

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

TUTU HICKAMUS STREET  
P. O. BOX 3469  
HONOLULU, HAWAII 96801

## SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on  
LA PIETRA  
2933 Poni Moi Road  
Honolulu, Hawaii

REGISTRATION NO. 135

### **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.

Issued: March 7, 1969

Expires: April 7, 1970

#### 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:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION TO SELL SUBMITTED OCTOBER 26, 1967 AND INFORMATION SUBSEQUENTLY FILED AS LATE AS FEBRUARY 24, 1969. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL AND SUBMITTING INFORMATION AND DATA ON MATERIAL CHANGES IN THE PROJECT, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES ACT, CHAPTER 170A, REVISED LAWS OF HAWAII, AND AMENDMENTS THERETO BY ACT 244 (L. 1967) EFFECTIVE JUNE 6, 1967.

Because the Developer has reported extensive material revisions of this project since the issuance of the Commission's Preliminary Public Report on LA PIETRA on January 11, 1968, the matter set forth below is intended to supersede the matter set forth under similar headings in that report of January 11, 1968. The Purchaser is advised that the matter set forth below is at the present time the entire matter relating to the LA PIETRA project and to the extent that there is any difference between the matter set forth below and any matter contained in the report of January 11, 1968, only the matter set forth below and contained in this Supplementary Public Report should be considered. The Developer, in notifying the Commission of the revisions in the project and of its intention to sell, is complying with the requirements of the Horizontal Property Act and amendments thereto by Act 244 (L. 1967, effective June 6, 1967). The Developer is responsible

for placing this Supplementary Public Report (pink paper stock) in the hands of all purchasers and prospective purchasers.

1. LA PIETRA is a proposed fee simple residential condominium project consisting of a cluster townhouse arrangement of nineteen (19) buildings, each building containing two condominium dwelling units (called "townhouses"), giving a total of thirty-eight (38) townhouses in the project.
2. The Developer has submitted to the Commission for examination a filing of documents and exhibits which is complete except for some particular requirement, or requirements, which can be expected to be completed as part of the registration.
3. Advertising and promotional matter has been submitted pursuant to the rules and regulations promulgated by the Commission.
4. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 170A, Revised Laws of Hawaii 1955 (as amended, particularly by ACT 244, L. 1967, effective June 6, 1967) and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.
5. If the Final Public Report is not issued within one (1) year from the date of this Supplementary Public Report, March 7, 1969, purchasers and prospective purchasers shall be entitled to refund of all moneys paid without further obligation.

THIS SUPPLEMENTARY PUBLIC REPORT OF MARCH 7, 1969  
EXTENDS THE EFFECTIVE PERIOD OF THE PRELIMINARY  
PUBLIC REPORT. THIS REPORT IS NO LONGER EFFECTIVE  
AFTER APRIL 7, 1970.

NAME OF PROJECT: LA PIETRA

LOCATION: The approximately 238,765 square feet of land to be committed to the regime is situated on the Waikiki (southwest) slopes of Diamond Head Crater on the easterly end of Leahi Avenue, at Waikiki, City and County of Honolulu, State of Hawaii. The entrance to the grounds is reached by traveling east on Poni Moi Road from its intersection with Kalakaua Avenue and Paki Avenue at Waikiki, Honolulu, Island of Oahu, State of Hawaii.

TAX KEY: FIRST DIVISION, portion of 3-1-29-01 and 3-1-29-33

ZONING: R-6 (Residential)

DEVELOPER: The Developer, La Pietra Development Corporation, 2933 Poni Moi Road, Honolulu, Hawaii, telephone 923-1992, is a Hawaii corporation registered with the Business Registration Division, Department of Regulatory Agencies, State of Hawaii, on March 15, 1967. The officers are as follows:

Bert F. Williams	President	2933 Poni Moi Road Honolulu, Hawaii
Chrystene Williams	Secretary & Treasurer	2933 Poni Moi Road Honolulu, Hawaii

ATTORNEY REPRESENTING DEVELOPER: Ashford & Wriston (Attention: A. James Wriston, Jr.), Sixth Floor, 235 Queen Street, Honolulu, Hawaii. Telephone 531-3761.

DESCRIPTION: Plans submitted by the Developer indicate a cluster condominium project consisting of the 238,765 square feet of fee simple land and the improvements to be built thereon and containing approximately 38 dwelling units in a townhouse design, together with recreational and managerial facilities. Thirty-eight (38) freehold estates will be designated in the spaces within the perimeter walls, floors and ceilings and the adjacent lanais and balconies of each of 38 dwelling units of the project contained in nineteen (19) two-story townhouse structures without basements, constructed principally of wood on

concrete slab foundations. Each building will contain two air-conditioned condominium dwelling units called "townhouses". Each townhouse will contain the number of rooms and gross floor area according to its respective plan, which plans are designated A and B as follows:

1. Plan A is a two-story townhouse containing nine (9) rooms and a gross floor area of 2,152 square feet. The first floor consists of four rooms (a living room, dining room, kitchen and powder room) and the garage space. The second floor consists of two bedrooms, two baths, a living room and two balconies.
2. Plan B is a two-story townhouse containing twelve (12) rooms and a gross floor area of 2,152 square feet. Plan B is identical to Plan A except that it contains an additional bedroom, an additional bath and a separate laundry room on the first floor, all in place of and containing the same square footage as the garage space in Plan A.

