

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

**PRELIMINARY
HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)
PUBLIC REPORT**

on
KAPIOLANI BEL-AIRE
738-754 Kaheka Street
Honolulu, Hawaii

REGISTRATION NO. 201

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.

Issued: May 15, 1968

Expires: June 15, 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 or prospective purchaser is particularly directed to the following:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED OCTOBER 2, 1967 AND INFORMATION SUBSEQUENTLY FILED WITH THE COMMISSION AS LATE AS MAY 15, 1968. THE DEVELOPER, BY 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. The KAPIOLANI BEL-AIRE is a proposed fee simple condominium project consisting of fourteen (14) commercial apartments and ninety-eight (98) residential apartments, for a total of one hundred and twelve (112) apartments arranged throughout a single building which has a basement and seventeen (17) stories.
2. The developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of a condominium project and issuance of this Preliminary Public Report.

3. The basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owners and a copy of the approved floor plans) have not been filed in the office of the recording officer.
4. Advertising and promotional matter has been submitted pursuant to rules and regulations promulgated by 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 Regime.
6. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance, May 15, 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: KAPIOLANI BEL-AIRE

LOCATION: The approximate 31,221 square feet, in fee simple, to be committed to the regime is situate on the Ewa (west) side of the seven hundred block of Kaheka Street, between Makaloa Street (makai) and Kanunu Street (mauka) at Pawa-a-Kai, Honolulu, Island of Oahu, Hawaii.

TAX KEY: FIRST DIVISION 2-3-21-15 and 16

ZONING: Business

DEVELOPER: Kapiolani Bel-Aire Development Corporation (formerly identified in the registration with the Commission as Kapiolani Hale Development Corporation, there being an appropriate certificate submitted, signed by the Director of Regulatory Agencies, State of Hawaii, regarding the change of name, effective April 18, 1968), 119 Merchant Street, Honolulu, Hawaii. The officers are as follows:

William Curlett	President	119 Merchant Street Honolulu, Hawaii
Ben Grommet	Vice President	600 Ala Moana Blvd., Rm 404 Honolulu, Hawaii
Charles W. Key	Secretary- Treasurer	1060 Bishop Street Honolulu, Hawaii
Mary Joan Trueblood	Assistant Secretary	1060 Bishop Street Honolulu, Hawaii

ATTORNEY REPRESENTING DEVELOPER: Lewis, Saunders, & Sharpless (Attention: Mr. Charles W. Key), 1060 Bishop Street, Honolulu Hawaii 96802. Telephone: 515-351.

DESCRIPTION: The Developer advises that this condominium project consists of both commercial and residential apartments. The commercial apartments will not be sold to the public and consist of fourteen (14) apartments located in the basement and first three floors of the building. The residential apartments, numbering ninety-eight (98) are to be sold to the public.

The building and other improvements to be constructed on the described property will be principally of reinforced concrete and masonry construction. The building will have seventeen (17) stories and will contain a total of one hundred and twelve (112) apartments, consisting of fourteen (14) commercial apartments which will be situate in the basement and first, second and third floors, and ninety-eight (98) residential apartments situate on the fourth through the seventeenth floors, all as shown on the plans to be incorporated with the Declaration of Horizontal Property Regime and filed in the office of the recording officer, the Assistant Registrar of the Land Court, State of Hawaii.

The boundary line of each commercial apartment is the exterior of the walls, windows and glass walls and the frames thereof, and the interior of the unfinished surfaces of the perimeter walls, the bearing walls and the floors and ceilings.

The boundary line of each residential apartment is the exterior of the lanai railing, the exterior of the doors, windows and glass walls and the frames thereof, and the interior of the unfinished surfaces of the perimeter walls, the bearing walls and the floors and ceilings.

Each apartment shall include all interior partition walls, and the paint, wall-paper, tile, enamel, stain or other finishing on all other interior surfaces, and includes the air space encompassed within said boundary lines, together with such fixtures and other improvements (not defined as "common elements" in the Declaration) as may be located therein.

Each residential apartment has access to the walkway-hallway on Floor 4 and to the walkway-hallway upon which it abuts and access through the stairways and the elevators designated on the proposed plans as stairways Nos. 1, 2 and 5 and elevators Nos. 1 and 2 and over the common elements which are not limited common elements appurtenant to other residential apartments or to the commercial apartments to the public street. The commercial apartments situate on Floor 3 have access upon the walkway-hallway which they abut and access through the stairway and elevator designated on the proposed plans as stairways Nos. 1 and 3 and elevator No. 3 and over the common elements which are not limited common elements appurtenant to the other commercial apartments or to the residential apartments to the public street. The commercial apartments situate in the basement and the first floor of the building have access to the stairway No. 1 and elevator No. 3 and over the common elements which are not limited common elements appurtenant to the other commercial apartments or to the residential apartments to the public street.

