

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

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

## PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on

THE KAILANI  
440 Lewers Street  
Honolulu, Hawaii 96815

REGISTRATION NO. 276

### **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: May 16, 1969  
Expires: June 16, 1970

#### SPECIAL ATTENTION

A comprehensive reading of the report is urged in order that personal requirements and expectation 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 APRIL 22, 1969 AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED ON MAY 15, 1969. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514, HAWAII REVISED STATUTES.

1. The Kailani is a proposed leasehold condominium project consisting of fifty-one (51) units arranged throughout a single fifteen (15) story building. The structure will have fifty-one (51) parking stalls available on the basement and the first floor. The second through fifteenth floors will contain the residential units.
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 Amendment to Declaration of Horizontal Property Regime and By-Laws, and a copy of the approved Floor Plans) have been filed in the office of the recording officer.

The Declaration of Horizontal Property Regime executed on April 7, 1969 with the By-Laws attached was filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 470992 and noted on Transfer Certificate of Title No. 86628. Said Declaration and By-Laws were amended by instrument dated May 15, 1969.

The Master Development Lease dated April 7, 1969 and effective as of January 1, 1969, has been filed in the Office of the Assistant Registrar of Land Court of the State of Hawaii as Document No. 470991 and noted on Transfer Certificate of Title No. 86628.

The Registrar has designated Condominium Map No. 72 to the project on April 22, 1969.

4. Promotional matter has been submitted pursuant to the rules and regulations of 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 16, 1969, unless a Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the effective period of the report.

NAME OF PROJECT: THE KAILANI

LOCATION: The 10,974 square feet of property to be committed to the regime as a leasehold condominium project is situated at 440 Lewers Street at Waikiki, City and County of Honolulu, island of Oahu, State of Hawaii.

TAX KEY: FIRST DIVISION 2-6-17-31

ZONING: Hotel Apartment

DEVELOPER: IMPERIAL DEVELOPMENT CORPORATION, a duly registered Hawaii corporation, with offices and principal place of business at 88 South Hotel Street, Honolulu, Hawaii. The officers of the corporation are:

President	James Y. Muraoka
Vice President	Tatsuo Nakamura
Secretary/Treasurer	Arthur Y. Muraoka

ATTORNEY REPRESENTING DEVELOPER: Robert K. Fukuda, 301 Gasco Building, 1060 Bishop Street, Honolulu, Hawaii.

DESCRIPTION: The Declaration of Horizontal Property Regime reflects that the project is to consist of the 10,974 square feet of leasehold land located at 440 Lewers Street, Waikiki, Honolulu, Hawaii, and a fifteen (15) story building with a basement. The building shall be constructed principally of reinforced concrete, and shall contain fifty-one (51) apartment units. There will be two elevators and two stairways, and all apartments will have access to both elevators and both stairways. Each apartment will be numbered and will contain the number of rooms and approximate floor areas as shown on Condominium Map No. 72. Each apartment will have two lanais or balconies, except apartment 203, which will have one lanai. There will be a swimming pool on the first floor and a recreation deck on the second floor. There will also be a laundry area on the 4th, 6th, 8th, 10th and 12th floors, with spaces provided for washers and dryers.

In the basement there will be assigned parking spaces for 26 automobiles, the elevator pit, trash room, mechanical equipment room and electrical equipment room, an electrical transformer and an electric switch space.

On the first floor there will be assigned parking spaces for 25 automobiles, an entry walkway, lobby, office space, mailboxes and a swimming pool.

On the second floor there will be the building marquee, the recreation deck, access balcony, foyer and 5 single-bedroom apartment units numbered 201, 202, 203, 204 and 205. Each of the apartments will have one bedroom, one bathroom, a kitchen, a living room, and two lanais, except 203, which will have one lanai. The total floor areas of the apartments, including lanais, will be approximately as follows:

<u>Apartment No.</u>	<u>Approximate Floor Area</u>
201	896 square feet
202	830 " "
203	1,000 " "
204	853 " "
205	896 " "

On the third through the thirteenth floors inclusive, on each floor there will be a foyer, 2 single bedroom apartment units, and 2 two-bedroom apartment units. All units will be corner units. On each floor, the single bedroom units are numbered by the combination of the floor number and the numbers 01 and 04, and the two-bedroom units are numbered by the combination of the floor number and the numbers 02 and 03.

