

# 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  
TROPICANA VILLAGE-MOANALUA PHASE I  
851 Ala Lilikoi Street  
Honolulu, Hawaii

REGISTRATION NO. 253

### 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: February 17, 1969  
Expires: March 17, 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 JANUARY 17, 1969 AND INFORMATION SUBSEQUENTLY FILED AS LATE AS FEBRUARY 7, 1969. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES LAW AND AMENDMENTS THERETO BY ACT 244 (L. 1967) EFFECTIVE JUNE 6, 1967.

1. TROPICANA VILLAGE - MOANALUA PHASE I is a proposed fee simple cluster condominium consisting of twenty-four (24) three-story detached buildings, each building containing six (6) apartments for a total of one hundred and forty-four (144) apartments. There are one hundred and forty-four (144) parking stalls for the occupants.
2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the 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 not 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 by Act 244, L. 1967 and 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, February 17, 1969, unless a Supplementary Public Report is issued or the Commission upon review of registration issues an order extending the effective period of this report.

NAME OF PROJECT: TROPICANA VILLAGE - MOANALUA PHASE I

LOCATION: The 172,753 square feet of fee simple property to be committed to the regime is situated on the mauka (easterly) side of the eight hundred block of Ala Lilikoi Street, between Salt Lake Boulevard and Ala Ilima Street at Moanalua, City and County of Honolulu, Island of Oahu, Hawaii.

TAX KEY: FIRST DIVISION 1-1-60-13

ZONING: Apartment C

DEVELOPER: Hawaiian Housing Corporation, Limited, a Hawaii corporation, whose business address is at Suite 1214, 2222 Kalakaua Avenue, Honolulu, Hawaii, and whose principal officers are:

Chairman of the Board:	Paul W. Trousdale
President:	R. H. Deisseroth
Vice-President:	none
Secretary-Treasurer:	Henry H. Shigekane
Assistant Secretary:	Elaine Kirsch
Assistant Secretary:	Sue Haramoto

ATTORNEY REPRESENTING DEVELOPER: Damon, Shigekane & Char (Attention: Mr. Henry H. Shigekane) Suite 701, 333 Queen Street, Honolulu, Hawaii, telephone 536-6188.

DESCRIPTION: The proposed Declaration of Horizontal Property Regime filed with the Commission reflects that the project will consist of the 172,753 square feet of fee simple land located at 851 Ala Lilikoi Street, and there will be twenty-four (24) separate buildings, each containing six (6) apartments, for a total of one hundred forty-four (144) apartments. The buildings will be primarily constructed of hollow concrete blocks and stucco. There will be three types of buildings: type A, type B, and type C. There will be seventeen (17) type A buildings, four (4) type B buildings, and three (3) type C buildings. The apartments will be designated by number, such as 810, followed by a capital letter A, B, C, D, E, or F. All apartments bearing the letters A or B will be on the first floor of all buildings, and all apartments bearing the letters C, D, E, or F will be two-story apartments on the second and third floors of all buildings.

Type A buildings: Buildings bearing the numbers 810, 814, 815, 818, 819, 822, 823, 830, 834, 837, 840, 844, 845, 848, 855, 861, and 875 will be type A buildings. Apartments A and B in all these buildings will be three bedroom, two bathroom apartments containing about 966 square feet. Apartments C, D, E and F will be two bedroom, one and one-half bathroom apartments containing about 897 square feet. In addition, each apartment in these buildings will have the exclusive use of one storage closet.

Type B buildings: Buildings bearing the numbers 802, 806, 841, and 871 will be type B buildings. Apartments A and B in all these buildings will be three bedroom, two bathroom apartments containing about 1178 square feet. Apartments C, D, E and F will also be three bedroom, two bathroom apartments containing about 1240 square feet.

Type C buildings: Buildings bearing the numbers 833, 851 and 3239 will be type C buildings. Apartments A and B in all these buildings will be three bedroom, two bathroom apartments containing about 966 square feet. Apartments C, D, E and F will be two bedroom, one and one-half bathroom apartments containing 910 square feet. In addition, each apartment in all these buildings will be entitled to the exclusive use of one storage closet.