As hereinafter set forth, the commercial apartments have the following designations as set forth on the proposed plans, have the approximate following square footage of floor area, contain the following number of rooms, and have the following percentage of undivided interest in the common elements appurtenant to each such apartment and its owner for all purposes (except as set forth below), including voting purposes:

<u>Commercial Apartments</u>	<u>Size (Square Ft.)</u>	<u>Number Of Rooms</u>	<u>Percentage of Undivided Interest</u>
101	7,781	5	6.3976
201	2,493	1	2.0538
202	866	1	.7120
203	866	1	.7120
204	866	1	.7120
205	866	1	.7120
206	1,615	1	1.3278
207	3,185	1	2.6188
301	3,759	1	3.0907
302	866	1	.7120
303	866	1	.7120
304	866	1	.7120
305	866	1	.7120
306	1,041	1	.8559

There are eighty-four (84) 2-bedroom 1-1/2 bath and fourteen (14) 3-bedroom 2-bath residential apartments located on the fourth through the seventeenth floors. The residential apartments situate on the fourth floor are numbered "401" through "407", and on the fifth floor, the residential apartments are numbered "501" through "507", and so on, on each of the other floors. A floor has not been designated as the 13th floor, the designated floors skipping from the 12th to 14th. The floors containing residential apartments are therefore designated floors 4 through 12 and 14 through 18. All apartments having a "1" as the last number are 3-bedroom 2-bath and are of the same size, all apartments having a "2" through "6" as a last number are 2-bedroom 1-1/2 bath and are of the same size, except for those on the 4th floor, and all apartments having a "7" as the last number are 2-bedroom 1-1/2 bath apartments of the same size.

As the Declaration sets forth, the residential apartments on the fourth floor have the following designations as set forth on the proposed plans, have the approximate square footage of floor area, including adjoining lanais, have the following number of rooms, and have the following percentage of individual interest in the common elements appurtenant to each apartment for all purposes (except as set forth below), including voting purposes:

<u>Residential Apartments</u>	<u>Size (Square Feet)</u>	<u>Number of Rooms</u>	<u>Percentage of Undivided Interest</u>
401	1,220	7	1.0031
402	878	5	.7221
403	920	5	.7534
404	920	5	.7534
405	920	5	.7534
406	920	5	.7534
407	1,109	6	.9117

On each floor from the fifth to eighteenth those residential apartments having the same last number are of the same size as those on each of the other said floors having a like last number, that is to say, all apartments having a "1" as the last number are of the same size, and all apartments having a "2" through "5" as a last number are of the same size, and all apartments having a "7" as the last number are of the same size. Therefore, all apartments having the same last number on the floors designated fifth through eighteenth -- have the following approximate square footage of floor area, including adjoining lanais, have the following number of rooms and have appurtenant thereto an undivided interest in the common elements for all purposes (except as set forth below), including voting purposes, as follows:

<u>Residential Apartments</u>	<u>Size (Square Feet)</u>	<u>Number of Rooms</u>	<u>Percentage of Undivided Interest</u>
1	1,220	7	1.0031
2	887	5	.7293
3	887	5	.7293
4	887	5	.7293
5	887	5	.7293
6	887	5	.7293
7	1,109	6	.9117

COMMON ELEMENTS: The common elements are as shown on the proposed plans, and consist of the following: (a) fee simple title to the land described in paragraph 1 above; (b) the foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, elevator foyers, stairs, stairways, fire escapes, elevators and entrances and exits; (c) storage rooms 1, 2, 3 and 4; the mail room, electrical switch room, transformer vault room, utility and trash room, toilet facilities on 2nd and 3rd floors, utility rooms on 3rd through 18th floors, and elevator machine rooms; (d) driveways, sidewalks, parking areas and facilities, and other common ways and the gardens, yards and pool; (e) that portion of the premises located on the ground floor designated as Studio 102 for the lodging of a residential manager, and that portion of the premises designated for use of janitors and other persons employed for the operation of the property; (f) central and appurtenant installations for services, such as power, light, hot and cold water, air conditioning, trash chute and radio and television signal distribution; (g) the elevators, tanks, pumps, motors, compressors, fans, ducts, machinery, and, in general, all apparatus and installations existing for common use; and (h) all other parts of the property necessary or convenient to the existence, maintenance and safety of the property or normally in common use.

