

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

1010 RICHARDS STREET
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HONOLULU, HAWAII 96801

PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on
THE BARCLAY
1098 Lunalilo Street
Honolulu, Hawaii

REGISTRATION NO. 204

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: July 8, 1969
Expires: August 8, 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 purchaser and prospective purchaser is particularly directed to the following:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED FEBRUARY 12, 1968 AND INFORMATION SUBSEQUENTLY FILED AS LATE AS APRIL 9, 1969, RECITING CHANGES OF A SUBSTANTIAL NATURE IN THE REGISTRATION. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514, HAWAII REVISED STATUTES.

1. THE BARCLAY is a proposed fee simple residential condominium project containing one hundred and one (101) dwelling units arranged throughout a single seventeen (17) story building.
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 the Association of Apartment Owners, and a copy of the approved Floor Plans) have not been filed in the office of the recording officer.

4. No advertising and 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 514, Hawaii Revised Statutes, 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, July 8, 1969, unless a Supplementary Public Report issues, or the Commission, upon review of the registration, issues an order extending the effective period of the report.

NAME OF PROJECT: THE BARCLAY

LOCATION: The approximately 43,646 square feet of land in fee expressed to the regime, having the street number address 1098 Lunalilo Street, is located on the mauka Ewa (northwest) corner of the intersection where Pensacola Street meets Lunalilo Street, Makiki, Honolulu, Oahu, Hawaii.

TAX KEY: First Division 2-4-17-2

ZONING: Hotel-Apartment

DEVELOPER: The Barclay Corporation, 32 Merchant Street, Honolulu, Hawaii. Telephone 536-7211. Said corporation was first registered with the Department of Regulatory Agencies of the State of Hawaii on May 15, 1968. The officers and directors are:

<u>Name</u>	<u>Office</u>	<u>Address</u>
Kan Jung Luke	President & Director	3842 Poka Street Honolulu, Hawaii
Clarence T. C. Ching	Vice President & Director	1911 Paula Drive Honolulu, Hawaii
Wallace S. J. Ching	Vice President & Treasurer & Director	1819 Kaului Street Honolulu, Hawaii
Chuck Mau	Secretary & Director	3762 Old Pali Road Honolulu, Hawaii
George S. W. Hong	Assistant Secretary & Director	1658 Kamole Street Honolulu, Hawaii
Thomas Awai	Director	Twin Towers, 2085 Ala Wai Boulevard, Apt. 21 Honolulu, Hawaii
Henry Chun Hoon	Director	1906 Keeaumoku Street Honolulu, Hawaii
Francis Sen	Director	3647 Diamond Head Road Honolulu, Hawaii
Yoshio Yanagawa	Director	1013 Noio Street Honolulu, Hawaii

ATTORNEY REPRESENTING DEVELOPER: Hong and Iwai (Attention: Mr. Donald K. Iwai), 510 Kanikeolani Building, 116 South King Street, Honolulu, Hawaii. Telephone 537-5505.

DESCRIPTION: The improvements being constructed on the land expressed to the regime consist of a multi-family structure containing 17 floors with parking

facilities in 102 available stalls. There will be a total of one hundred and one (101) dwelling units being offered for sale. Said structure is of reinforced concrete throughout. With the exception of the first floor which contains five apartment spaces and a lobby space, all of the floors will contain six apartment spaces each. Each apartment space will be assigned an apartment number which will reflect the floor on which the apartment space is located and the approximate location in relation to other apartment spaces on the same floor. Under the numbering system to be used, the last two digits of each apartment number will indicate its location and the digit or digits preceding the last two will indicate the floor on which the apartment space is located. The numbering of each apartment space on each floor will run consecutively from 01 to 06 starting from the Ewa (west) end to the east end of the building. For example, Apartment No. 101 would be on the first floor and on the Ewa (west) end of the building, while Apartment No. 1001 would be on the tenth floor and on the Ewa (west) end of the building. By this numbering system, all apartment spaces with the same last two digits in the apartment number will be in vertical alignment from the first floor to the eighteenth floor. Although the building will have only seventeen floors, the number of the floors will be from "1" to "18" because of the elimination of "13."

There will be three (3) types of apartment spaces which have been designated for classification purposes only, as Type "A", Type "B" and Type "C". The area and the number of rooms contained in each of said types of apartment spaces are as follows:

- Type "A" - area, 970.75 square feet, more or less (inclusive of lanai containing approximately 138.75 square feet); 2 bedrooms, 2 baths, and 1 living-dining room.
- Type "B" - area, 818 square feet, more or less (inclusive of lanai containing approximately 111 square feet); 2 bedrooms, 1 bath, and 1 living-dining room.
- Type "C" - area, 935 square feet, more or less (inclusive of lanai containing approximately 105 square feet); 2 bedrooms, 2 baths, and 1 living-dining room.

