

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

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

## FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on  
OAHU SURF II  
439 Keoniana Street  
Honolulu, Hawaii

REGISTRATION NO. 264

### 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 until

- (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 10, 1969

Expires: July 10, 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:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED MARCH 19, 1969 AND INFORMATION SUBSEQUENTLY FILED AS LATE AS JUNE 9, 1969, THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514, HAWAII REVISED STATUTES.

1. OAHU SURF II is a proposed fee simple condominium project with a total of fifty-eight (58) units consisting of fifty-six (56) 2-bedroom and two (2) 3-bedroom condominium dwelling units, all arranged in a fourteen (14) story residential apartment building served by two (2) 250 feet per minute elevators. Fifty-eight (58) parking stalls, of which forty (40) are covered, are available. There will be a swimming pool on the roof top with men and women rest rooms.
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 Final 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 been filed in the office of the recording officer on May 20, 1969 as Land Court Document No. 473787 and Condominium Map No. 79.
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 514, Hawaii Revised Statutes, and the Condominium Rules and Regulations which relate to Horizontal Property Regime.
6. This Final Public Report automatically expires thirteen (13) months after date of issuance, June 10, 1969, 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: OAHU SURF II

LOCATION: The approximate 14,000 square feet of property to be committed to the regime, as a fee simple condominium project is situated on the kokohead (southeast) side of Keoniana Street between Ala Wai Boulevard and Kalakaua Avenue, at Honolulu, City and County of Honolulu, Oahu, Hawaii.

TAX KEY: FIRST DIVISION 2-6-15: 30, 31, 32 and 78

ZONING: Hotel-Apartment

DEVELOPER: OAHU SURF COMPANY, a joint venture, composed of Alfred J. Werner, of 1805-E Fern Street, Honolulu, Hawaii; Ernest C. Hickson, of 1374 Laukahi Street, Honolulu, Hawaii; and James D. Howe, of 1225 Via Coronel, Palos Verdes Estates, California, is the Developer. Said Joint Venture was registered with the Department of Regulatory Agencies of the State of Hawaii on November 27, 1968.

ATTORNEY REPRESENTING DEVELOPER: Vernon T. Tashima, Suite 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 fee simple land located at 439 Keoiana Street and a fourteen (14) story building containing fifty-eight (58) apartments. The building will be constructed of reinforced concrete and will have twelve (12) living levels and two (2) levels of parking. The building, exclusive of parking, will cover approximately 6,100 square feet of land area. However, the ground level parking deck will cover the entire land area of 14,090 square feet. There will be fifty-eight (58) parking stalls (40 covered and 18 open) of which 30 are in the lower parking level and 28 in the upper level. The stalls will be numbered to correspond to the apartment numbers and will be as shown on the Plan, subject, however, to renumbering without notice; provided, however, that the owners shall not be deprived of stalls which have been assigned to them, unless they consent to any change. There will be a swimming pool of approximately 16 feet by 32 feet and men and women rest rooms located on the roof top.

Access to the living area will be through a lobby into an elevator on the ground level.

Each of the eleven floors, from the second through the twelfth, will have five (5) 2-bedroom units and the thirteenth floor will have one (1) 2-bedroom and two (2) 3-bedroom penthouses. The apartment building will contain the following basic types of apartments:

- i) Type "01" two-bedroom, two-bath end apartments. Each "01" type apartment from the second through the thirteenth floors (penthouse No. 1 being the same as any other "01" type unit) will contain a gross livable area of 1,065 square feet including lanai and each such unit will have the following rooms: living-dining area, kitchen, bedroom No. 1 (master) with wardrobe and bathroom, bedroom No. 2 with wardrobe and bathroom, and lanai.

- ii) Type "02" two-bedroom, two-bath, interior apartments. Each "02" type apartment from the second through the twelfth floors will contain a gross livable area of 987 square feet, including lanai, and will contain the following rooms: living-dining area, kitchen, bedroom No. 1 (master) with wardrobe and bathroom, bedroom No. 2 with wardrobe and bathroom, and lanai.
- iii) Type "03" two-bedroom, two-bath, interior apartments. Each "03" type apartment from the second through the twelfth floors will contain the same number and kind of rooms listed for a "02" type except that the gross livable area of the "03" type is 964 square feet, including lanai.
- iv) Type "04" two-bedroom, two-bath, interior apartments. Each "04" type apartment from the second through the twelfth floors, will contain the same number and kind of rooms listed for the "02" and "03" types, except that the gross livable area of the "04" type is 970 square feet.
- v) Type "05" two-bedroom, two-bath, end apartments. Each "05" type apartment will contain the same number and kind of rooms listed in all of the foregoing "01", "02", "03" and "04" types except that the gross livable area differs as follows: "05" from second through the ninth floors will contain a gross livable area of 1164 square feet, including lanai, "05" on the tenth floor will contain a gross livable area of 1158 square feet, including lanai, "05" on the eleventh floor will contain a gross livable area of 1140 square feet, including lanai, and "05" on the twelfth floor will contain a gross livable area of 1122 square feet, including lanai.
- vi) Type "PH-1" two-bedroom, two-bath, end penthouse. "PH-1" is similar in all respects with the type "01" apartments, and will contain 1065 square feet of gross livable area, including lanai.
- vii) Type "PH-2" and "PH-3" three-bedroom, three-bath penthouses. "PH-2" and "PH-3" will contain the following rooms: living-dining area, kitchen, bedroom No. 1 with wardrobe and bathroom; bedroom No. 2 (master) with wardrobe closet-bathroom, bedroom No. 3 with wardrobe and bathroom, and lanai. "PH-2" will contain a gross livable area of 1951 square feet, and "PH-3" will contain a gross livable area of 2074 square feet.