The single bedroom units will have one bedroom, one bathroom, a kitchen, a dining area, a living room, and two lanais. The two-bedroom units will have two bedrooms, two bathrooms, a kitchen, a living room, and two lanais.

The total floor areas, including lanais, will be approximately as follows for all apartments on the third through the thirteenth floors:

<u>Apartment No.</u>	<u>Approx. Floor Area</u>	<u>Apartment No.</u>	<u>Approx. Floor Area</u>
301	818 square feet	803	1,257 square feet
302	1,257 " "	804	842 " "
303	1,257 " "	901	836 " "
304	842 " "	902	1,257 " "
401	836 " "	903	1,257 " "
402	1,257 " "	904	842 " "
403	1,257 " "	1001	836 " "
404	842 " "	1002	1,257 " "
501	836 " "	1003	1,257 " "
502	1,257 " "	1004	842 " "
503	1,257 " "	1101	836 " "
504	842 " "	1102	1,257 " "
601	836 " "	1103	1,257 " "
602	1,257 " "	1104	842 " "
603	1,257 " "	1201	793 " "
604	842 " "	1202	1,217 " "
701	836 " "	1203	1,217 " "
702	1,257 " "	1204	815 " "
703	1,257 " "	1301	770 " "
704	842 " "	1302	1,176 " "
801	836 " "	1303	1,176 " "
802	1,257 " "	1304	788 " "

The fourteenth and fifteenth floors will be combined and divided vertically into two penthouses, numbered PH-1 and PH-2. There will be a stairway between the fourteenth and fifteenth floors for each penthouse.

On the fourteenth floor, each penthouse will have a bedroom, a bathroom, a kitchen, a dining room, a living room, and a large open deck extending on all sides to the edge of the building. The deck will be enclosed by concrete walls and aluminum picket railing at waist height. There will be access to the deck through sliding glass doors from the bedroom, dining room and living room.

On the fifteenth floor, each penthouse will have a bedroom and bathroom and a master bedroom and bathroom and a bar sink. The bedroom and master bedroom will both be air conditioned, and one wall of both the bedroom and master bedroom will be solar glass in aluminum framing, from floor to ceiling.

The total floor areas for each penthouse, including the decks, will be approximately as follows:

Penthouse 1	2,893 square feet
Penthouse 2	3,036 " "

Above the fifteenth floor there will be an elevator machine room, which will contain the elevator machinery, central water heater, and other machinery and equipment.

Each apartment unit shall include: the air space within the boundary walls, floors, ceiling, and the exterior edge of lanais or the exterior glass line where no lanais occur; all walls and partitions which are not load-bearing; doors, door frames, windows, window frames; all paint, wall paper, tile, stain or other finishing on the interior surfaces of the boundary walls, floors, ceilings and lanais; and all carpets, drapes, appliances and fixtures originally installed.

The apartment units shall not be deemed to include the floors, ceilings, or any load bearing walls, although area calculations are based on centerline measurements, nor any pipes, wires, ducts, cables, conduits, chases or other utility or service lines running in or through an apartment unit and installed, designed or utilized to serve more than one unit, the same being deemed common elements.