The apartment number of each apartment space, its location, and type are as follows:

<u>Floor No.</u>	<u>TYPE "A"</u>					<u>TYPE "B"</u>	<u>TYPE "C"</u>
	<u>Apt. No.</u>						
1st	101	102	104	105	-	106	
2nd	201	202	204	205	203	206	
3rd	301	302	304	305	303	306	
4th	401	402	404	405	403	406	
5th	501	502	504	505	503	506	
6th	601	602	604	605	603	606	
7th	701	702	704	705	703	706	
8th	801	802	804	805	803	806	
9th	901	902	904	905	903	906	
10th	1001	1002	1004	1005	1003	1006	
11th	1101	1102	1104	1105	1103	1106	
12th	1201	1202	1204	1205	1203	1206	
14th	1401	1402	1404	1405	1403	1406	
15th	1501	1502	1504	1505	1503	1506	
16th	1601	1602	1604	1605	1603	1606	
17th	1701	1702	1704	1705	1703	1706	
18th	1801	1802	1804	1805	1803	1806	

The foregoing apartment spaces are shown on the floor plan of the project to be filed with the Assistant Registrar of the Land Court of the State of Hawaii and to be designated by the appropriate map number.

Each of the apartments on the ground floor level or first floor shall have immediate access to a concrete walkway and ramp which are common elements, and each of the apartments on the remaining 16 floors shall have immediate access to a public gallery (access balcony) on each of said floors, which public gallery is a common element.

Each apartment shall include the interior finished surfaces (such as paint, paper, wax, tile, enamel, or other finishings) of its perimeter walls, bearing walls, floors, ceilings, windows and window frames, doors and door frames, and trim, the non-bearing walls and partitions within the perimeter walls, all window glass and also the unenclosed space within the lanai, the air space within the lanai and the perimeter walls, together with fixtures, appliances, and other improvements located therein.

COMMON ELEMENTS: The proposed Declaration states that the common elements shall include, but are not limited to, the following: (a) the land described and committed to the Horizontal Property Regime; (b) the foundation, columns, girders, beams, supports, bearing walls, main walls, roofs, access balconies, public galleries, walkways, stairways, ramps, boardwalks, hallways, corridors, ducts, exits and entrances, elevator and elevator shaft, lobbies, storage spaces, pumps, pipes, wires, conduits, trash chutes, fire sprinkler systems, master television antenna system and equipment, and generally all equipment apparatus, installations and personal property existing for common use in the building or located on the land described; (c) all driveways, roads, and other common ways, landscaping, yards, gardens, swimming pool, fences, retaining walls, refuse collection areas, mail box areas, and parking areas situated on the land described; (d) community and commercial facilities and all utility installations; and (e) all portions of the building not deemed to be included as an apartment space.

LIMITED COMMON ELEMENTS: The limited common elements, according to the proposed Declaration, here being the parking spaces, are set aside and designated as limited common element. Each apartment space will have as an appurtenance thereto one parking space for the exclusive use of such apartment space; the respective apartment spaces and the parking spaces which are appurtenant thereto are as follows:

<u>Apt. No.</u>	<u>Parking Space No.</u>	<u>Apt. No.</u>	<u>Parking Space No.</u>
101	101	504	73
102	102	505	75
104	38	506	46
105	35	601	55
106	81	602	58
201	96	603	59
202	97	604	57
203	90	605	56
204	82	606	54
205	83	701	53
206	84	702	62
301	30	703	60
302	79	704	61
303	99	705	63
304	78	706	52
305	41	801	51
306	40	802	65
401	43	803	64
402	77	804	66
403	76	805	67
404	45	806	50
405	44	901	49
406	42	902	70
501	47	903	68
502	74	904	69
503	72	905	71

<u>Apt. No.</u>	<u>Parking Space No.</u>	<u>Apt. No.</u>	<u>Parking Space No.</u>
906	48	1406	10
1001	93	1501	29
1002	94	1502	27
1003	95	1503	25
1004	92	1504	26
1005	86	1505	28
1006	87	1506	30
1101	13	1601	33
1102	91	1602	32
1103	19	1603	31
1104	89	1604	9
1105	90	1605	8
1106	17	1606	7
1201	21	1701	36
1202	16	1702	35
1203	20	1703	34
1204	15	1704	6
1205	14	1705	5
1206	13	1706	4
1401	24	1801	39
1402	23	1802	38
1403	22	1803	37
1404	12	1804	3
1405	11	1805	2
		1806	1

Each of the foregoing parking spaces is shown on the plot plan of the project to be filed with the Assistant Registrar of the Land Court.

Parking Space No. 100 has not been assigned to any apartment space and shall remain as a common element to be used in such manner and for such purposes as the Board of Directors of the Association of Apartment Owners may determine in their discretion.

Except for the parking spaces set forth above as an appurtenance to the respective apartment spaces, there are no other restricted or limited common elements. According to the proposed Declaration, the ownership of each apartment space shall include the respective undivided interest in the common elements, and each apartment space, together with an undivided interest in the common elements, is defined and referred to as "family unit."

