

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

1300 WARD AVENUE
1300 Ward Avenue
Honolulu, Hawaii

REGISTRATION NO. 262

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: June 19, 1969

Expires: July 19, 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 MARCH 7, 1969 AND INFORMATION SUBSEQUENTLY FILED ON MAY 20, 1969. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514, HAWAII REVISED STATUTES.

1. 1300 Ward Avenue is a proposed leasehold twenty-two story high rise condominium having forty-one (41) units and fifty-three (53) parking stalls.
2. No advertising or promotional matter has been submitted pursuant to the rules and regulations promulgated by the Commission.
3. 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 Regimes.

4. 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 Preliminary Public Report.
5. The basic documents (the Declaration of Horizontal Property Regime and the covenants, restrictions and By-Laws and a copy of the approved Floor Plans) have not been filed in the office of the recording officer. The Developer reports that the basic documents will be filed in the Bureau of Conveyances, State of Hawaii, after the mortgage securing the construction loan is recorded.
6. This Preliminary Public Report is made a part of the registration of 1300 Ward Avenue condominium project. The Developer has the responsibility of placing a true copy of this Preliminary Public Report (yellow paper stock) in the hands of all purchasers and prospective purchasers.
7. This Preliminary Public Report automatically expires thirteen (13) months from the date of issuance, June 19, 1969, unless a supplementary report is published or the Commission, upon review of the registration, issues an order extending the effective period of this report.

NAME OF PROJECT: 1300 WARD AVENUE

LOCATION: The proposed project will be located on northwest corner of Kinau Street and Ward Avenue in Honolulu, Hawaii and has a land area of 13,736 square feet.

TAX KEY: FIRST DIVISION 2-1-40-1

ZONING: Apartment

DEVELOPER: The Notice of Intention reveals the Developer is a Joint Venture consisting solely of DRABEN, INC. and JOHN RUSSELL RUMMELL & ASSOCIATES, LTD., both Hawaii corporations. Said Joint Venture has been registered with the Department of Regulatory Agencies, State of Hawaii, on February 24, 1969. The principal address of the Developer is 1507 Kapiolani Boulevard, Honolulu, Hawaii.

ATTORNEY REPRESENTING DEVELOPER: Smith, Wild, Beebe & Cades (Attention: James S. Campbell), 17th Floor, First Hawaiian Bank Building, Honolulu, P. O. Box 939, Honolulu 96808, telephone 531-7232.

DESCRIPTION OF PROJECT: The proposed Declaration of Horizontal Property Regime reveals that this is a proposed leasehold high rise condominium consisting of 41 apartments including a manager's apartment. All apartments will be located within one building which shall be constructed of concrete steel, glass, wood and allied building materials, and shall be centrally air-conditioned. There shall be two apartments each on the third through twenty-second floor. There shall be one apartment on the second floor which shall be designated as the manager's apartment and the second floor shall also contain an office and upper level parking.

There shall be two (2) apartments on each floor from the third (3rd) through twenty-second (22nd) numbered 01 and 02, respectively, preceded by the number of the floor, with lower number being on the Ewa (west) side of the building in every case. Thus, for example, the sixth floor will have two apartments numbered 601 and 602 with 601 being on the Ewa (west) side of apartment 602.

Each apartment on the third (3rd) through twenty-second (22nd) floor shall have a total living area of 930 square feet, a lanai area of 207 square feet, and a laundry area of 34 square feet. Each such apartment shall contain a living room, 2 bathrooms, 2 bedrooms, a kitchen, a lanai and a laundry area. Each of such apartments will have access to a lobby and elevator and to a stairway within the smoke tower, all of which are common elements, and immediately adjacent to each apartment.

There shall be an apartment on the second (2nd) floor designated manager's apartment, which will contain 669 square feet. The manager's apartment shall

contain a living room, a bathroom, a kitchen and one bedroom. The common elements immediately adjacent to this apartment are a lobby and walkways leading to the second level parking. This apartment shall be numbered 201. The manager's apartment shall be leased to the Association of Apartment Owners for its use. There shall be two levels of parking. The lower parking level shall have twenty-six (26) covered parking stalls and the upper parking level shall have twenty-seven (27) uncovered parking stalls.

COMMON ELEMENTS: According to the proposed Declaration, the common elements of the project will include: (1) the leasehold interest of all of the undivided interests in the land described, the parking area, exclusive of the parking stalls. The storage room and office on the second floor; the lobbies on each floor; and landscaped areas, including plants, grass and other vegetation, and a swimming pool; (2) all water lines, electric and telephone lines, the utility room on the first floor, the sewage facilities and other utilities on the ground level which may be required by government authorities to be constructed or installed; and (3) all other devices or installations upon the above-described land existing for or rationally of common use to all the owners of apartments within the project.

