

# 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

## PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on  
HILLCREST GARDENS  
217 Prospect Street  
Honolulu, Hawaii

REGISTRATION NO. 157

### 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 but may only take reservations therefore after

- (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.

*Reservations for the purchase of any unit in the Condominium Project may be taken under an agreement for sale providing the Developer complies with the Commission's Declaratory Order No. 1 of December 14, 1965.*

December 2, 1966

#### SPECIAL ATTENTION

A comprehensive reading of the 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:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED TO THE COMMISSION ON OCTOBER 25, 1966.

1. HILLCREST GARDENS is a proposed lease condominium project consisting of one hundred and fourteen (114) apartments arranged throughout two buildings. One building will contain eight (8) floors and the second building will contain eleven (11) floors. One hundred and fifty-four (154) covered parking stalls will be available, including fifteen (15) partially covered; twenty-six (26) stalls are uncovered. Total of one hundred and eighty (180) stalls available.
2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of the proposed condominium project.
3. The Developer has submitted his program of financing the project and a statement of all costs involved in completing the project.

4. The basic documents have been filed in the office of the recording officer. Verification has been received from the Registrar of Conveyances, State of Hawaii, on the following:

The Declaration of Horizontal Property Regime, with By-Laws of the Association of Apartment Owners attached, was filed October 24, 1966 in Liber 5465, Page 394, at the Bureau of Conveyances.

The Registrar assigned Condominium Map No. 80 to the project on October 24, 1966.

5. Advertising and promotional matter has been submitted pursuant to the Condominium Rules and Regulations promulgated by the Commission.
6. The prospective purchaser is advised to acquaint himself with the Horizontal Property Act, Chapter 170A, Revised Laws of Hawaii 1955, as amended, and the Condominium Rules and Regulations adopted and promulgated by the Commission which relate to Horizontal Property Regimes.

NAME OF PROJECT: HILLCREST GARDENS

LOCATION: The approximate 96,746 square feet of land committed to the development is situate on the makai (southwest) side of the two hundred block of Prospect Street between Huali Street and Madeira Street on the makai-ewa (southwest) slopes of Punchbowl Crater (National Memorial Cemetery of the Pacific), at Auwaiolimu, Honolulu, Oahu, Hawaii.

TAX KEY: FIRST DIVISION 2-2-03-50

ZONING: Primarily Apartment District C, portion zoned Hotel-Apartment

DEVELOPER: HILLCREST DEVELOPMENT CORPORATION, 235 Queen Street, c/o Stephenson, Ashford and Wriston, Honolulu, Hawaii. Telephone 513-761. A Hawaii corporation registered with the Department of Regulatory Agencies, State of Hawaii, on August 12, 1966. The officers are as follows:

Ethel D. von Geldern	President	217 Prospect Street Honolulu, Hawaii
Lawrence B. McNeil	Vice President and Treasurer	Room 1501 1441 Kapiolani Blvd. Honolulu, Hawaii
A. James Wriston, Jr.	Secretary	235 Queen Street Honolulu, Hawaii

ATTORNEY REPRESENTING DEVELOPER: Stephenson, Ashford and Wriston, (Attention Mr. Albert H. Ogawa), 235 Queen Street, Honolulu, Hawaii. Telephone 513-761.

DESCRIPTION: The Declaration of Horizontal Property Regime states that the project is divided into the following separate freehold estates:

Apartments. One hundred fourteen (114) freehold estates are hereby designated in the spaces within the perimeter walls, floors and ceilings and the adjacent lanais of each of the 114 apartment units of the project contained in two (2) buildings, constructed principally of reinforced concrete masonry, technically

prestressed planks between 10" reinforced concrete masonry bearing walls, with certain of the common areas cast in place reinforced concrete masonry exterior walls; lanai and access gallery railings principally precast decorative panels of reinforced concrete and interior walls of concrete tile and drywall, designated as Block I (eleven stories) and Block II (eight stories), which spaces (herein called the "apartments") are designated on said plans and described as follows:

(a) Apartments 101 to 104 inclusive are located on the first floor of Block II, Apartments 201 to 204, inclusive are two-story apartments, located on the first and second floors of Block II, Apartments 205 to 208 inclusive are located on the second floor of Block II, Apartments 301 to 304 inclusive are located on the third floor of Block II, Apartments 401 to 404 inclusive are two-story apartments, located on the third and fourth floors of Block II, Apartments 405 to 408 inclusive are located on the fourth floor of Block II, Apartments 501 to 504 inclusive are located on the fifth floor of Block II, Apartments 601 to 604 are two-story apartments located on the fifth and sixth floors of Block II, Apartments 605 to 608 inclusive are located on the sixth floor of Block II, Apartments 701 to 704 inclusive are located on the seventh floor of Block II, Apartments 801 to 804 inclusive are two-story apartments located on the seventh and eighth floors of Block II, Apartments 805 to 808 inclusive are located on the eighth floor of Block II, Apartments 705 to 710 inclusive are located on the first floor of Block I, which is at the same level as the seventh floor of Block II and is located over six garage levels, Apartments 809 to 813 inclusive are located on the second floor of Block I, Apartments 901 to 906 inclusive are located on the third floor of Block I, Apartments 1001 to 1006 inclusive are located on the fourth floor of Block I, Apartments 1101 to 1106 inclusive are located on the fifth floor of Block I, Apartments 1201 to 1206 inclusive are located on the sixth floor of Block I, Apartments 1301 to 1306 inclusive are located on the seventh floor of Block I, Apartments 1401 to 1406 inclusive are located on the eighth floor of Block I, Apartments 1501 to 1506 inclusive are located on the ninth floor of Block I, Apartments 1601 to 1606 inclusive are located on the tenth floor of Block I and Apartments 1701 to 1706 inclusive are located on the eleventh floor of Block I.

(b) Each apartment contains the number of rooms and approximate gross floor area according to its respective plan, which plans are designated as "Emperor", "Senator" or "Patrician", as follows:

A. Sixteen two-story apartments (201 to 204 inclusive, 401 to 404 inclusive, 601 to 604 inclusive, and 801 to 804 inclusive), contain eleven rooms, including three bedrooms, two bathrooms and two lanais, and floor area of 1,536 square feet (Emperor Plan).

B. Thirty-two apartments (101 to 104 inclusive, 205 to 208, inclusive, 301 to 304 inclusive, 405 to 408 inclusive, 501 to 504 inclusive, 605 to 608 inclusive, 701 to 704 inclusive, and 805 to 808 inclusive) contain seven rooms, including two bedrooms, one full bathroom, one 2/3 bathroom and one lanai and floor area of 961.74 square feet (Senator Plan).

C. Sixty-six apartments (705 to 710 inclusive, 809 to 813 inclusive, 901 to 906 inclusive, 1001 to 1006 inclusive, 1101 to 1106 inclusive, 1201 to 1206 inclusive, 1301 to 1306 inclusive, 1401 to 1406 inclusive, 1501 to 1506 inclusive, 1601 to 1606 inclusive, and 1701 to 1706 inclusive) contain seven rooms, including two bedrooms, two bathrooms and one lanai, and floor area of 961.74 square feet (Patrician Plan).

(c) Each apartment has immediate access to the galleries and entrances of its building, the stairways and elevators between the residential floors and garage

levels of Block I, the bridges connecting each floor of Block II to a garage level or residential floor in Block I, the entry propylaeum with twin loggiae and the walkways, driveways and ramps connecting the buildings to the street entrances of the project.

(d) The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or interior load-bearing walls, the floors and ceilings surrounding each apartment or any pipes, wires, conduits or other utility or service lines running through such apartment which are utilized for or serve more than one apartment, the same being deemed common elements as hereinafter provided. Each apartment shall be deemed to include the adjacent lanai(s), all the walls and partitions which are not load-bearing within its perimeter walls, the inner decorated or finished surfaces of all walls, floors and ceilings, and all fixtures originally installed therein including dishwasher, refrigerator, range, oven, fan, clothes washer, clothes dryer, garbage disposer and hot water heater.

COMMON ELEMENTS: One freehold estate is designated in all remaining portions of the project, called "common elements", including specifically but not limited to: (a) Said land in fee simple; (b) all foundations, floor slabs, columns, girders, beams, supports, bearing walls, roofs, chases, entries, stairways, walkways and elevators of said buildings; (c) all yards, grounds, landscaping, pools, dressing facilities, putting green, bar-b-q pits, mail boxes and refuse facilities; (d) all parking areas, ramps and driveways; (e) all ducts, electrical equipment, wiring and other central and appurtenant installations including power, light, water, sewer and telephone; and (f) the entries, stairways, elevators and bridges connecting said buildings, the entry propylaeum with twin loggiae, management and mail offices, storage rooms and heavy duty laundry room.

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

(a) Two parking spaces shall be assigned to each of Apartments 201 to 204 inclusive, 401 to 404 inclusive, 601 to 604 inclusive and 801 to 804 inclusive, upon the original conveyance thereof and shall be appurtenant to and for the exclusive use of such apartment. Not less than one nor more than two parking spaces shall be assigned to each of the remaining apartments upon the original conveyance thereof and shall be appurtenant to and for the exclusive use of such apartment.