Each first floor apartment will have immediate access to the walkways and driveways connecting its building to the street entrances of the project. Each apartment above ground floor will have immediate access to a balcony walkway to the stairways to the ground level walkways and driveways connecting its building to the street entrances of the project.

The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or interior load-bearing walls, the floors and ceilings surrounding each apartment or any pipes, wires, conduits or other utility or service lines running through such apartment which are utilized for or serve more than one apartment, the same being deemed common elements as hereinafter provided. Each apartment shall be deemed to include all the walls and partitions which are not load-bearing within its perimeter walls, the inner decorated or finished surfaces of all walls, floors and ceilings, and all fixtures originally installed therein including a range-hood, range, oven, refrigerator, disposal, washer, dryer, air conditioner and water heater.

COMMON ELEMENTS: The proposed Declaration reflects that the common elements shall specifically include but not be limited to: (a) said land in fee simple; (b) all foundations, floor slabs, columns, girders, beams, supports, unfinished perimeter, partitions and load-bearing walls and roofs of the buildings; (c) all yards, grounds and landscaping; (d) all roads, parking areas, and driveways which are rationally of common use by all apartment owners; (e) all ducts, electrical equipment, wiring and other central and appurtenant installations running within said land and to and through the buildings for service such as power, light, water, gas, sewer, telephone and radio and television signal distribution; (f) any and all other apparatus and installations of common use and all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use; and (g) a swimming pool.

LIMITED COMMON ELEMENTS: Developer advises that certain parts of the common elements, called "limited common elements" will be designated and set aside for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto easements for the use of such limited common elements consisting of a parking stall and a storage closet bearing the same number as the apartment. Apartments in type "B" buildings will not have storage closet.

INTEREST TO BE CONVEYED TO PURCHASER: The proposed Declaration states that each apartment shall have appurtenant thereto an undivided 1/144 fractional 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 other purposes including voting.

PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE: The proposed Declaration reflects the apartments shall be used only as private dwellings for the owners, their families, tenant and social guests and for no other purpose.

OWNERSHIP OF TITLE: The Notice of Intention states that the ownership of title is vested in Jones Albert Warford and Robert Ching Wo. The title insurance policy issued by the Security Title Insurance Company, a California corporation, verifies that the vestees are as designated above.

Note: Developer has submitted to the Commission an unrecorded Option Agreement dated November 15, 1968, whereby the Developer can purchase in fee simple the land and all improvements thereon, which will include all 24 buildings containing 144 apartments, a swimming pool, all parking facilities, and landscaping, during the period from May 1, 1969 to and including May 15, 1969.

ENCUMBRANCES AGAINST TITLE: Developer has submitted a copy of a title search report dated February 3, 1969 and issued by abstractor, Security Title Corporation.

The title search report certifies that the records reveal no liens or encumbrances against said title, save and except the following: Restriction of access rights affecting Lot 2971, as shown on Maps 309, 317 and 387, as set forth by Land Court Order No. 24630, filed September 3, 1965. Excepting and reserving therefrom unto the Trustees under the Will and of the Estate of Samuel M. Damon, deceased, all artesian and other underground water and rights thereto appurtenant to said premises as reserved in Deed dated October 7, 1965, filed as Document No. 372554. Designation of Easements 619 and 620 for transformer vault purposes affecting Lot 2971 as shown on Maps 364, 371 and 387 as set forth by Land Court Order No. 26501 filed November 28, 1966. Designation of the following easements: Easement 627 for storm drain purposes, Easement 628 for sanitary sewer purposes, Easements 629 and 632 for transformer vault purposes, Easement 633 for underground electrical cable purposes, all as shown on Maps 371 and 387 as set forth by Land Court Order No. 26708 filed January 26, 1967. A Grant of Easement in favor of Hawaiian Electric Company, Inc. for utility over Easements 619 and 620 within Lot 2971 dated February 27, 1967 filed as Document 411485. The covenants in Declaration dated October 16, 1967 filed as Document No. 429476 and amended by Documents No. 43274 and 432899. Mortgage made by Jones Albert Warford, husband of Frances Warford, and Robert Ching Wo, husband of Betty Ching Wo, to First National Bank of Hawaii, now known as First Hawaiian Bank, for the sum of \$2,400,000, dated December 19, 1967, filed as Document No. 434027. Real Property Taxes of \$4,679.01 which represents the 2nd installment for the Fiscal Year - July 1, 1968 through June 30, 1969, is due on June 10, 1969.