LIMITED COMMON ELEMENTS: The proposed Declaration states that the only limited common elements of the project are the parking stalls which shall be assigned by the Developer and which shall be appurtenant to the apartments to which they are assigned.

PERCENTAGE OF UNDIVIDED OWNERSHIP: The Developer advises the Commission that the percentage of undivided interest in all the common elements of whatever kind appertaining to each apartment and its owner for all purposes are:

Apartment 201 (manager's apartment).....	1.40%
All other apartments each	2.465%

APARTMENT USES: The proposed Declaration reflects that each apartment shall be used for residential purposes and none other except for apartment 201 which, in addition to residential use, may be used for any purpose incidental to the management of the project.

OWNERSHIP TO TITLE: The Developer has submitted a Certificate of Title dated May 8, 1969 prepared by Security Title Corporation, a licensed abstractor, which shows title to the property to be vested in JAMES GEORGE CHRONES, DEMOSTHENES GEORGE CHRONES and MICHAEL GEORGE CHRONES.

ENCUMBRANCES AGAINST TITLE: The aforesaid title report reveals a mortgage in favor of Hawaiian Trust Company, Limited, recorded in Liber 2666 at Page 51, and a Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent Grant 3317.

Note: The Developer reports that it holds an unrecorded agreement dated December 6, 1968 to acquire the development rights to the property. A copy of said unrecorded agreement has been filed with the Commission. The Developer also reports to the Commission that they intend to pay off the existing mortgage before the interim construction mortgage is placed of record. The Developer further reports that it is their intention to seek from the interim lender the right to have partial closings. Such would require partial releases from the blanket mortgage at such time as the units are conveyed, and in no event will Developer convey an Apartment Deed or lease which is subject to interim mortgage.

PURCHASE MONEY HANDLING: A copy of the specimen Sale and Lease Agreement and the executed Escrow Agreement have been submitted as part of the registration. The Escrow Agreement made February 25, 1969 identifies Security Title Corporation as the "Escrow". On examination the executed Escrow Agreement is found to be in compliance with Chapter 514, Hawaii Revised Statutes, and particularly Sec. 514-35 through 514-40.

Among other provisions, the executed Escrow Agreement provides the following which relates to refund of purchasers' monies:

If at any time subsequent to the issuance of a building permit for the project, the building plans for the project are changed to such an extent as to require

reapproval by the county officer having jurisdiction over the issuance of building permits, any purchaser may have the funds deposited by him with Escrow refunded without interest by furnishing to Escrow a written statement from said county officer that the plans have been so changed and resubmitted and an additional building permit requested. No refund shall be made to any purchaser who has previously approved such change in writing if a copy of such approval has been furnished to Escrow.

In the event that the final report is not issued within one (1) year from the date of the issuance of the preliminary report, purchasers shall be entitled to refund of all monies paid into escrow. No sales contract shall be enforced unless the purchasers have had an opportunity to read and approve the final report of the Real Estate Commission, and if the final report of such Commission contains any material change from the preliminary report, the purchaser may elect to obtain a refund of the money paid and the contract of sale shall be cancelled.

The Escrow Agreement recites that it is, in all of its provisions, to be deemed and interpreted as supplementary and subject to the provisions of Chapter 514, Hawaii Revised Statutes, and if any conflict should arise between the provisions of this Escrow Agreement and the provisions of said Chapter 514, the provisions of the latter shall control.

It is incumbent upon the purchaser and prospective purchaser that he reads with care the Sales and Lease Agreement and the executed Escrow Agreement. The latter document, the 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.

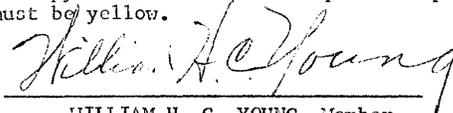
MANAGEMENT AND OPERATIONS: The proposed Declaration states that the Board of Directors shall, in accordance with the By-Laws of the Association of Apartment Owners, appoint a managing agent. As of the date of this Preliminary Public Report, no managing agent has been named.

STATUS OF PROJECT: Construction has as yet not commenced, and the Developer reports it shall not commence until thirty-four (34) units are sold to qualified buyers and there is adequate interim and take-out financing to assure success of the project. The Escrow Agreement specifies that in the event construction on the project does not begin by the 1st day of August, 1969, all monies received by Escrow from purchasers will be returned to said purchasers. The Developer reports that the contractor shall be Pacific Construction Co., Ltd., and the contractor will be required to post a performance and payment bond equal to one hundred per cent (100%) of the cost of construction.

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 March 7, 1969, and additional information subsequently filed on May 20, 1969.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 262 filed with the Commission March 7, 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.



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

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Distribution:

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

June 19, 1969
Registration No. 262