

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

1010 RICHARDS STREET
P. O. BOX 3469
HONOLULU, HAWAII 96801

PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on
ODE RANCHO
1447 Kewalo Street
Honolulu, Hawaii

REGISTRATION NO. 231

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: January 22, 1969
Expires: February 22, 1970

SPECIAL ATTENTION

A comprehensive reading of this 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 18, 1968 AND INFORMATION SUBSEQUENTLY FILED AS LATE AS JANUARY 21, 1969. 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. ODE RANCHO is a proposed leasehold condominium project consisting of sixty-four (64) condominium dwelling units arranged in a nine-story twin tower (two wings) residential apartment building. The twin towers, or two wings will be separated by 2 high-speed elevators and each tower shall contain 32 units. Seventy (70) parking stalls are available.
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. No advertising or promotional matter has been submitted pursuant to the 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, January 22, 1969, unless a Supplementary Public Report issues or the Commission upon review of registration issues an order extending the effective period of this report.

NAME OF PROJECT: ODE RANCHO

LOCATION: The approximate 27,000 square feet of leasehold property to be committed to the regime is situated on the waikiki or easterly side of the fourteen hundred block of Kewalo Street, mauka of Lunalilo Freeway and below Wilder Avenue, at Honolulu, City and County of Honolulu, Oahu, Hawaii.

TAX KEY: FIRST DIVISION 2-4-21-39

ZONING: Hotel-Apartment
200% Density (enclosed area)

DEVELOPER: CHESTER R. OWEN and RUTH B. OWEN, dba OWEN DEVELOPMENT ENTERPRISES, whose business address is at Room 210-A, 315 Royal Hawaiian Avenue, Honolulu, Hawaii.

ATTORNEY REPRESENTING DEVELOPER: Vernon T. Tashima, Room 402, 235 Queen Street, Honolulu, Hawaii 96813. Telephone: 537-9901.

DESCRIPTION: The specimen Declaration of Horizontal Property Regime reflects that the project is to consist of the 27,000 square feet of lease land located at 1447 Kewalo Street and a steel reinforced concrete and concrete block building with twin towers, or two wings, separated by two (2) high-speed electric elevators.

The building will be situated lengthwise in an ewa-waikiki direction and is accessible from Kewalo Street. The lanais in the wing nearest Kewalo Street is on the mauka or northerly side of the building, while the lanais in the wing away from Kewalo Street is on the makai or southerly side of the building.

Each wing has nine floors; and each floor of each wing has four (4) one bedroom residential apartments in each tower from the second through ninth floors, for a total of 32 units in each tower or a total of 64 apartments in the entire complex, together with a manager's apartment on the ground level. The ground level will be devoted for parking spaces for 70 cars, or at least one space per apartment and a manager's apartment, elevator lobby with mail boxes, equipment room, and a trash yard area. There will be two sundecks on the second level, each containing approximately 1280 square feet, and each, in effect, serving the occupants of the respective wings of the building. Of the six extra parking stalls, one shall be reserved for the manager, and the others for guest parking under the control of the Board of Directors.

Each apartment unit is a one bedroom unit containing a total of approximately 800 square feet, together with approximately 80 square feet of lanai. Each unit will contain one bedroom, a living room, a lanai adjoining the living room, a kitchenette, two clothes closets, two linen closets, a double wash basin in a dressing area, two toilets and two tub-shower combination bath. Each apartment has access to a corridor in the middle of the building which contains two elevators and leads to a stairway descending to the ground level.

For reference only, the two wings or towers shall be referred to as the ewa or the west wing, being the one nearest Kewalo Street and the other, as the waikiki or east wing.

The apartments are numbered and situated as follows:

<u>LEVEL</u>	<u>APARTMENT NO.</u>	
	<u>Ewa Wing</u>	<u>Waikiki Wing</u>
Second	201, 202, 203, 204	205, 206, 207, 208
Third	301, 302, 303, 304	305, 306, 307, 308
Fourth	401, 402, 403, 404	405, 406, 407, 408
Fifth	501, 502, 503, 504	505, 506, 507, 508
Sixth	601, 602, 603, 604	605, 606, 607, 608
Seventh	701, 702, 703, 704	705, 706, 707, 708
Eighth	801, 802, 803, 804	805, 806, 807, 808
Ninth	901, 902, 903, 904	905, 906, 907, 908

Apartments with numbers ending with "01", "02", "03" and "04" are in the Ewa Wing, and apartments with numbers ending with "05", "06", "07" and "08" are in the Waikiki Wing.

COMMON ELEMENTS: The specimen Declaration reflects that the common elements consist of (a) the leasehold land; (b) the foundations, columns, girders, beams, supports, main walls, roofs, halls, stairways, stairs, fire escapes and entrances and exits of the apartment building, elevators, and appurtenances; (c) yards, parking area and driveways, gardens, sundeck facilities, and trash yard; (d) all central and appurtenant installations of electrical, gas, plumbing, air conditioning and like utilities, if installed, excluding those installed by owner for personal use, as may be permitted by this declaration or by-laws; and (e) manager's unit, office and storage areas not set aside for the exclusive use of the manager.

