

**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  
NIIHAU APARTMENTS  
247 Beachwalk  
Honolulu, Hawaii

REGISTRATION NO. 107

**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.

Issued: January 25, 1968  
Expires: February 25, 1969

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 purchaser and prospective purchaser is particularly directed to the following:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED NOVEMBER 3, 1967. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF HIS 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.

1. NIIHAU APARTMENTS is an existing stock cooperative project in which a corporation, Niihau Apartment Hotel, Inc., a Hawaii corporation, holds a leasehold interest in the land and the building and each tenant-stockholder owns stock in the corporation and a lease to a particular apartment in the building. The structure was completed for occupancy on or about May 1, 1960. Shareholder-lessees of the stock cooperative have decided to convert their interest into the condominium concept of community ownership. The project consists of forty-four (44) dwelling units arranged throughout a single building of eleven (11) floors with parking on the ground floor at street level for eleven (11) vehicles.

2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of the condominium project and the issuance of this Final Public Report.
3. The Commission has determined that the basic documents (Declaration of Horizontal Property Regime, with By-Laws of Association of Apartment Owners attached, and a copy of the approved Floor Plans) have been filed in the office of the recording officer.

The Declaration of Horizontal Property Regime executed October 6, 1967, with By-Laws attached, was recorded in the Bureau of Conveyances, State of Hawaii on October 25, 1967 in Book 5841 Page 304.

The Registrar designated Condominium Map No. 97 to the project and this was filed in said Bureau of Conveyances on October 25, 1967.

4. No advertising or promotional matter has been submitted pursuant to the rules and regulations of the Commission.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 170A, Revised Laws of Hawaii 1955 (as amended, particularly ACT 244, L. 1967, effective June 6, 1967) and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.
6. This Final Public Report automatically expires thirteen (13) months after the date of issuance, January 25, 1968, unless a Supplementary Public Report issues or the Commission, upon review of the registration issues an order extending the effective period of this report.

NAME OF PROJECT: NIIHAU APARTMENTS

LOCATION: The approximate 4,990 square feet of land committed to the regime is situate on the Diamond Head (East) side of the two hundred block of Beachwalk, three hundred yards towards the ocean from Kalakaua Avenue, the principal thoroughfare serving Waikiki, in Honolulu, Oahu, Hawaii.

TAX KEY: FIRST DIVISION 2-6-03-13

ZONING: Hotel Apartment

DEVELOPER: BLACKBURN and ASSOCIATES, INC., 3133 South Highway 99, Fresno, California, Telephone 264-5911. The out-of-state corporation, filed in the office of the Secretary of State of the State of California on February 7, 1947, is licensed to do business in Hawaii and the official place of business is 247 Beachwalk, Honolulu, Hawaii 96815, Telephone 932-394. The officers of Blackburn & Associates, Inc., are as follows:

W. E. Blackburn	President and Director	247 Beachwalk Honolulu, Hawaii
Robert Geller	Vice President and Director	3183 South Highway 99 Fresno, California
Judith A. Cossette	Treasurer and Director	3183 South Highway 99 Fresno, California
Gaston Cossette	Secretary and Director	3183 South Highway 99 Fresno, California

ATTORNEY REPRESENTING DEVELOPER: Mr. R. Ringer Kemble, 401 First National Bank Building, Honolulu, Hawaii 96813. Telephone 574-717.

DESCRIPTION: There is already constructed on the land committed to the regime an eleven story, forty-four (44) unit apartment building, having a total

outside measurement of 3,032 square feet. Its principal construction materials were steel, concrete, lumber, tile, aluminum and glass. The declarant states that no further construction or alterations are foreseen. The ground floor contains an office, access to an elevator, garbage collection and storage area, electrical equipment and parking for eleven (11) automobiles. The next floor above, herein called second floor, contains five (5) apartments and the laundry room unit. Floors third to ninth inclusive, each contain five (5) apartments. There are two (2) apartments on the tenth floor and one (1) apartment on the eleventh floor, stairways at both ends of the building and an elevator from ground to tenth floor. The building is more fully illustrated in Condominium Map No. 57 on file at the Bureau of Conveyances. The condominium property consists of forty-three (43) apartments and one (1) laundry room unit. All of the dwelling units contain one or more bedrooms, a bath, a kitchen, living area and lanai. The enclosed areas of the respective units, area of lanais, and total areas of each unit, together with percentage of undivided interest in the common elements allocated to each apartment, are as follows:

