

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 JACARANDA
2134 Kuhio Avenue
Honolulu, Hawaii

REGISTRATION NO. 278

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 13, 1969
Expires: July 13, 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 APRIL 29, 1969, AND INFORMATION SUBSEQUENTLY FILED ON JUNE 5, 1969. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES LAW, CHAPTER 514, HAWAII REVISED STATUTES.

1. THE JACARANDA is a proposed leasehold condominium project consisting of ninety-four (94) units arranged throughout a single twenty-six (26) story building. The structure will have one hundred twenty-nine (129) parking stalls on the first two floors. The third floor through the twenty-six 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 copy of approved floor plan) have not been filed in the office of the recording officer.
4. Advertising and 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, June 13, 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 JACARANDA

LOCATION: The approximately 31,328 square feet of land area to be committed to the regime fronts on Launiu Street, Kuhio Avenue and Kaiolu Street. The address is 2134 Kuhio Avenue at Waikiki, Honolulu, Island of Oahu, Hawaii.

TAX KEY: First Division 2-6-17: 75, 74, 76, 58, 57 and 59

ZONING: H-2

DEVELOPER: Ferguson Development Corporation, Room 558, Alexander Young Building, Honolulu, Hawaii 96813. Said corporation was first registered with the Department of Regulatory Agencies of the State of Hawaii on December 5, 1957 under the corporate name of Rycroft Development Corporation. The corporate name was changed to Ferguson Development Corporation at a stockholders' meeting held on May 3, 1968. The present officers are:

President:	J. Howard Ferguson
Vice President:	Elizabeth J. Ferguson
Secretary:	David A. Ferguson
Treasurer:	Richard B. Ferguson

ATTORNEY REPRESENTING DEVELOPER: Sterry & Mah (Attention: Lewis T. Sterry), 850 Richards Street, Honolulu, Hawaii. Telephone: 533-4481

DESCRIPTION: The proposed Declaration of Horizontal Property Regime reflects that this will be a Leasehold Condominium Project consisting of a twenty-six (26) story reinforced concrete building containing 94 units to be constructed on the 31,328 square feet of land committed to the regime. There will be 69 parking spaces (53 single and 8 double tandem), air conditioning equipment room, storage room, elevators and stair areas located on the first floor. The second floor will have 60 parking spaces; two off-street loading zones; a 20 feet by 40 feet oval swimming pool; a lobby; a party room and kitchen; rest rooms; office; two elevators; storage room and stair areas. Of the 129 parking spaces, 114 will be completely covered.

The third floor will have an open space roof deck which covers the second level of parking; two typical resident apartments containing 1,556 and 1,610 square feet; a manager's apartment; locker room; electric transformer room; elevator and stair areas. The remaining 22 floors will each contain four apartments, two of 1,556 square feet, one of 1,610 square feet, and one of 1,341 square feet, including lanais.

The 1,317 square foot apartments will contain one bedroom and a bath and a half; the 1,556 square foot and 1,610 square foot apartments will contain 2 bedrooms and 2 bathrooms. All apartments will contain a kitchen, living room with dining area, and lanai.

There will be twenty-three (23) 1,317 square foot apartments from the 4th to the 27th floor, each containing a gross enclosed area of 1,218 square feet, plus 123 square feet of lanai area. These apartments shall be designated the alphabet "A".

There will be forty-seven (47) 1,556 square foot apartments from the 3rd to the 27th floor, each containing a gross enclosed area of 1,416 square feet, plus 140 square feet of lanai area. These apartments shall be designated the alphabets "B" and "C".

There will be twenty-four (24) 1,610 square foot apartments from the 3rd to the 27th floor, each containing a gross enclosed area of 1,487 square feet, plus 123 square feet of lanai area. These apartments shall be designated the alphabet "D".

The apartments shall be numbered as follows: The first 12 floors will be numbered consecutively from 1 through 12, and the remaining 14 floors starting with the 13th floor will be numbered consecutively from 14 to 27. The two residential apartments on the third floor will be numbered 3C and 3D, and the four apartments on each of the other floors shall be numbered A, B, C and D respectively, preceded by the number given to the floor upon which the apartment is situated.

The immediate common element to which each apartment has access is a corridor through the center of the building leading to the elevators.

There will be an elevator machine room and water cooler and storage space on the roof.