(b) One storage space in the common storage rooms shall be assigned to each of the apartments upon the original conveyance thereof and shall be appurtenant to and for the exclusive use of such apartment.

(c) The access galleries in the residential buildings of the project shall be appurtenant to and for the exclusive use of the apartments of such buildings which abut thereon, treating as a single access gallery any access galleries in different buildings which are joined by access bridges.

INTEREST TO BE CONVEYED PURCHASER: Each apartment shall have appurtenant thereto an undivided percentage interest in all common elements of the project (herein called the "common interest"), and the same proportionate share in all common profits and expenses of the project and for all other purposes including voting, according to the plan of such apartment as follows:

Emperor Plan apartments:	1.317%
Senator Plan apartments:	0.3008%
Patrician Plan apartments:	0.8076%

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The apartments shall be occupied and used only as private dwellings by the respective owners thereof, their tenants, families, domestic servants and social guests, and for no other purpose. The apartments shall not be rented for transient or hotel purposes, which are defined as (a) rental for any period less than 30 days, or (b) any rental in which the occupants of the apartment are provided customary hotel services such as room service for food and beverage, maid service, laundry and linen or bellboy service. Except for such transient or hotel purposes the owners of the respective apartments shall have the absolute right to lease such apartments subject to all provisions of this Declaration.

OWNERSHIP TO TITLE: The Notice of Intention reflects that title to the land is vested in Ethel Dowsett von Geldern, 217 Prospect Street, Honolulu, Hawaii. The Preliminary Report of Title, prepared October 25, 1966, by Title Guaranty Company of Hawaii, a Hawaii corporation, and submitted to the Commission as part of this registration verifies the ownership.

ENCUMBRANCES AGAINST TITLE: The title examination notes that Real Property Taxes for Second Half of the year 1966--2nd payment due November 10, 1966--\$1,476.26. There is a mortgage in favor of Bank of Hawaii made September 30, 1957, recorded in Liber 3324 on Page 170 by Ethel Dowsett von Geldern; there is an additional charge mortgage dated September 17, 1963, recorded in Liber 4594, Page 249, made by Ethel Dowsett von Geldern to the Bank of Hawaii; and there is an additional charge mortgage dated March 17, 1965, recorded in Liber 4993, Page 471, made by Ethel Dowsett von Geldern to the Bank of Hawaii.

The Program of Financing states that the project is being constructed by the Hillcrest Development Corporation, which holds lease dated October 21, 1966 covering the premises committed to the regime. Under the terms of said lease, the land and improvements have or will be jointly submitted to a Horizontal Property Regime by Ethel Dowsett von Geldern, the fee owner and lessor, and the Developer. The lessor will issue 75-year leases covering each of the 114 residential units within the project and the lease of October 21, 1966, will wholly terminate upon the last of such leases having been issued.

PURCHASE MONEY HANDLING: An executed Escrow Agreement dated October 21, 1966, a copy of which has been filed with the Commission, identifies First National Bank of Hawaii, a Hawaii corporation, as the "Escrow". Upon examination, the specimen Reservation Agreement and the executed Escrow Agreement are found to be in consonance with the Commission's Declaratory Ruling No. 1, dated December 14, 1965. The conditions referring to the issuance of a Preliminary Public Report have been complied with.

Note: It is incumbent upon the purchaser that he reads the Reservation Agreement and the executed Escrow Agreement. The latter establishes how the proceeds from the sale of dwelling units are placed in trust, as well as the retention and disbursement of trust funds.

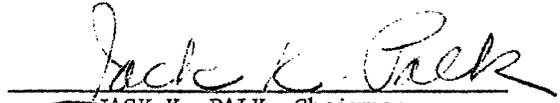
MANAGEMENT AND OPERATIONS: Operation of the project shall be conducted for the Association of Apartment Owners by a responsible corporate Managing Agent who shall be appointed by the Association in accordance with the By-Laws.

STATUS OF PROJECT: Under City and County of Honolulu Building Permit No. 5161, foundation pilings have been put in place. Execution of a building contract is imminent and the possibility is good according to the Developer, for the executed building contract and performance bond to be submitted to the Commission on or about December 9, 1966. Construction on the project is to commence on or about

December 15, 1966 with all work called for under the contract to be substantially completed on or before March 1, 1968.

The purchaser or prospective purchaser should be cognizant of the fact that this Report presents information disclosed by the Developer in the required Notice of Intention submitted October 25, 1966.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 157, filed with the Commission October 25, 1966.

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

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Distribution:

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