<u>Unit</u>		<u>Fl.</u>	<u>Sq.Ft.</u> <u>Encl.</u>	<u>Sq.Ft.</u> <u>Lanai</u>	<u>Total</u>	<u>% Und.Int.</u> <u>Com. Elem.</u>
(1)	Apt. #201	2	690	145	835	2.69
(2)	202	2	487	85	572	1.84
(3)	203	2	487	85	572	1.84
(4)	204	2	487	85	572	1.84
(5)	205	2	452	82	534	1.72
(6)	Apt. #301	3	690	145	835	2.69
(7)	302	3	487	85	572	1.84
(8)	303	3	487	85	572	1.84
(9)	304	3	487	85	572	1.84
(10)	305	3	573	85	758	2.44
(11)	Apt. #401	4	690	145	835	2.69
(12)	402	4	487	85	572	1.84
(13)	403	4	487	85	572	1.84
(14)	404	4	487	85	572	1.84
(15)	405	4	673	85	758	2.44
(16)	Apt. #501	5	690	145	835	2.69
(17)	502	5	487	85	572	1.84
(18)	503	5	487	85	572	1.84
(19)	504	5	487	85	572	1.84
(20)	505	5	673	85	758	2.44
(21)	Apt. #601	6	690	145	835	2.69
(22)	602	6	487	85	572	1.84
(23)	603	6	487	85	572	1.84
(24)	604	6	487	85	572	1.84
(25)	605	6	673	85	758	2.44
(26)	Apt. #701	7	690	145	835	2.69
(27)	702	7	487	85	572	1.84
(28)	703	7	487	85	572	1.84
(29)	704	7	487	85	572	1.84
(30)	705	7	673	85	758	2.44
(31)	Apt. #801	8	690	145	835	2.69
(32)	802	8	487	85	572	1.84
(33)	803	8	487	85	572	1.84
(34)	804	8	487	85	572	1.84
(35)	805	8	673	85	758	2.44
(36)	Apt. #901	9	690	145	835	2.69
(37)	902	9	487	85	572	1.84
(38)	903	9	487	85	572	1.84
(39)	904	9	487	85	572	1.84
(40)	905	9	673	85	758	2.44
(41)	Apt.# 1001	10	669	737	1046	3.37
(42)	1002	10	974	890	1864	5.53
(43)	1101	11	1205	658	1863	5.52
(44)	Laundry	2	143	-	143	1.10

Neither the term "apartment" or the laundry room unit herein described shall be deemed to include the unfinished surfaces of the perimeter walls nor the interior load bearing walls, floors and ceilings.

COMMON ELEMENTS: The declarant states that the elements common to all owners of undivided interests in the property (being owners of said apartments and laundry room) are: (a) the leasehold interest in the land described; (b) the foundations, concrete flooring, columns, girders, beams, supports, perimeter, partitions and bearing walls, roofs and ceilings of the dwelling units, excluding the finished interior portions of all walls, concrete floors and ceilings of the dwelling units; (c) the yard and garden; (d) central and appurtenant installations including all pipes, wires, cables, conduits and other utility lines running within said land and through said building, for services such as power, light, gas, hot and cold water, garbage chute and storage, elevator and its equipment room, and stairways; (e) any and all apparatus and installations existing for common use; and (f) the office and other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

LIMITED COMMON ELEMENTS: The Declaration, as recorded in the office of the recording officer, reflects no limited common elements.

INTEREST TO BE CONVEYED PURCHASER: The owner of each unit shall have a percentage of undivided interest in and to the common elements described, in respective amount as allocated above in the Description heading of this report, and one vote in the Association of Apartment Owners. In the case of co-owners, owning a unit or units jointly or in common, all together shall have only the percentage of undivided interest in the common elements, as so allocated, and one vote for each such unit owned.

PURPOSE OF BUILDING AND RESTRICTION AS TO USE: The recorded Declaration states that each of the apartments shall be used only as a residence, whether used personally by the owner or rented, and for no other purpose without consent of the Lessor or of the Association of Apartment Owners. The purpose of the building is for residential use.

OWNERSHIP TO TITLE: A Preliminary Report of Title, prepared October 25, 1967, and a First Continuation of Preliminary Report executed January 15, 1968 by the abstractor, Security Title Corporation, a Hawaii corporation, states that title to the land committed to the project is vested in Blackburn and Associates, Inc., a California corporation.