LIMITED COMMON ELEMENTS: The specimen Declaration reflects that the limited common elements reserved are parking stalls and a limited number of storage areas specifically reserved for the exclusive use of certain apartments: and the entry foyer, the corridors and elevator lobbies on each apartment level above ground level are restricted for the use of the apartment owners living on each level. Developer reports that assignment of parking stalls and storage areas shall be done at time of sales.

INTEREST TO BE CONVEYED PURCHASER: The specimen Declaration states that the undivided interest in the common elements appertaining to each apartment shall be 1/64th. According to the By-Laws each apartment's share of the common expense and its vote shall be in proportion to its undivided interest in the common elements.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The specimen Declaration states that each apartment shall be used only as a place of dwelling by the respective owners. Each owner shall comply with the terms of the Apartment Lease, By-Laws of the Association of Apartment Owners and the House Rules.

OWNERSHIP TO TITLE: The Notice of Intention reflects that ownership to fee title is vested in The First National Bank of Hawaii, Trustee Under The Will and of the Estate of Josephine Juarez Michael, deceased.

A copy of the Certificate of Title prepared by abstractor, Title Guaranty of Hawaii, as of November 29, 1968, certifies that the above-mentioned vestee has title to the land. The Certificate of Title also certifies that the land was leased to Chester R. Owens, husband of Ruth B. Owens, by said First National Bank of Hawaii, as Trustee, by Lease dated September 17, 1968 for a term of 55-3/4 years from October 1, 1968 and to terminate June 30, 2024. Said lease is recorded in Liber 6281, Page 282, and also provides that if the Developer is unsuccessful in developing a condominium project, he may terminate the lease by giving written notice prior to June 30, 1969; otherwise, the lease will be in full force and effect.

ENCUMBRANCES AGAINST TITLE: The Certificate of Title dated November 29, 1968, certifies that as of October 1, 1968, there are no other or further liens or encumbrances of whatever kind or nature against said title, save and except the following:

Lease dated September 17, 1968 by and between First National Bank of Hawaii, as lessor, and Chester R. Owens, as lessee, leasing said land for a term of 55-3/4 years, effective October 1, 1968 and terminating on June 30, 2024. Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent Grant Number 3241. Taxes - 1st Installment for the fiscal year July 1, 1968 through June 30, 1969 has been paid. 2nd Installment for the fiscal year July 1, 1968 through June 30, 1969 amounting to \$1,425.69 will be due and payable on June 10, 1969.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated September 17, 1968 identifies Title Guaranty Escrow Services, Inc., a Hawaii corporation, as "Escrow". On examination, the specimen Reservation and Purchase Agreement and 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 170A-33.5 as incorporated in the Horizontal Property Act through ACT 244 (L. 1967) effective June 6, 1967.

Among other provisions the executed Escrow Agreement reflects that a purchaser shall be entitled to a refund of his funds if any one of the following shall have occurred: (a) Escrow receives a written request from seller to return to purchaser the funds of such purchaser then held by Escrow; or (b) if a purchaser's funds were obtained prior to 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 this 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 this preliminary public report.

In addition, the specimen Sale Contract provides that the contract will become void if the Seller fails to enter into sales contract covering not less than fifty-two (52) units by June 30, 1969 and all moneys shall be returned, without interest.

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

MANAGEMENT AND OPERATIONS: The specimen By-Laws of Association of Apartment Owners of Ode Rancho reflects that the Board of Directors may employ for the Association a management agent or manager, at a compensation established by the Board of Directors to perform such duties, and services as the Board shall authorize. The managing agent shall be responsible for the collection, custody and disbursement of all rent and real property taxes and special assessments, and other charges payable by the lessee, provided that such funds shall be kept separate and apart from all payments of common expenses and shall not be commingled.

The specimen Apartment Lease also provides that the owners shall cause the association to establish and maintain a General Operating Reserve Fund and Replacement Reserve Fund to assure that the common expenses and replacements of structural elements, including elevator, respectively, are paid or made. The disbursements for the latter are subject to the control of the association.

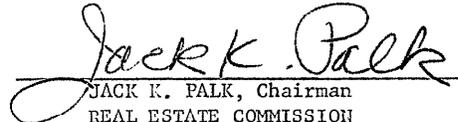
The specimen Apartment Lease indicates that the Developer will not be a party to the Apartment Lease, and that the fee simple owner, the First National Bank of Hawaii, as Trustee, becomes the Apartment Lessor upon the sale of any unit by the Developer.

STATUS OF PROJECT: There is no building contract and according to the Master Lease, the Developer may, at his option, terminate the lease on June 30, 1969 if sales of units are unsuccessful.

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 18, 1968 and information subsequently filed as late as January 21, 1969.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 231 filed with the Commission on October 18, 1968.

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

January 22, 1969
Registration No. 231

