

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
THE KAHANA KAI
3020 Ala Napuaa Place
Moanalua, Honolulu, Hawaii

REGISTRATION NO. 265

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 therefor 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: May 7, 1969
Expires: June 7, 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 21, 1969 AND INFORMATION SUBSEQUENTLY FILED AS LATE AS MAY 7, 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. The KAHANA KAI is a proposed fee simple condominium project consisting of thirty-nine (39) condominium dwelling units all arranged in a ten (10) story residential apartment building served by an elevator with a speed 250 feet per minute. Forty-nine (49) parking stalls, of which five (5) are covered, are available. There will be a swimming pool on the ground level, with a cabana containing separate dressing rooms for men and women.
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 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 yet 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 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, May 7, 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: THE KAHANA KAI

LOCATION: The approximate 34,998 square feet of property to be committed to the regime, as a fee simple condominium project, is situated at 3020 Ala Napuaa Place, in the Salt Lake area of Moanalua, at Honolulu, City and County of Honolulu, Oahu, Hawaii.

TAX KEY: FIRST DIVISION 1-1-61: 20 and 21

ZONING: Hotel-Apartment
500% Density (enclosed area)

DEVELOPER: VAN-LAN CORPORATION, whose business address is Room 76, Honolulu International Airport, Honolulu, Hawaii 96819.

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 approximate 34,998 square feet fee simple land located at 3020 Ala Napuaa Place, and a ten (10) story building containing thirty-nine (39) apartments. The building will be basically constructed of reinforced concrete and has ten (10) living levels. The building, exclusive of parking, will cover approximately 6,000 square feet of land area. There will be forty-nine (49) parking stalls, of which 5 are under cover and 44 in the open area. The stalls will be numbered to correspond to the apartment numbers and are 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. Thirty-nine (39) parking stalls will be assigned as limited common element for the exclusive use of the owners of each apartment, and the remaining ten (10) spaces will be reserved for disposition by the Developer, either to be sold or leased to occupants of the building. Those not disposed of prior to the sale of the last apartment shall be returned to the Association of Apartment Owners. There will be a 15 feet by 30 feet swimming pool, and a cabana in the pool area containing separate dressing room for men and women.

Access to the living area will be through a lobby into an elevator on the ground level. The ground level, in addition to a swimming pool will also provide the parking area. The ground level of the building will contain three 2-bedroom units. The units on the ground level are designated as Type B-1, B-2 and C. The Type B-1 and B-2 units contain 2 bedrooms, a combination living-dining room, kitchen, 2 bathrooms and storage space with a total gross area of about 901 square feet and a lanai of about 102 square feet. The Type C unit has similar features as the B-1 and B-2 but it is slightly larger, having a gross area of about 935 square feet and with 2 lanais, one 216 square feet and the other, about 37 square feet.

Each of the nine floors, from the second through the tenth, will contain four apartment units. Each floor, in addition to the Type B-1, B-2 and C units, will have a Type A unit, which will have 3-bedrooms, a combination living-dining room, kitchen, 2 bathrooms and a storage room with a total gross floor area of about 1,149 square feet, together with 2 lanais of about 216 and 37 square feet. All areas are based on centerline to centerline measurements.

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

The building is situated in an east-west direction, and as viewed from Ala Napuaa Place, that is from the makai (south) side of the lot, the apartments are numbered and situated as follows:

<u>LEVEL</u>	<u>APARTMENT NO.</u>			
	<u>Left or west end</u>	<u>Middle Left</u>	<u>Middle Right</u>	<u>Right or east end</u>
First	104 (C)	103 (B-2)	102 (B-1)	None
Second	204	203	202	201 (A)
Third	304	303	302	301
Fourth	404	403	402	401
Fifth	504	503	502	501
Sixth	604	603	602	601
Seventh	704	703	702	701
Eighth	804	803	802	801
Ninth	904	903	902	901
Tenth	1004	1003	1002	1001

COMMON ELEMENTS: The specimen Declaration reflects that the common elements consist of (a) the land in fee simple; (b) the foundations, columns, girders, beams, supports, bearing walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes and entrances and exits of the building; (c) the flat roofs, yards, gardens, recreational facilities (including swimming pool, pool deck, storage space and shower) and parking areas; (d) central and appurtenant installations for services such as power, light, telephone, hot and cold water, air conditioning, television antenna and trash disposals; (e) the elevator, tanks, pumps, motors, fans, compressors, ducts, and in general, all apparatus and installations existing for common use; and (f) all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

LIMITED COMMON ELEMENTS: Certain parts of the common elements called and designated "limited common elements" will be set aside and reserved for the exclusive use of certain apartments. The specimen Declaration reflects that the limited common elements are as follows: (a) One parking space for each of the 39 apartment units which shall be assigned upon the sale of each apartment unit. Those of the ten (10) extra spaces not disposed of by the Developer as hereinbefore stated shall be deemed common element for guest parking. (b) The corridors and elevator lobbies on each apartment level are restricted for the use of the apartment owners living on each level.

INTEREST TO BE CONVEYED PURCHASER: The specimen Declaration states that the undivided interest in the common elements are as follows:

Each owner of a Type A unit or unit ending with "01" shall have a Three and Fifteen Hundredths per cent (3.15%) undivided interest in the building and all common elements of the regime.

Each owner of a Type B-1 and B-2 unit or units ending with "02" and "03" shall have a Two and Twenty-Five Hundredths per cent (2.25%) undivided interest as aforesaid.