LIMITED COMMON ELEMENTS: Certain of the common elements, called and designated "limited common elements" in the proposed Declaration, are set aside and reserved for the exclusive use of one or more specific apartments, and such apartments shall have appurtenant thereto an easement for the use of such limited common elements.

The following are limited common elements appurtenant to all residential apartments:

(a) that certain portion of the land area and improvements thereon (including the lawn area, swimming pool and passage leading to and from stairway No. 2) immediately abutting and adjacent to the ramp to and from the lower parking area "A", and the entry way to the residential apartments within the fence, all as shown on the proposed plans; subject to use by all commercial apartments for emergency ingress and egress; (b) the hallway-corridor on floor No. 4, the lobby, mail room, storage rooms 1, 2, 3 and 4, swimming pool equipment room, heating room on the third floor, the premises designated Studio 102 on the ground floor, and a parking space as assigned on parking deck "D", to be used in conjunction with Studio 102; (c) elevator machine room and pits for elevators 1 and 2, elevators 1 and 2, stairs and stairways 1, 2, 5 and 6; said stairways Nos. 1 and 2 being subject to use by all commercial apartments for emergency ingress and egress; (d) the ingress and egress driveway to lower parking area "A" and upper parking area "B"; and (e) central and appurtenant installations for service such as power, light, gas, hot and cold water, heating, trash chute, radio and television signal distribution servicing the residential apartments or limited common elements appurtenant thereto, together with all tanks, ducts, pumps, motors, fans and apparatus used in connection therewith.

The hallway-corridors on floors 5 through 18, and the utility rooms on floors 4 through 18, shall be limited common elements for and be appurtenant only to the apartments on each of said respective floors.

The parking space or spaces shown on the proposed plans and drawings and identified in the conveyance of a specific residential apartment shall be appurtenant to and be a limited common element for and to said apartment.

The following are limited common elements appurtenant to all of the commercial apartments: (a) that certain portion of the land area and the walkway-entrance way immediately adjacent to commercial apartment No. 101 on the ground floor; (b) central and appurtenant installations for service such as power, light, gas, water and air conditioning servicing the commercial apartments or limited common elements appurtenant thereto, together with all tanks, ducts, pumps, motors, fans and apparatus used in connection therewith; (c) all parking spaces on "C" parking deck and parking stalls as assigned on parking deck "D"; and (d) elevator machine room and pit for Elevator 3, Elevator 3, Elevator foyer for Elevator 3, stair, stairway No. 3, and the hallway-corridor on Floor Nos. 2 and 3.

The following are limited common elements appurtenant to certain commercial apartments: (a) the toilet facilities and utility room on the second floor are for the exclusive use of commercial apartments 201 through 207; (b) the area designated as "future hallway-corridor" on the second floor is for the exclusive use of commercial apartments 201 through 207; (c) the toilet facilities on the third floor are for the exclusive use of commercial apartments 301 through 306; and (d) the hallway-corridor on the third floor is for the exclusive use of commercial apartments 301 through 306.

INTEREST TO BE CONVEYED PURCHASER: As recited above at and under the heading "COMMON ELEMENTS".

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The proposed Declaration of Horizontal Property Regime, which each purchaser or prospective purchaser should read, represents that the commercial apartments are to be used for purposes of conducting various business and commercial operations, and for no other purpose. The residential apartments are to be used as residences for the owners thereof, their tenants, families and social guests and for no other purpose.

Purchasers or prospective purchasers should study with care the terms and conditions set forth in the Declaration regarding dividing or consolidating one or more apartments in the project. The requirements placed on an owner or owner of one or more apartments who elects to divide or consolidate apartments are established in the proposed Declaration of Horizontal Property Regime.

OWNERSHIP TO TITLE: As to Lot 20, Map 1, Land Court Application 83: title is vested in Movie Supply of Hawaii, Ltd., a Hawaii corporation, and Honolulu Roofing Company, Ltd., a Hawaii corporation. As to Lot 17, Map 1, Land Court Application 83: title is vested in Kapiolani Blvd. Lands, Inc. (Allan H. Link, President, 680 Ala Moana Blvd., Honolulu, Hawaii).

Movie Supply of Hawaii, Ltd., and Honolulu Roofing Company, Ltd., hold an Agreement of Sale to purchase Lot 17, dated December 12, 1966, filed as Document No. 409936 in the Office of the Assistant Registrar of the Land Court, State of Hawaii.