The purchaser will have the option of choosing the particular plan for his townhouse, whereupon the Developer may solely designate the plan for the townhouse in the Declaration by an amendment thereto.

Each townhouse shall have immediate access to the land adjacent thereto and to the walkways, sidewalks, driveways and roads connecting it to the street entrance of the project.

Each townhouse shall be deemed to include the adjacent balconies, all the walls and partitions within its perimeter walls, the inner decorated or finished surfaces of all perimeter walls, floors and ceilings, all window glass and screens, all fixtures and all appliances originally installed as fixtures in the townhouse such as dishwasher, range, range hood, oven, refrigerator, garbage disposal and hot water heater, which are to be furnished by the Developer. Each townhouse shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or the interior perimeter walls separating such townhouse from the adjacent townhouse in the same building or of the floors and ceilings surrounding each townhouse or any pipes, wires, conduits or other utility or service lines running through the townhouse which are utilized or serve more than one townhouse, the same being deemed common elements.

**COMMON ELEMENTS:** The proposed Declaration of Horizontal Property Regime states that the common elements consist of all parts of the fee simple property other than townhouses, including specifically but not limited to: (a) said land in fee simple; (b) all foundations, floor slabs, columns, girders, beams, supports, bearing perimeter walls, interior walls separating adjacent townhouses and roofs of the buildings; (c) all yards, grounds, landscaping, mail boxes, refuse facilities and the gate house; (d) all walkways, sidewalks, parking areas, driveways and roads; (e) all ducts, electrical equipment, wiring and other central and appurtenant installations including power, light, water, gas and telephone; (f) the pool, manager's office and residence (as shown on Condominium File Plan) and all other recreational and managerial facilities.

The manager's office and residence consists of a one-story building constructed principally of wood on a concrete slab foundation, containing an office with toilet facilities, a studio apartment with bathroom and two wooden balconies.

**LIMITED COMMON ELEMENTS:** The proposed Declaration identifies the limited common elements, and the townhouses to which their use is reserved are the following: (a) The parking space(s) designated on the Condominium File Plan by the same number as that assigned to the townhouse shall be appurtenant to and for the exclusive use of the townhouse. Each Plan A townhouse (which includes a garage space) will have one parking space assigned to it. Each Plan B townhouse (which has no garage space) will have two parking spaces assigned to it. The Developer reserves the right to designate the parking spaces presently designated with the letter (u) on the Condominium File Plan, without the necessity of obtaining the consent of purchasers or owners, at any time prior to the completion of the project. (b) The landscaped area adjacent to the first floor living room of each townhouse and the tiled area adjacent to the first floor entry of each townhouse, as shown on the Condominium File Plan, shall be appurtenant to and for the exclusive use of the townhouse. (c) The two concrete lanais adjacent

to the first floor of each townhouse, as shown on the Condominium File Plan, shall be appurtenant to and for the exclusive use of the townhouse. The two concrete lanais contain a total of 394 square feet.

INTEREST TO BE CONVEYED TO PURCHASER: Each townhouse shall have appurtenant thereto an undivided 1/30th (2.632%) interest in all common elements of the project and the same proportionate share in all common profits and expenses of the project and for all purposes, including voting.

PURPOSE OF SELLING AND RESTRICTIONS AS TO USE: Each of the townhouses is intended and restricted as to use and shall be used only as private dwellings by the respective owners thereof, their tenants, families and domestic servants and guests and for no other purpose. In addition to and without limitation of the foregoing, the proposed Declaration states that: (a) Spaces designated for the parking of motor vehicles shall be used solely for such purpose, in accordance with such reasonable regulations as shall be established by the Board of Directors from time to time. (b) No owner of a townhouse shall do, or suffer or permit to be done, anything in any townhouse which would impair the soundness or safety of the project, or which would increase the rate or result in the cancellation of insurance applicable to the project, or which would be noxious or offensive or an interference with the peaceful possession and proper use of other townhouses, or which would require any alteration of or addition to any of the common elements to be in compliance with any applicable law or regulation, or which would otherwise be in violation of law. (c) No owner of a townhouse shall place or suffer to be placed or maintained on any exterior door, wall or window of the unit, or upon any door, wall or window of the common elements, any sign, awning or canopy or advertising matter or other thing of any kind.

OWNERSHIP TO TITLE: Developer advises that as of the date hereof Lowell Smith Dillingham and John Cornwell Walker, as General Partners of Leahi Investment Company, a registered Hawaii limited partnership, hold the fee simple title to the property, subject, however, to the option in favor of La Pietra Development Corporation to purchase the fee simple title to said property.