ENCUMBRANCES AGAINST TITLE: The title reports referred to above reflect: Taxes - for the Year 1967 are a lien, payable as follows: 1st Installment \$3,557.50 Paid, 2nd Installment \$3,557.50 Open (Delinquent after 11-10-67). Tax Office records do not reflect that any portion of the 2nd Installment has been paid. Posting of tax payments made to the tax office for the 2nd Installment, for 1967, has not been completed. Reservation - in favor of the State of Hawaii of all mineral and metallic mines reserved in Royal Patent No. 4493. Restriction - no malt, vinous, spirituous or intoxicating liquors of any kind shall ever be sold or exposed for sale or manufactured on the premises, or any part thereof, that Henry R. Warren shall and will, at all times, well and truly keep or cause to be kept in good order, repair and condition a strip three feet wide of the lane six feet wide, referred to in deed, which lies immediately adjoining the premises conveyed, as contained in that certain Deed dated August 7, 1917, recorded on August 31, 1917 in the Bureau of Conveyances in Book 482 Page 214. Lease - dated April 28, 1959 recorded on November 17, 1959 in said Bureau of Conveyances in Book 3726 Page 20, made by and between Hibiscus Apartments, Ltd., a Hawaii corporation, "Lessor" and Niihau Apartment Hotel, Inc., a Hawaii corporation, "Lessee" for the term of 99 years beginning on May 1, 1959 and ending at midnight April 30, 2058, as amended by instrument dated October 28, 1959, recorded on November 17, 1959 in Book 3726 Page 36 and as further amended and extended by instrument dated May 1, 1960, recorded on June 2, 1960 in Book 3850 Page 144. Mortgage - dated November 16, 1959, recorded on November 17, 1959 in said Bureau of Conveyances in Book 3726 Page 142, made by Hibiscus Apartment Hotel, Ltd., a Hawaii corporation, as Mortgagor, to Bank of Hawaii, a Hawaii corporation, as Mortgagee to secure repayment of the sum of \$350,000.00, any additional advances and other amounts secured thereby, all according to the terms of that certain promissory note of said mortgagor therein referred to. By instrument dated April 28, 1960, recorded on May 2, 1960 in said Bureau of Conveyances in Book 3827, Page 151, the foregoing mortgage was amended. Proprietary Leases

have been executed by the tenant stockholder for a term commencing May 1, 1960 and ending April 30, 2059. These leases are recorded in various books in the Bureau of Conveyances of the State of Hawaii. Agreement to Amend Proprietary Leases has been executed on and after September 7, 1966 by approximately seventeen tenant stockholders. This Agreement has been submitted to the Commission as part of the condominium registration. Undated Financing Statement made on behalf of Hibiscus Apartment Hotel, Ltd., Debtor, and Hawaii National Bank, recorded June 9, 1967 in said Bureau of Conveyances in Book 5635 at Page 6. The Commission identifies the Declaration of Horizontal Property Regime and By-Laws, as recorded in the Bureau of Conveyances on October 25, 1967 at Book 5841 Page 304, and the floor plans of the building, designated Condominium Map No. 97, as information to be disclosed under this heading of the public report.

Under a January 23, 1968 letter the Developer has advised the Commission that the Master Mortgage balance at Bank of Hawaii is approximately \$12,000.00 and that this mortgage debt balance will be shortly paid off in full.

PURCHASE MONEY HANDLING: A copy of the Escrow Agreement, made October 6, 1967, by and between Blackburn and Associates, Inc., "Developer" and Security Title Corporation, "Agent", has been submitted to the Commission as part of the registration.

The Developer's specimen documents filed with the Commission indicates that the Master Lease between Hibiscus Apartment Hotel, Ltd., a Hawaii corporation, as "Lessor" and Niihau Apartment Hotel, Inc., a Hawaii corporation, as "Lessee" will be cancelled and that the landowners, Blackburn and Associates, Inc., will issue new leases to purchasers for their respective units and interest in the common elements for a term ending April 30, 2059; subject to all encumbrances against title, except as such encumbrances may be amended, cancelled or released on or prior to consummation of sale in escrow.

It is incumbent upon the purchaser and prospective purchaser that he reads with care the Agreement of Purchase and Sale and the executed Escrow Agreement. The Escrow Agreement establishes how Security Title Corporation will function in holding documents cancelling the lease between Hibiscus Apartment Hotel, Ltd., and Niihau Apartment Hotel, Inc., the corporation which has been dissolved. The Escrow Agent will also hold the cancellation of leases and surrender of stock certificates until they are given notice that the Commission has issued its Final Public Report on NIIHAU APARTMENTS.

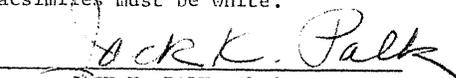
MANAGEMENT AND OPERATIONS: The Developer has advised the Commission that arrangements have been made with Menefee and Farrand, as M. & F., Inc., Suite 901, Ala Moana Building, 1441 Kapiolani Boulevard, Honolulu, to serve as the property managers.

STATUS OF PROJECT: The building was completed for occupancy on or about May 1, 1960 to plans and specifications submitted to the Commission as part of this registration.

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The purchaser or prospective purchaser should be cognizant of the fact that this published report represents information disclosed by the Developer in the required Notice of Intention submitted November 3, 1967 and information subsequently filed as late as January 23, 1968.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 187 filed with the Commission on November 3, 1967.

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

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

REB:km

Distribution:

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

January 25, 1968  
Registration No. 187