INTEREST TO BE CONVEYED PURCHASER: The proposed Declaration states that the undivided interest in the common elements, referred to therein as the "common interest" and which shall be conveyed with each respective apartment space is as follows:

<u>Apartment</u>	<u>Percentage</u>
Type "A" Units	1.022%
Type "B" Units	0.861%
Type "C" Units	0.984%

Each family unit owner shall be liable for and pay a proportionate share of the common expenses. Said common expenses and also any profit shall be prorated among the owners of the family units in the proportion to the common interest in the common elements appurtenant to the family units as set forth above. Each family unit shall pay a proportionate share of the apartment expenses as more particularly described in the proposed By-Laws of the Association of Apartment Owners.

The proportionate representation of the separate owners of the respective family units for voting purposes in the association of apartment owners to be formed and which each owner of a family unit shall be a member shall be the same as the common interest appertaining to each family unit as set forth above.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The purpose for which the apartment spaces are intended and restricted as to use is residential; provided, that this shall not be construed to prohibit the renting or leasing of said apartment spaces for profit, individually or otherwise, so long as the ultimate tenant thereof uses the apartment space as a place in which to reside as distinguished from a place in which to carry on a trade or business; provided, further, that no apartment space shall be rented by the owner or owners thereof for transient or hotel purposes as defined in the proposed Declaration.

OWNERSHIP TO TITLE: The Developer has submitted as part of the registration a copy of the executed Deed from Loyalty Enterprises, Ltd., as "Grantor" to The Barclay Corporation, as "Grantee" covering the real property submitted to the Horizontal Property Regime. Said Deed, being Document No. 455273 received for registration in the Office of the Assistant Registrar of the Land Court on September 20, 1968. Transfer Certificate of Title No. 122,902 certifies that the Developer, The Barclay Corporation, is the owner in fee simple of the land expressed to the regime.

ENCUMBRANCES AGAINST TITLE: The Developer states that the mortgage in favor of James Anthony Goo dated June 24, 1966, filed in the Office of the Assistant Registrar of the Land Court as Document No. 395801 and noted on Transfer Certificate of Title No. 112,136 issued to Loyalty Enterprises, Ltd., is an encumbrance or charge against the title.

PURCHASE MONEY HANDLING: A copy of the Escrow Agreement executed August 8, 1968, between Hawaii National Bank, Honolulu, a national banking association, as "Escrow" and The Barclay Corporation, as "Seller," has been submitted to the Commission as part of this registration. The specimen Sales Contract (titled Agreement of Sale) and the executed Escrow Agreement have been examined. Among other conditions the Escrow Agreement provides for the release and discharge of the family unit described in the respective Apartment Deed to be executed from the lien and operation of the construction mortgage encumbering the land described. The Escrow Agreement recites the rights of the Seller and of the Purchaser to cancel the offer to buy. Of interest to the public is that provision of the Escrow Agreement which holds that upon receipt of a written notice signed by Seller and Purchaser that Purchaser is entitled to a refund of all monies paid by the Purchaser under the contract of sale because of any or more of the following reasons: (a) a Final Public Report with respect to The Barclay was not issued by the Real Estate Commission within one (1) year from the date of issuance of the Preliminary Public Report; (b) a copy of the Preliminary Public Report and Final Public Report were not delivered to the purchaser and/or the purchaser was not given full opportunity to read the same; and (c) the Final Public Report issued by said Real Estate Commission differs in material respect from the Preliminary Public Report.

The requirements of Sec. 514-35 through 514-41, HRS, have been met in the Escrow Agreement.

MANAGEMENT AND OPERATION: The proposed Declaration states that the administration of this horizontal property regime shall be vested in the Association of Apartment Owners. Under the proposed By-Laws of the Barclay Apartment Owners Association, the owners will have the responsibility of administering the project, approving the annual budget, establishing and collecting monthly assessments and arranging for the management of the project pursuant to an agreement containing provisions relating to the duties, obligations, removal and compensation of the Management Agent. The Board of Directors have the power and duty to manage, operate, care and maintain the property of the regime, the common elements and limited common elements, and to employ and dismiss personnel necessary for the maintenance, operation, repair and replacement of the common elements. The Board may employ for the Association a Managing Agent at a compensation established by the Board to perform such duties and services as the Board shall authorize.

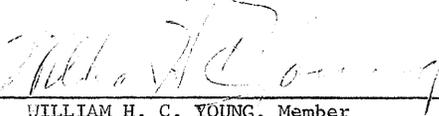
STATUS OF PROJECT: A building contract was executed by and between the Developer, as "Owner" and Dillingham Corporation, doing business as Hawaiian Dredging & Construction Company, as "Contractor" on May 31, 1968 and construction at the

site commenced shortly thereafter. The Developer reports that as of the date of this report, July 8, 1969, the project is more than 95% completed and the improvements are to be completed and ready for occupancy on or before August 15, 1969.

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 February 12, 1968 and additional information subsequently filed as late as April 9, 1969.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 204 filed with the Commission February 12, 1968.

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


WILLIAM H. C. YOUNG, Member
REAL ESTATE COMMISSION
STATE OF HAWAII

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July 8, 1969
Registration No. 204