Each apartment shall have immediate access to a corridor or hallway leading to the elevator or to a stairway descending to the ground level.

The building will be situated on the kōkohead (southeast) side of Keoniana Street between Ala Wai Boulevard and Kalakaua Avenue, and as viewed from Keoniana Street the apartments will be numbered from left to right (mauka-makai) and will be situated as follows:

<u>LEVEL</u>	<u>A P A R T M E N T   N O .</u>				
	<u>Left</u>	<u>Middle Left</u>	<u>Middle</u>	<u>Middle Right</u>	<u>Right</u>
Basement (Lower parking level)					
First (Upper parking level)					
Second	201	202	203	204	205
Third	301	302	303	304	305
Fourth	401	402	403	404	405
Fifth	501	502	503	504	505
Sixth	601	602	603	604	605
Seventh	701	702	703	704	705
Eight	801	802	803	804	805
Ninth	901	902	903	904	905
Tenth	1001	1002	1003	1004	1005
Eleventh	1101	1102	1103	1104	1105
Twelfth	1201	1202	1203	1204	1205
Thirteenth	PH-1		PH-2		PH-3

Apartments with numbers ending with "01" will be on extreme left or mauka side, and reading left to right, or mauka to makai, follows apartments ending with "02", "03", "04" and "05" on the extreme right or makai side.

COMMON ELEMENTS: The specimen Declaration reflects that the common elements shall consist of (a) the land in fee simple; (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, recreational facilities, including swimming pool; (d) all central and appurtenant installations of electrical, gas, plumbing, air conditioning and like utilities, if installed.

LIMITED COMMON ELEMENTS: According to the specimen Declaration, the limited common elements shall be (a) parking stalls and storage lockers specifically reserved for the exclusive use of a certain apartment; (b) entry hall, balcony, elevator foyer and corridors on each apartment level reserved for the exclusive use of the apartments on each floor.

INTEREST TO BE CONVEYED PURCHASER: The specimen Declaration states that the undivided interest in the common elements appertaining to each apartment will be as follows:

<u>Apartment Numbers</u>	<u>Percentage of Undivided Interest</u>
201, 301, 401, 501, 601, 701, 801	1.6%
901, 1001, 1101, 1201, PH-1	1.5%
202, 302, 402, 502, 602, 702, 802, 902, 1002, 1102, 1202	1.65%
203, 303, 403, 503, 603, 703, 803, 903, 1003, 1103, 1203	1.6%
204, 304, 404, 504, 604, 704, 804, 904, 1004, 1104, 1204	1.6%
205, 305, 405, 505, 605, 705, 805, 905, 1005	1.94%
1105	1.39%
1205	1.86%
PH-2	3.24%
PH-3	3.5 %

According to the Declaration and By-Laws, each apartment's share of the common expense shall be in proportion to its undivided interest in the common elements; however, for purposes of voting, each unit shall have one vote.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The specimen Declaration states that each apartment shall be used only as a place of single family dwelling and for no other purpose. Each owner shall comply with the terms of the Declaration, By-Laws of the Association of Apartment Owners and the House Rules.

FINANCING OF PROJECT: The Pioneer Savings & Loan Association of Hawaii, Honolulu, Hawaii, has agreed by Letter of Commitment dated May 16, 1969, to provide interim financing and take-out financing for the project. Said commitments were accepted by the Developer on May 16, 1969.

The Developer has filed an estimated total project cost and has advised the Commission that this cost will be borne by long term (take-out) financing and Developer's funds advanced to date, and the balance through Purchasers' funds out of Escrow, subject to terms and conditions contained in the escrow agreement.

OWNERSHIP TO TITLE: The Notice of Intention reflects that ownership to fee title is vested in Alfred John Werner, Ernest Charles Hickson and James Darrell Howe, as Joint Tenants.

Copies of Abstracts of Title dated June 4, 1969 and prepared by Title Guaranty of Hawaii certify that as of May 29, 1969 the fee simple title to the land is vested as aforesaid.