Each owner of a Type C unit or unit ending with "04" shall have a Two and Six Hundred Sixty-Five Thousandths per cent (2.665%) undivided interest as aforesaid.

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.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The specimen Declaration states that the building shall be used as a residential apartment building. The apartments shall not be rented for transient or hotel purposes, but the apartment owners shall have the right to lease their apartments subject to certain restrictions, terms and conditions contained in the Declaration, the By-Laws of Association of Apartment Owners, and the Apartment Lease.

OWNERSHIP TO TITLE: The Notice of Intention reflects that ownership to fee title is vested in Clarence Thing Chock Ching, Thomas Awai, and Fong Ting Mau, as Joint Tenants.

A copy of the Certificate of Title prepared by Title Guaranty of Hawaii, dated March 12, 1969, certifies that as of March 10, 1969 the fee simple title to the land is vested as aforesaid.

ENCUMBRANCES AGAINST TITLE: The Certificate of Title dated March 12, 1969 certifies that the records reveal no liens or encumbrances against said title save and except the following: Reserving unto the Trustees of Samuel M. Damon Estate all artesian and other underground water and rights thereto appurtenant to said premises as reserved in that certain deed dated October 7, 1965, filed as Land Court Document No. 372554. Mortgage dated October 14, 1965, filed as Land Court Document No. 372556, made by Clarence Thing Chock Ching, et als, General Partners of International Development Company to the Mutual Benefit Life Insurance Company for the sum of \$3,000,000 on the lands under search, besides other land. Mortgage dated October 14, 1965, filed as Document No. 372559, made by Clarence Thing Chock Ching, et als, General Partners of International Development Company, to Hawaiian Dredging and Construction Co., Ltd. to secure payment of construction contract on the lands under search besides other land. (Hawaiian Dredging and Construction Co., Ltd. merged into Dillingham Corporation, the surviving corporation, and that said surviving corporation is the owner of Mortgage Document No. 372559). Easement 656 for storm drain purposes over and across Lot 2916, as shown on Map 371, as set forth by Land Court Order No. 26708, filed January 26, 1967. Declaration of Covenants affecting the lands under search, besides other land, dated October 16, 1967, filed as Document No. 429467, and amended by instrument dated November 28, 1967, filed as Document No. 432374, and further amended by instrument dated November 30, 1967, filed as Document No. 432899. Agreement of Sale dated January 30, 1968, filed as Land Court Document No. 438247, made by and between Clarence Thing Chock Ching, Thomas Awai, and Fong Ting Mau, General Partners of International Development Company, as Sellers, and Ralph Masato Fujinaka, as Purchaser, for the sale of Lot 2916. Agreement of Sale dated January 30, 1968, filed as Land Court Document No. 438248, made by and between Clarence Thing Chock Ching, et als, General Partners of International Development Company, as Sellers, and Ralph Masato Fujinaka, as Purchaser, for the sale of Lot 2917. Subagreement of Sale dated March 29, 1968, filed as Land Court Document No. 442262, made by and between Ralph Masato Fujinaka, as Seller, and The Benham Corporation, as Purchaser, for the sale of Lots 2916 and 2917. (Consent filed as Document No. 442263.) Real Property Taxes for TMK 1-1-61:20 and 21 are current. The second installments on both parcels will be due on June 10, 1969.

Note: The Developer has submitted to the Commission a document dated February 7, 1969 evidencing the assignment of the Subagreement of Sale from Benham Corporation to Van-Lan Corporation, the Developer.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated March 17, 1969 identifies Bishop Trust Company, Limited, as "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. 514-35, and Sec. 514-36 through 514-40.

Among other provisions the Escrow Agreement provides the following: (1) Purchaser's funds obtained prior to the issuance of a Final Report shall be refunded if there is any change in the condominium building plans subsequent to the execution of the sales contract which change requires the approval of a county officer having jurisdiction over the issuance of permits for the construction of buildings, unless purchaser's written approval or acceptance of the specific change is obtained.

(2) All rights under the sales contract shall not become enforceable against the purchaser until the purchaser has had full opportunity to read the Commission's Final Public Report on the project, and to obtain refund of any moneys paid by the purchaser as well as release from all obligations under the sales contract if the Final Report differs in any material respect from the Preliminary Report.
(3) If the Final Public Report is not issued within one year from the date of the issuance of said Preliminary Report, the purchaser shall be entitled to refund of all moneys paid by him under the sales contract without further obligation.

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. The Sales Contract provides that the Developer at his option may cancel the contract in the event that less than a certain number of apartments are sold by a certain date.

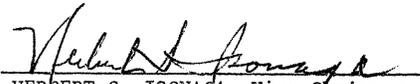
MANAGEMENT AND OPERATIONS: The By-Laws state that the Board of Directors shall at all times employ a responsible managing agent to manage and control the property, subject at all times to direction by the Board, with such administrative functions and powers as shall be delegated to the managing agent by the Board. The By-Laws name Van-Lan Corporation, the Developer, as the initial managing agent.

STATUS OF PROJECT: The Developer advises the Real Estate Commission that the construction of the building has not yet commenced. No building contract has been executed as of the date of this Preliminary Public Report.

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 21, 1969 and information subsequently filed as late of May 7, 1969.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 265 filed with the Commission on March 21, 1969.

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


HERBERT S. ISONAGA, Vice-Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII

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BUREAU OF CONVEYANCES
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ESCROW AGENT

May 7, 1969
Registration No. 265