The Certificate of Title by Title Guaranty of Hawaii, Incorporated dated December 30, 1968 verifies that the fee simple title to the property is vested in said General Partners.

The Developer's submittal includes a copy of the option dated October 4, 1968 by and between Lowell Smith Dillingham and John Cornwell Walker, as General Partners of Leahi Investment Company, and the Developer.

ENCUMBRANCES AGAINST TITLE: The Developer advises that there are no encumbrances as of this date except as shown on the Certificate of Title search made December 30, 1968. The Certificate of Title certifies that there are no liens or encumbrances of whatsoever kind or nature against said title, save and except the following: (a) Taxes for a portion of the land, Tax Map Key: 3-1-29-33 (assessed with other land) have been fully paid, save and except the second installment for the fiscal year July 1, 1968 through June 30, 1969 which will be due and payable on June 10, 1969. The remaining portion of the land, Tax Map Key: 3-1-29-01 (assessed with other land) is exempt from taxation for the fiscal year 1968-1969. (b) Roadway and Utilities Easement along the southern boundary containing an area of 5,517 square feet, or thereabouts.

PURCHASE MONEY HANDLING: Developer advises (1) that construction of the project will proceed under available interim financing, but that the project will be converted to financing under Sec. 170A-135, R.L.H. 1955, as amended, as soon as sales justify and can support such conversion; and (2) that irrespective of when such conversion is made funds sufficient to complete the project are and will be available under the interim loan commitment. All purchasers' funds are to be paid directly to First Hawaiian Bank as escrow agent under the terms of an Escrow Agreement executed between Developer and First Hawaiian Bank on February 19, 1969. Provisions for disbursement of purchasers' funds are in accord with the requirements of the Horizontal Property Act and the Real Estate Commission's regulations. Among other provisions the Escrow Agreement states that a purchaser shall be entitled to a refund of his funds, and Escrow shall pay said funds to said Purchaser without interest if one of the following has occurred: (a) Seller has requested Escrow in writing to return to Purchaser the funds of Purchaser then being held by Escrow; or (b) Seller has notified Escrow in writing that 32 townhouses have not been sold

by October 4, 1969, and that Seller has exercised its option of cancellation in such event; or (c) Seller has notified Escrow in writing that Seller or a Purchaser has exercised the option of cancellation in the event such townhouse shall not have been built by the time provided in the sales agreement; or (d) Purchaser's funds were obtained prior to the issuance of a final public report and there is a change in the condominium building plans subsequent to the execution of Purchaser's sales agreement requiring the approval of a county officer having jurisdiction over the issuance of permits for construction of buildings (unless Purchaser has given written approval or acceptance of the specific change); or (e) The final public report differs in any material respect from the supplementary public report; or (f) If the final public report is not issued within one year from the date of issuance of the supplementary public report.

**Note:** It is incumbent upon the purchaser or prospective purchaser to read and understand the Escrow Agreement before executing the Sales Agreement, since the Escrow Agreement prescribes the procedure for receiving and disbursing purchasers' funds, and the Sales Agreement specifically provides that the purchaser approves said Escrow Agreement and assumes the benefits and obligations therein provided.

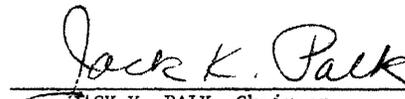
**MANAGEMENT OF THE PROJECT:** The proposed By-Laws provides that the operation of the project shall be conducted for the Association by the Board of Directors who shall annually employ a responsible corporate Managing Agent. The Sales Agreement authorizes the Developer to employ the first Managing Agent, who is authorized to assume full control and responsibility for the management, operation, and maintenance of the completed project at the expense of Association of Owners.

**STATUS OF PROJECT:** The Developer reports that the improvements are to be constructed by Dillingham Corporation, doing business as Hawaiian Dredging and Construction Company, though as yet no building contract for the entire project has been entered into. Complete and final plans have, however, been prepared by the architect, Louis Pursel & Associates, AIA, 330 Ala Moana Boulevard, Honolulu, Hawaii, and a building permit governing the model unit, which is being constructed by Hawaiian Dredging and Construction Company, has been applied for and issued.

-----  
The purchaser or prospective purchaser should be cognizant of the fact that this report represents information disclosed by the Developer in his required Notice of Intention submitted October 26, 1967 and subsequent filings of information as late as February 24, 1969.

This Supplementary Horizontal Property Regimes (Condominium) Public Report is made a part of Registration No. 185 filed with the Commission on October 26, 1967.

This report, when reproduced, shall be a true copy of the Commission's public report. The paper stock used in making facsimiles must be pink in color.

  
JACK K. PALK, Chairman  
Real Estate Commission  
State of Hawaii

YH:km

**Distribution:**  
DEPARTMENT OF TAXATION  
BUREAU OF CONVEYANCES  
PLANNING DEPARTMENT, CITY & COUNTY OF HONOLULU  
FEDERAL HOUSING ADMINISTRATION  
ESCROW AGENT

March 7, 1969  
Registration No. 185