1205, 1302, 1305, 1402, 1405, 1502, 1505, 1602, 1605, 1702, 1802, 1902, 2002;

- (f) 10/1500 common interest for Apartment Nos. 704, 804, 904, 1004, 1104, 1201, 1204, 1304, 1404, 1504, 1604, 1606;
- (g) 11/1500 common interest for Apartment Nos. 701, 707, 801, 807, 901, 907, 1001, 1007, 1101, 1107;
- (h) 13/1500 common interest for Apartment Nos. 1506, 1704, 1304, 1904, 1905, 2004, 2005;
- (i) 14/1500 common interest for Apartment Nos. 1306, 1406, 1805;
- (j) 15/1500 common interest for Apartment No. 1705;
- (k) 16/1500 common interest for Apartment No. 1206;
- (l) 62/1500 common interest for commercial area;
- (m) 379/1500 common interest for garage area and its owner.

USE: The purposes for which the building and each of the apartments, the commercial area and garage area are intended and restricted as to use are as follows:

The owner of each apartment within the building shall use such apartment only as living accommodations for hotel or apartment purposes. The owner of the commercial area in the building shall use such commercial area for activities of the Excelsior Lodge Number One, International Order of Odd Fellows or any other commercial use should said Lodge vacate said area. The owner of the garage area in the building shall use such garage area only for parking and storing of vehicles.

OWNERSHIP OF TITLE: The Notice of Intention states that the owner in fee simple of the land upon which the condominium project shall be erected is Excelsior Lodge No. 1, Independent Order of Odd Fellows, a Hawaiian eleemosynary corporation. The Trustees are:

Torkel Westly      Valdemar Myhre  
John L. Hill        Dewitt McCloskey

Address: 419 Atkinson Drive, Honolulu, Hawaii

ENCUMBRANCES AGAINST THE LAND: The Notice of Intention describes as encumbrances against the land:

1. Easement A-6 for roadway purposes, 24 feet wide and 182.67 feet long in favor of Lot 26-A.2 (non exclusive);
2. Easement A-7 - Utility easement.

PURCHASE MONEY HANDLING: The Developer has filed an executed copy of an escrow agreement entered into by Sunset Towers Corporation and Title Guaranty Escrow Services, Inc., whereby Title Guaranty is appointed escrow holder.

The Developer, complying with the Commission's Declaratory Ruling No. 1 of December 14, 1965 has made provision in the escrow agreement for the following:

No disbursements shall be made from the escrow fund unless and until the Real Estate Commission has issued a statement that Developer has furnished to it satisfactory evidence that there is on hand or committed sufficient funds to pay the total cost of the project. The "cost of the project" shall be all costs involved in completing the project, including lease payments, real property taxes, construction cost, architect, engineering and attorneys' fees, financing costs, provision for contingency, etc., which must be paid on or before completion of construction of building.

Disbursements from the escrow fund shall be made by Depositary from time to time to pay for construction costs of the apartment building to be constructed on said premises in proportion to the valuation of the work completed by the contractor as certified by a registered architect or professional engineer, and approved by Developer's financier and for architectural, engineering, finance or legal fees and for other incidental expense as approved by Developer's financier. The balance of the moneys remaining in the escrow fund shall be disbursed in accordance with the direction of the Developer only upon completion of the buildings, and when Depositary has received satisfactory evidence that all mechanics' and materialmen's liens have been cleared or sufficient funds have been set aside to cover claims, if liens are filed, otherwise forty-five (45) days after the filing with Depositary of a copy of the Affidavit of Publication of Notice of Completion.

Note: The recital immediately above relates to conditions in the escrow agreement which the Commission believes are significant.

It is incumbent upon the prospective purchaser that he reads an executed copy of the escrow agreement pursuant to which manner and procedure relative to the receipt, deposit and disbursement of the proceeds of the sale of apartment units are established.

MANAGEMENT AND OPERATION: The By-Laws of the Association of Apartment Owners state that the Board of Directors shall be responsible for the management and operation of the project and maintenance, repair and rebuilding of the common elements thereof.

STATUS OF THE PROJECT: Construction of the project will commence in March, 1966, according to the Notice of Intention.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION 117 dated January 21, 1966.

  
JACK K. PALK, Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII

cc: DEPARTMENT OF TAXATION  
DEPARTMENT OF REGULATORY AGENCIES  
(Business Registration Division)  
BUREAU OF CONVEYANCES  
PLANNING DEPARTMENT, CITY & COUNTY OF HONOLULU  
FEDERAL HOUSING ADMINISTRATION