

# 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  
THE MAGELLAN  
410 Magellan Avenue  
Honolulu, Hawaii

REGISTRATION NO. 160

### 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.*

March 15, 1967

#### 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 DECEMBER 12, 1966.

1. THE MAGELLAN is a proposed lease condominium project consisting of seventy-five (75) units in a L-shaped building arrangement and extends into two separate wings. One wing is eight stories and the other wing is seven stories. Eighty (80) parking stalls will be available.
2. The Developer of the project has submitted to the Commission for its examination all documents deemed necessary for the registration of the proposed condominium project and the issuance of the Preliminary Public Report.
3. The Developer has submitted his program of financing the building of the project and a statement of the estimated costs involved in completing the project.

The Commission has been advised that the Developer has secured the necessary financing to undertake the project through a Hawaii-based financial institution. The lender has tentatively agreed to grant long term mortgage loans to individually qualified purchasers of the apartment units. No specific letter of loan commitment has been submitted as part of this registration.

4. Basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owners, and copy of approved Floor Plans) have not been filed in the office of the recording officer.
5. No advertising or promotional matter has been submitted pursuant to the rules and regulations promulgated by the Commission.
6. The prospective purchaser is advised to acquaint himself with the provisions of Chapter 170A, Revised Laws of Hawaii 1955, (as amended), and the Condominium Rules and Regulations promulgated thereunder which relate to Horizontal Property Regimes.

NAME OF PROJECT: THE MAGELLAN

LOCATION: The approximate 30,264 square feet of land committed to the development is situate on the mauka (north) side of Magellan Avenue between Miller Street and Pele Street on the makai (south) slope of Punchbowl Crater, Honolulu, Oahu, Hawaii.

TAX KEY: FIRST DIVISION 2-1-21:45 and 46

ZONING: Hotel-Apartment

DEVELOPER: 410 MAGELLAN JOINT VENTURE, 965-F N. Nimitz Highway, Honolulu, Hawaii. As part of the registration a copy of the Joint Venture Agreement, made October 12, 1965, by and between NATIONAL METALS, LTD., a Hawaii corporation and TRADERS OF PACIFIC, LTD., a Hawaii corporation, was submitted to the Commission.

The joint venturers are further identified as follows:

NATIONAL COMPANY, INC., 965-F N. Nimitz Highway, Honolulu, Hawaii  
Telephone 587-458

Norman Kronick	President	3605 Manamana Place Honolulu, Hawaii
Louis Dulien	Vice President	P. O. Box 3566 Seattle, Washington
Harry B. Kronick	Treasurer and Ass't Secretary	3244 Keahi Street Honolulu, Hawaii
Frederick M. Dulien	Assistant Secretary	11611 S. Alameda Street Los Angeles, California

Note: A copy of the required certificate changing the name from NATIONAL METALS, LTD., a Hawaii corporation, to NATIONAL COMPANY, INC. and authenticated November 29, 1965 in the Department of Regulatory Agencies, State of Hawaii, has been filed as part of the condominium registration.

TRADERS OF THE PACIFIC, LIMITED, 1149 Bethel Street, Honolulu, Hawaii  
Telephone 501-878

Priscilla L. F. Hsi                      President                      3105 Pacific Heights Road  
Honolulu, Hawaii

Peter H. Y. Hsi                      Secretary and                      3105 Pacific Heights Road  
Treasurer                      Honolulu, Hawaii

ATTORNEY REPRESENTING DEVELOPER: Kenichi Takahashi, 421 Central Pacific Bank Building, 1019 Smith Street, Honolulu, Hawaii 96817. Telephone 587-035.

DESCRIPTION: The project shall consist of a multi-story reinforced concrete, Class 1 building occupying approximately 11,862 square feet of land and containing seventy-five (75) two-bedroom units. The building is L-shaped and extends out into two separate wings. One wing fronting on Magellan Avenue is eight stories with five units on each floor, and the other wing along Miller Street is seven stories with five units on each floor. All apartments on each floor have immediate access to an open hallway which leads into a lobby situated where the two wings join, and two elevators located at the lobbies service the building between floors. There is no basement and all floors, except the first floor, have limited storage spaces. On the grounds are a swimming pool, terrace, trash collection area and parking stalls for 80 automobiles.

On each floor the apartments are numbered as shown on said floor plans. All apartments have 3 digit numbers and the first digit of such numbers denote the floors where such apartments are located. All apartments of the eight floors comprising the wing along Magellan Avenue are odd numbered, and the first floor apartments are numbered 101, 103, 105, 107 and 109, the second floor apartments are numbered 201, 203, 205, 207 and 209; and in like manner the apartments on the third through the eighth floor have the appropriate prefix numbers designating the floor said apartments are located and such prefix numbers are followed by 01, 03, 05, 07 or 09 as the case may be. All apartments of the seven floors comprising the wing along Miller Street are even numbered, and the first floor apartments are numbered 102, 104, 106, 108 and 110; and in like manner the apartments on the second through the seventh floors have the appropriate prefix number designating the floor said apartments are located, and such prefix numbers are followed by 02, 04, 06, 08 or 10 as the case may be.

Each apartment consists of two bedrooms, two baths, living room, kitchen and lanai, and occupies a total floor area of 965 square feet, more or less.