ENCUMBRANCES AGAINST TITLE: Searches of Title dated January 8, 1969 and June 4, 1969 certify that there are no liens or encumbrances against title save and except the following:

As to Lot 23 only: Grant of easement in favor of Hawaiian Electric Company, Inc., for construction of electric power and telephone lines across a strip of land 5 feet wide along the northeast boundary of Lot 23, dated May 23, 1927 filed as Document No. 13116.

As to Lots 23 and 24 only: Mortgage dated February 10, 1964, filed as Document No. 234971, made by Bernard Wilson Deacon and Evangeline Gerwig Deacon, husband and wife, to Bishop Trust Company, Ltd., Trustee of G. N. Wilcox, for the sum of \$90,800.

As to Lot G-3 only: Delineation of easements for utility purposes over and across Lot G-3, as shown on Map 50, as set forth by Land Court Order No. 28104, filed February 14, 1968. Subsurface easements in favor of the City and County of Honolulu for sewer and water purposes, Hawaiian Electric Company, Inc. for subsurface electric lines and facilities, and the Hawaiian Telephone Company for subsurface telephone lines and facilities, as set forth by Land Court Document No. 462268, dated December 19, 1968. Reservations and Covenants in Deed dated December 19, 1968, filed as Document No. 462268.

As to Lots 23, 24 and G-3 only: Mortgage dated December 19, 1968, filed as Land Court Document No. 462270, made by Ernest Charles Hickson, James Darrell Howe, and Ernest John Werner to Bernard Wilson Deacon and Evangeline Gerwig Deacon, husband and wife, for the sum of \$91,774.04.

As to Lot 25 only: Mortgage dated December 27, 1968, filed as Land Court Document No. 463335, made by Alfred John Werner, Ernest Charles Hickson and James Darrell Howe to Ha Soo Whang for the sum of \$94,000.

As to all Lots herein: Declaration by Alfred John Werner, Ernest Charles Hickson and James Darrell Howe, submitting the premises to the horizontal property regime dated March 18, 1969, filed as Document No. 473787. Condominium Map 79 showing lay-out, location, etc. as set forth by Land Court Order No. 30071, filed May 20, 1969. Real Property Taxes for year 1969 are current. First installments for the year have been paid, and the second installments are due June 10, 1969.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated March 14, 1969 identifies First Hawaiian Bank of "Escrow." On examination, the specimen Sales Contract and executed Escrow Agreement are found to be ~~in~~ compliance with Chapter 514, Hawaii Revised Statutes, and particularly Sec. 514-15.

The provisions of the executed Escrow Agreement, as filed with the Commission, provide that (1) disbursements from the escrow funds shall be made by Escrow to pay for construction costs of the buildings and other improvements and fixtures in such amounts and at such times and in proportion to the valuation of the work completed by the contractor, as certified by a registered architect or professional engineer, and upon bills approved for payment by Seller's mortgagee or a financially disinterested person; and (2) the balance of all escrow funds shall be paid to Seller, or order, after the lapse of 45 days from the filing of Affidavit of Publication of Notice of Completion, provided however, that in the event any Notice of Mechanics' and Materialmen's Lien has been filed against the project, Escrow shall retain a sum equivalent to 1½ times the amount of every such claim for disposition thereof to satisfy and release every such claim, and upon every such release the balance shall be disposed of in accordance with Seller's instructions.

It is incumbent upon the purchaser and prospective purchaser that he reads with care the Sales Contract 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 states that the Board of Directors of the Association 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 Developer has advised the Commission that it intends to retain First Hawaiian Bank as the initial management agent, although no agreement has been formally executed.

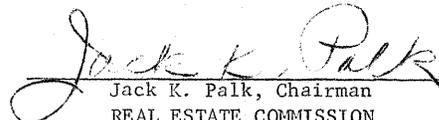
STATUS OF PROJECT: The Developer advises the Real Estate Commission that the construction of the building has not yet been commenced, however, a building contract has been entered into with Pacific Construction Co., Ltd. and commencement of construction is expected in August, 1969. The building contract states that the work shall be substantially completed within three hundred (300) working days after date of commencement.

A Performance Bond dated March 24, 1969 has been issued by the Hawaiian Insurance & Guaranty Company, Ltd., of Honolulu, Hawaii, and Seaboard Surety Company, of New York, New York, as "Sureties." Said Bond is in the amount of \$1,681,544, which is 100% of the construction contract price. A Labor and Material Payment Bond dated March 24, 1969 was also issued by the above-named Sureties in the amount of \$840,772.

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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 March 19, 1969 and information subsequently filed as late as June 9, 1969.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 264 filed with the Commission on March 19, 1969.

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

  
Jack K. Palk, Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII

YH:REB:f

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Registration No. 264  
June 10, 1969