ENCUMBRANCES AGAINST TITLE: The Notice of Intention discloses the following:
LOT 20 - Mortgage in favor of Bank of Hawaii which will be paid in full and satisfied prior to any conveyance of apartments. The abstractor, Title Guaranty of Hawaii, Incorporated, in an oral report May 15, 1968 represented to the Commission that said mortgage, executed August 11, 1967 is reflected on Transfer Certificate of Title 1163001. LOT 17: Similarly, the abstractor orally reported that Transfer Certificate of Title 87468 reflects the fee owner, Kapiolani Blvd. Lands, Inc., giving a mortgage in favor of Jim Lee Buck. An Agreement of Sale executed December 12, 1966 between Kapiolani Blvd. Lands, Inc., as seller and Honolulu Roofing Company, Ltd., and Movie Supply of Hawaii, Ltd., as buyers, and the assignment of their interest in the Agreement of Sale to Jim Lee Buck, executed December 27, 1966 is also of record. Assessments - Lots 17 and 20: All unpaid assessments charged or levied against said lots as a result of Improvement District No. 153 of the City and County of Honolulu by virtue of Ordinance No. 2157. Reservations - The remaining effective provisions of that certain Deed dated December 15, 1959, filed as Document No. 248898 from Hialand Development Corporation to Allan Henry Link, and that certain Deed dated October 12, 1960, from Jim Lee Buck to Kapiolani Blvd. Lands, Inc., filed as Document No. 283190, as clarified by Order Clarifying Certain Reservations and Easements filed as Land Court Order 24288, which remaining provision is that the property shall not be devoted to or used in the theatre business for a period of ten (10) years from and after September 4, 1959, except with the permission of William R. Forman, or his assignee, Consolidated Amusement Company, Limited.

PURCHASE MONEY HANDLING: A copy of the Escrow Agreement, made May 1, 1968 by and between Title Guaranty Escrow Services, Inc., a Hawaii corporation, and Kapiolani Bel-Aire Development Corp., a Hawaii corporation, as Developer, has been submitted to the Commission as part of the registration. On examination, the specimen Sales Contract and the executed Escrow Agreement are found to be in compliance with Chapter 170A, Revised Laws of Hawaii, and particularly Sec. 170A-33, and Sec. 170A-33.1 through Sec. 170A-33.5 as incorporated in the Horizontal Property Act through ACT 244 (L. 1967) effective June 6, 1967. Under the terms and conditions of the Escrow Agreement a purchaser shall be entitled to a refund of his funds, and Escrow shall pay said funds to said purchaser, without interest, if purchaser shall in writing request refund of his funds and anyone of the following shall have occurred: (a) escrow receives a written request from Developer to return to purchaser the funds of such purchaser then held hereunder by Escrow; or (b) if a purchaser's funds were obtained prior to the issuance of a final public report and if there is any change in the condominium building plans subsequent to the execution of purchaser's sales contract, requiring the approval of a county officer having jurisdiction over the issuance of permits for construction of buildings, unless the purchaser has given written approval or acceptance of the specific change; or (c) if a purchaser's funds were obtained prior to the issuance of a final public report and the request is prior to the time the final public report is issued; or (d) if the final public report differs in any material respect from the preliminary public report, unless the purchaser has given written approval or acceptance of the difference; or (e) if the final public report is not issued within one year from the date of issuance of the preliminary public report.

It is incumbent upon the purchaser and prospective purchaser that he reads, with care, the Sales Contract and the executed Escrow Agreement. The Escrow Agreement establishes how the proceeds from the sale of units and all sums from any source are placed in trust, as well as the retention, disbursement and refund of said trust funds.

MANAGEMENT AND OPERATIONS: The proposed Declaration states that administration of the project shall be vested in its Association of Owners. The Board of Directors of the Association is empowered and vested with the authority to oversee the management and operation of the project and it may employ a responsible Managing Agent to manage and control the project who at all times must be responsive to the Board of Directors. No manager-nominee has been identified in the Notice of Intention.

STATUS OF PROJECT: No building contract has been executed as of the date of this Preliminary Public Report. The Developer advises that the documentation requires sufficient financing be obtained to cover all costs. As part of the registration, in additional information submitted April 24, 1968, the Developer presented executed copies of two commitment letters containing interim and take-out financial commitments. The Commission has received no statement as to when construction on the project is to commence.

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 October 2, 1967 and information subsequently filed as late as May 15, 1968.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 201 filed with the Commission on October 2, 1967.

The report, when reproduced, shall be a true copy of the Commission's public report. The paper stock must be yellow in color.



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

REB:sw

Distribution

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

May 15, 1968
Registration No. 201