COMMON ELEMENTS: The Declaration reflects that all remaining portions and appurtenances of the project shall constitute the "Common Elements," including but not limited to (a) the above-described land in leasehold; (b) the foundations, columns, girders, beams, supports, load bearing walls, floor slabs, ceilings, roofs, roof coverings, halls, corridors, foyers, lobbies, stairs, stairways, stair railings, ramps, driveways, access balconies, entrances and exits and all paint or other covering on the exterior surfaces of the building, all surfacing and paint markings in the basement and first floor parking area; (c) all yards, trees, plants, grass, landscaping, swimming pool, recreation deck, trash chute, trash room, laundry areas and the enclosures around them and all common appliances originally installed; (d) the entry walkway and first floor lobby and office space; (e) the mechanical equipment room, electrical equipment room, electric transformer and switch, and all enclosures around them; two elevators and elevator shafts; the elevator pit and elevator machine room; and all machines, motors, pumps, compressors, fans, gears, pulleys, cables, tanks, and other apparatus of any nature installed, designed or utilized to serve more than one apartment unit; (f) the central water heater and all pipes, wires, ducts, cables, conduits, chases or other utility or service lines installed, designed, or utilized to serve more than one apartment unit, and all appurtenant equipment, installations and apparatus, for power, light, telephone, hot and cold water, gas, sewer, radio and television reception; (g) any and all other parts of the building and any and all real and personal property and property interests of any nature appurtenant to the foregoing items, or useful, necessary or convenient to the existence, maintenance or operation of the same.

LIMITED COMMON ELEMENTS: The Declaration discloses that certain parts of the common elements, called the "Limited Common Elements," are designated and set aside for the exclusive use of specified apartment units, and such apartment units shall have easements appurtenant thereto for the exclusive use of such limited common elements, as follows: (a) one mail box, and one parking space for each apartment unit, which will be permanently assigned to each apartment in the individual apartment leases; (b) the access balcony adjoining apartments 201, 202, 204 and 205 on the second floor shall be appurtenant to and for the exclusive use of such apartments, except that occupants of other apartments and their guests may use the walkway for access to the recreation deck; and (c) the elevator foyers and vestibules adjoining the apartments on each floor from the second through the fourteenth floor shall be appurtenant to and for the exclusive use of such apartments.

INTEREST TO BE CONVEYED PURCHASER: The Declaration states that each apartment unit shall have appurtenant thereto an undivided interest in the common elements known as the "common interest." The percentage appurtenant to each apartment unit shall be the basis for the determination and allocation of common assessments, expenses and profits to be shared by the Owner or Owners of the respective apartment units, for voting in the Association of Owners, and for all other related purposes. The common interests appurtenant to each apartment unit shall be as follows:

<u>Apartment No.</u>	<u>Common Interest</u>	<u>Apartment No.</u>	<u>Common Interest</u>
201	1.5%	801	1.5%
202	1.5%	802	2.3%
203	1.5%	803	2.3%
204	1.5%	804	1.5%
205	1.5%		
		901	1.5%
301	1.5%	902	2.3%
302	2.3%	903	2.3%
303	2.3%	904	1.5%
304	1.5%		
		1001	1.5%
401	1.5%	1002	2.3%
402	2.3%	1003	2.3%
403	2.3%	1004	1.5%
404	1.5%		
		1101	1.5%
501	1.5%	1102	2.3%
502	2.3%	1103	2.3%
503	2.3%	1104	1.5%
504	1.5%		
		1201	1.5%
601	1.5%	1202	2.3%
602	2.3%	1203	2.3%
603	2.3%	1204	1.5%
604	1.5%		
		1301	1.5%
701	1.5%	1302	2.3%
702	2.3%	1303	2.3%
703	2.3%	1304	1.5%
704	1.5%		
		PH-1	4.4%
		PH-2	4.5%

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: According to the Declaration, the entire project is intended for residential use and shall be used for no other purpose, in accordance with the terms of the Declaration, the By-Laws of the Association of Apartment Owners, and the House Rules, as they exist or as they may be amended from time to time, and each owner shall also observe, comply with and perform all applicable laws, ordinances and rules and regulations of all governmental agencies; provided that any apartment owner may at any time rent or lease his apartment or any part thereof for income purposes individually or in concert with any other apartment owner or owners.

OWNERSHIP TO TITLE: The Notice of Intention reflects that ownership to the fee title is vested in Kui Hing Tenn and Florence Honda Tenn, husband and wife.

A title report prepared by Abstractor , Long & Melone, Ltd., as of May 12, 1969 certifies that the fee title to the land is vested in the afore-mentioned.