The boundary lines of each apartment are the outside surface of each lanai railing, the interior of unfinished surfaces of the perimeter walls, bearing walls, floors and ceilings, and the exterior of doors, windows, glass walls and frames thereof, and an apartment shall mean and include the paint, wallpaper, tile, enamel, stain, the lanai and air space encompassed within said boundary lines.

COMMON ELEMENTS: The specimen Declaration states that the Common Elements of one freehold estate is designated in all remaining portions of the project, identified as "common elements" and they shall include specifically but not limited to: (a) The land above described, any improvements thereon including boundary walls, and landscaping; (b) the foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes and entrances and exits of the building or buildings; (c) the flat roofs, yards, gardens, recreational facilities, maintenance facilities, swimming pool; (d) any and all central and appurtenant installations for services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning and rubbish chute; (e) the elevator, tanks, pumps, motors, fans, compressors, ducts and, in general, all apparatus and installations existing for common use; (f) such other

facilities as may be herein designated as common elements; (g) all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use; and (h) all articles of personal property acquired for common use in the operation or maintenance of said building or common elements.

LIMITED COMMON ELEMENTS: Certain parts of the common elements, herein called the "limited common elements," are hereby 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:

One parking stall for each apartment, said stalls are numbered and assigned to specific apartments for the exclusive use of said apartment. One or more additional parking stalls may be sold at the Developer's discretion for assignment to a particular apartment and shall thereafter be numbered accordingly and be a limited common element appurtenant to that apartment.

INTEREST TO BE CONVEYED PURCHASER: Each apartment shall have appurtenant thereto an undivided 1/75 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.

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 15 days, or (b) any rental in which the occupants of the apartments 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 right to assign, sublease or rent such apartments subject to all provisions of this Declaration.

OWNERSHIP TO TITLE: The Notice of Intention reflects that title to the land, consisting of three separate lots, is vested in Norman M. Kronick and Peter H. Y. Hsi. The Certificate of Title, prepared November 25, 1966 by Security Title Corporation, a Hawaii corporation, shows the land committed to the regime is vested in Norman M. Kronick and Peter H. Y. Hsi and verifies the above statement made to the Commission.

The Developer has advised the Commission that as of the date of this Preliminary Public Report the land for the proposed project encompasses three separate lots as shown on the copies of deeds submitted with the registration. These lots, owned by the Developer will be consolidated and the existing mortgage thereon removed prior to conveyances to purchasers of apartments. The consolidation has been approved by the City and County of Honolulu. The Bureau of Conveyances has advised the Developer that the consolidation map may be attached to the Declaration of Horizontal Property Regime when this basic document has been placed with that agency for recordation.

ENCUMBRANCES AGAINST TITLE: The Notice of Intention reflects and the November 25, 1966 title search report certifies that there is a mortgage dated October 27, 1965 recorded on November 3, 1965 in the Bureau of Conveyances in Book 5180, Page 280, made by Norman M. Kronick and Peter H. Y. Hsi, as Mortgagors, to Constantino Vieira, Rosalie Vieira Rosa, Cecilia Vieira St. Clair, and Georgina Vieira, Mortgagees, as Tenants in Common. (Affects Parcel First.)

There is also a mortgage (Affects Parcel Second), dated June 10, 1965 recorded on June 14, 1965 in said Bureau in Book 5062, Page 470, made by Harry Kronick and Norman Kronick, as Mortgagors, to Ruth Vieira Jerrel, Carlos Vieira, Ellsworth E. Vieira, Harry H. Vieira and Bernice I. Mendes, Mortgagees.

The Certificate of Title reflects that as to Parcel First and Parcel Second, the taxes for the year 1966 have been paid in full.

The specimen apartment lease to be negotiated by the Developer with prospective purchasers is for a sixty-five (65) year term. Fixed rental during first thirty-five (35) years is twenty dollars (\$20.00) per month and ending on January 15, 1987 and thereafter at twenty-five dollars (\$25.00) per month for and during the succeeding ten (10) years of the 35-year period.

For and during each of the two (2) remaining fifteen (15) year periods of said term, such fair monthly rent shall be set by mutual agreement.

PURCHASE MONEY HANDLING: A specimen Escrow Agreement has been filed with the Commission. No escrow agent has been identified in this arrangement for the escrow of prospective purchasers' funds. Upon examination, the specimen Contract of Sale and specimen 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 Contract of Sale and a copy of the executed Escrow Agreement when these documents have been perfected. 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. A property manager has been identified in the Notice of Intention.

STATUS OF PROJECT: The Developer initially advised the Commission that work on the project would start in February 1967. Razing of existing buildings and preparation of the site commenced early in February 1967. All work called for under the construction contract now being negotiated is to be substantially completed in approximately 15 months after work has commenced on the project.

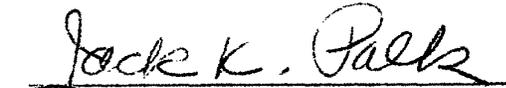
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The purchaser or prospective purchaser should be cognizant of the fact that this Report presents information disclosed by the Developer in the required Notice of Intention submitted December 12, 1966.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 160, filed with the Commission December 12, 1966.

REB:sw

Distribution:

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

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