Note: Developer advises that they have granted an easement in favor of Hawaiian Electric Company, Inc. for utility lines and vaults, said easement for said lines being five (5) feet wide extending two and one-half (2½) feet on each side of the center, within the property. It has been reported that said grant was executed on January 30, 1969, and filed in the Bureau of Conveyances, of the State of Hawaii as Document No. 465691 on February 3, 1969.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated February 6, 1969 identifies First Hawaiian Bank, a Hawaii corporation, as the Escrow Agent. On examination, the specimen Sales Agreement and executed Escrow Agreement are found to be in compliance with Chapter 170A, Revised Laws of Hawaii 1955 (as amended) and particularly Sec. 170A-33, and Sec. 170A-33.1 through 170A-33.5 as incorporated in the Horizontal Property Act 244 (L. 1967) effective June 6, 1967.

Among other provisions the executed Escrow Agreement provides the following which relates to refund of purchasers' moneys: (a) Purchasers' funds obtained prior to the issuance of final reports shall be refunded if there is any change in the condominium building plans subject to execution of the contract requiring approval of a county officer having jurisdiction over issuance of permits for construction of buildings, unless purchasers' written approval or acceptance of the specific change is obtained, (b) Rights under contracts of sale of condominium units under a preliminary public report shall not become enforceable against purchasers until purchasers have had a full opportunity to read the Commission's final public report on the project, and to obtain refund of any moneys paid as well as release from all obligations if the final report differs in any material respect from the preliminary report; (c) If the final public report is not issued within one year from the date of issuance of the preliminary report, purchasers shall be entitled to refund of all moneys paid by the purchasers thereunder without further obligations.

The specimen Sales Contract states that in the event less than eighty percent (80%) of the apartments in the project are sold prior to May 7, 1969, seller may at its option cancel the contract and refund to buyer all moneys paid less certain expenses and without interest. It also states that if said apartment is not completed and ready for occupancy on or before December 31, 1969, the obligations of both buyer and seller shall terminate and all sums paid by buyer shall be refunded without interest.

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

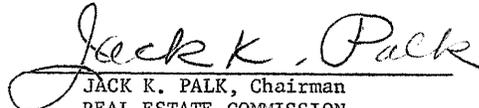
MANAGEMENT AND OPERATIONS: The developer discloses that the administration of the project shall be vested in the Association of Apartment Owners. The proposed By-Laws of the Association place the responsibility of employing a responsible Hawaii corporation as Managing Agent to manage and control the project subject at all times to the direction of the Board. The specimen Maintenance Management Agreement submitted by the Developer as part of the registration identifies First Hawaiian Bank whose principal address is 161 South King Street, Honolulu, Hawaii, as the initial Managing Agent.

STATUS OF PROJECT: In the Notice of Intention, the Developer advises that the construction of the buildings commenced on November 27, 1967, that the project is presently about 87% complete, and that the project is scheduled to be completed on or about March 1, 1969. The contractor building the project is a partnership known as Tropicana Village, Moanalua, whose partners are the present title holders as Joint Tenants to the land committed to the regime.

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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 January 17, 1969, and information filed subsequently as late as February 7, 1969.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 253 filed with the Commission on January 17, 1969.

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 in color.

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

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**Distribution:**

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

February 17, 1969  
Registration No. 253