The title report, as of May 12, 1969, further certifies that the leasehold title to the land is vested in Robert Kiyoshi Fukuda and Imperial Development Corporation, as Joint Tenants, under lease dated April 7, 1969, filed as Land Court Document No. 470991.

NOTE: Developer has submitted to the Commission a copy of an Assignment of Leasehold Interest and Development Rights executed on May 14, 1969 by and between Robert Kiyoshi Fukuda and Imperial Development Corporation whereby Fukuda sell, assign, transfer and set over to Imperial all his right, title and interest in and to the above mentioned Lease (Doc. No. 470991). Said Assignment has been recorded in the Office of the Assistant Registrar of the Land Court, State of Hawaii, on May 15, 1969 as Document No. 473359.

ENCUMBRANCES AGAINST TITLE: The title report as of May 12, 1969 certifies that the records reveal no liens or encumbrances against said title save and except the following: Lease dated April 7, 1969 granted to Robert Kiyoshi Fukuda and Imperial Development Corporation, as Joint Tenants, for a term of 67 years from January 1, 1969, recorded on April 22, 1969 as Land Court Document No. 470991. Declaration by Kui Hing Tenn, wife Florence Honda Tenn, Robert Kiyoshi Fukuda, and Imperial Development Corporation submitting the premises to the horizontal property regimes, recorded on April 22, 1969 as Land Court Document No. 470992. Condominium Map 72 by Land Court Order No. 29892 filed on April 22, 1969. Land Court Order No. 29985 dated May 5, 1969 filed on May 7, 1969 for the consolidation of Lots 17-A, 17-B, and 17-C and Lots 18 and 19, into Lot 51, as shown on Map 28.

The Commission has been advised that there are no Real Property Taxes due as per records of the Bureau of Conveyances, State of Hawaii.

The Developer has submitted to the Commission a copy of an Amendment to the Declaration and By-Laws dated May 14, 1969 and has advised the Commission that said instrument has been recorded on May 15, 1969 as Land Court Document No. 473360.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated April 18, 1969 identifies Long & Melone Title Insurance, Ltd., Escrow Department, as "Escrow." On examination, the specimen Contract of Sale and the 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 reflects that a Buyer shall be entitled to a refund of his funds without interest and less Escrow's \$25.00 cancellation fee and all costs advanced for Buyer by the Developer, if Buyer shall in writing request refund of his funds and any one of the following shall have occurred: (1) escrow receives a written request from the Developer to return to Buyer the funds of such Buyer then held by Escrow; or (2) if a Buyer's funds were obtained prior to the issuance of a Final Public Report and if there is any change in the condominium building plans subsequent to the execution of Buyer's Contract of Sale, requiring the approval of a county officer having jurisdiction over the issuance of permits for construction of buildings, unless the Buyer has given written approval or acceptance of the specific change; or (3) if a Buyer'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 (4) if the Final Public Report differs in any material respect from this Preliminary Public Report, unless the Buyer has given written approval or acceptance of the difference; or (5) if the Final Public Report is not issued within one year from the date of issuance of this Preliminary Public Report.

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 By-Laws of Association of Apartment Owners of The Kailani states that the Board of Directors shall annually employ a responsible Managing Agent to manage and control the project subject at all times to direction

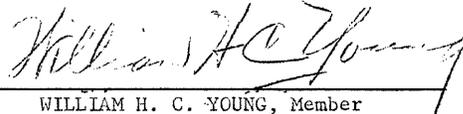
by the Board at such compensation as the Board may establish, subject to prior approval of every such employment contract by a majority of apartment owners. The Declaration identifies Imperial Development Corporation as the initial managing agent.

STATUS OF PROJECT: Developer advises the Commission that a construction contract has been executed with Swinerton and Walberg Company, a general contractor. Developer further advises that commencement of construction has been tentatively set for June 15, 1969 and completion is estimated within fourteen (14) months from the date of commencement.

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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 April 22, 1969 and additional information subsequently filed on May 15, 1969.

This is a PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT which is made a part of REGISTRATION NO. 276 filed with the Commission April 22, 1969. This 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.



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

YH:va

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May 16, 1969  
Registration No. 276