COMMON ELEMENTS: The proposed Declaration states that common elements shall mean all land and all portions of the property not located within any apartment; and also includes, but not by way of limitation, the manager's apartment, roofs, foundations, pipes, ducts, flues, chutes, conduits, wires, and other utility installations to the outlets, bearing walls, perimeter walls, columns and girders, to the interior surfaces thereof, regardless of location, elevator, stairways, foyers, lobbies, walkways, gardens, balcony railings, patios, garage, storage areas, recreational areas and facilities, offices, all installations of power, light, gas, hot and cold water existing for common use and all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

LIMITED COMMON ELEMENTS: The limited common elements, according to the proposed Declaration shall consist of the parking spaces and storage spaces designated on the floor plans by numbers corresponding to the numbers of the apartment to which they are appurtenant, and the access hallways running from the elevator shafts of each floor giving access to the various apartments.

INTEREST TO BE CONVEYED PURCHASER: The proposed Declaration discloses that each two bedroom apartment unit shall have appurtenant thereto an undivided 1.116 percentage interest in the common elements and each one bedroom unit shall have an undivided 0.9059 percentage interest in the common elements. The aggregate of the common interests of all the owners shall be the basis for determination of common profits, for voting in the Association of Jacaranda Condominium Apartment Owners, and for all other related purposes.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The proposed By-Laws of "The Jacaranda" states that each apartment shall be used as a residence for a single family and for no other purpose, and no apartment shall be offered for rent or rented for transient or hotel purposes or for a period of less than 60 days.

OWNERSHIP TO TITLE: Lien letters dated April 17, 1969, prepared by Title Guaranty of Hawaii, Inc., show that as of April 8, 1969 title to six parcels of land to be committed to the Regime being Lots 23, 31, 32, 24, 22 & 33, comprising 31,328 square feet, is vested in Magoon Estate, Limited, being portion of the lands described in Original Certificate of Title, number 22,921 issued to above-named title holder.

ENCUMBRANCES AGAINST TITLE: The lien letters, dated April 17, 1969, report that titles to the lands to be committed to the Regime are subject to the following:

As to Lots 23 and 31 only:

Real Property Taxes for the Year 1969 are current. The first installments are paid in full, and the second installments will be due on June 10, 1969. Easements for public utilities, including Hawaiian Electric Company, Limited, as Grantee, as mentioned in Original Certificate of Title, No. 22,921. Grant in favor of the City and County of Honolulu, granting

easement for sewer over lands under search, besides other land, dated August 10, 1966, filed as Document No. 433587. Lis Pendens (Civil No. 23399) dated December 14, 1967, filed as Land Court Document No. 435665, in favor of the City and County of Honolulu, regarding suit to acquire easement over portion of Easement A over lands under search, besides other land.

As to Lot 22 only:

Real Property Taxes for the Year 1969 are current. The first installment is paid in full, and the second installment will be due on June 10, 1969. Easements for public utilities, including Hawaiian Electric Company, Limited, as Grantee, as mentioned in Original Certificate of Title No. 22,921. Lease dated June 29, 1944, filed as Land Court Document No. 73043, made by and between Lagoon Estate, Limited, as Lessor, and Thomas Joseph Maloney and Madeline Paresa Maloney, husband and wife, as Lessees, for a term of 25 years from July 1, 1944. The term of said Lease was extended for an additional 3 years from June 30, 1969, by Extension of lease dated July 30, 1953, filed as Document No. 151403. Said Lease, through mesne assignments, was assigned to said Helen Louise Clarke by Assignment of Lease dated December 1, 1954, filed as Document No. 168820, consent filed as Document No. 168821. Mortgage dated December 1, 1954, filed as Land Court Document No. 168822, made by Helen Louise Clarke to George Dudley Dambacher, Jr., and Jeanette Andrews Dambacher, husband and wife, for the sum of \$22,000 on said Lease. Consent filed as Document No. 168823. Said Mortgage was assigned to Margaret Dalzell Mullahey by Assignment of Mortgage dated May 23, 1957, filed as Document No. 202241. The terms, agreements, reservations and conditions contained in said Lease Document No. 73043, as extended.

As to Lot 24 only:

Real Property Taxes for the Year 1969 are current. The first installment is paid in full, and the second installment will be due on June 10, 1969. Easements for public utilities, including Hawaiian Electric Company, Limited, as Grantee, as mentioned in Original Certificate of Title No. 22,921. Lease dated May 23, 1946, filed as Land Court Document No. 35670, made by and between Lagoon Estate, Limited, as Lessors, and Robert Emmet Mulholland, as Lessee, for a term of 25 years from June 1, 1946. Said Lease, through mesne assignments, was assigned to Germaine Basaillon by Assignment of Lease dated December 14, 1950, filed as Document No. 125666, consent filed as Document No. 125667. (Note: Land Court Order No. 27662 sets forth the marriage of Germaine Savold, formerly Germaine Basaillon, and Wade Hampton Redmon on November 3, 1950.) Mortgage dated December 14, 1950, filed as Land Court Document No. 125668, made by Germaine Basaillon to Lorene Ella Davidson for the sum of \$12,461.28 on said Lease. Consent filed as Document No. 125669. Grant in favor of the City and County of Honolulu, granting easement for sewer over Lot 24, besides other land, dated August 10, 1966, filed as Document No. 433587, consent filed as Document No. 433592. The interest of Lorene Ella Davidson, Mortgagee under Mortgage Document No. 125668, in Easement over Easement A over and across Lot 24, besides other land, condemned in favor of the City and County of Honolulu, by Final Order of Condemnation dated February 27, 1969, filed as Land Court Document No. 467731, being Civil No. 2339. The terms, agreements, reservations and conditions contained in said Lease Document No. 35670.

As to Lot 32 only:

Real Property Taxes for the Year 1969 are current. The first installment is paid in full, and the second installment will be due on June 10, 1969. Easements for public utilities, including Hawaiian Electric Company, Limited, as Grantee, as mentioned in Original Certificate of Title No. 22,921. Lease dated May 23, 1946, filed as Land Court Document No. 85060, made by and between Lagoon Estate, Limited, as Lessor, and Sue Ione MacKintosh, as Lessee, for a term of 25 years from May 1, 1946. Said Lease was extended to expire May 1, 1976 by instrument dated August 8, 1950, filed as Document No. 121093. Said Lease, as extended, through mesne assignments, was assigned to Harvey Pollard Dawrs and wife, by Assignment of Lease dated June 27, 1951, filed as Document No. 130198, consent filed as Document No. 130199. The terms, agreements, reservations and conditions contained in said Lease Document No. 85060, as extended.

As to Lot 33 only:

Real Property Taxes for the Year 1969 are current. The first installment is paid in full, and the second installment will be due on June 10, 1969. Easements for public utilities, including Hawaiian Electric Company, Limited, as Grantee, as mentioned in Original Certificate of Title No. 22,921. Lease dated October 11, 1945, filed as Land Court Document No. 81479, made by and between Magoon Estate, Limited, and John H. Magoon, et al, trustees of Emmeline M. Magoon, as Lessors, and Walter Galbraith Robinson and La Vyna Eulalie Robinson, husband and wife, as Lessees, for a term of 25 years from September 1, 1945, which Lease was extended for an additional 5 years from September 1, 1970 by Extension of Lease dated August 18, 1954, filed as Document No. 165584. Said Lease as extended, through mesne assignments, was assigned to said Benjamin Yun Hung Wong and wife, by Assignment of Lease dated January 2, 1967, filed as Document No. 417557, consents filed as Documents No. 417558 and 417559. Mortgage dated August 1, 1961, filed as Land Court Document No. 277307, made by John Matthew Diederichs and Evelyn Mary Tucker Diederichs, husband and wife, to La Vyna E. Robinson for the sum of \$21,000 on said Lease. Consent filed as Document No. 277308. Grant in favor of the City and County of Honolulu, granting easement for sewer over Lot 33, besides other land, dated August 10, 1966, filed as Land Court Document No. 433587. Consent filed as Document No. 433593. Lis Pendens in favor of the City and County of Honolulu, regarding suit to acquire easement over portion of Easement A over Lot 33, besides other land, dated December 14, 1967, filed as Document No. 435665 (Civil No. 23399). The terms, agreements, reservations and covenants contained in said Lease Document No. 81479 as extended.

(Note: Magoon Estate, Limited, has Option Period up to August 1, 1969 to terminate Lease Documents No. 73843, 85670, 85060 and 81479, as set forth in instruments dated July 17 and 19, 1968, filed as Land Court Documents No. 452047, 452048, 452050 and 452051.)

The Developer has submitted to the Commission an executed Agreement For Development Of Condominium dated April 25, 1969, by and between Ferguson Development Corporation and Magoon Estate, Limited. According to the agreement, the plan for the development of "The Jacaranda" is as follows:

In order to permit the presale of apartments, two escrows shall be created. The first escrow to handle the cancellation of existing leases, and to deliver to Developer a development lease covering all parcels committed to the regime. The second escrow to handle the receipt of sales agreements and moneys paid by purchasers, and the ultimate culmination of the project by cancellation of the development lease and issuance of individual leases to the respective buyers.

At the time of creation of the first escrow, Magoon Estate, Limited, will give to Developer a six year lease on Lot No. 23, which will permit Developer to construct thereon a model apartment for the purpose of preselling. Upon the presale of a sufficient number of apartments to assure the financing of the entire project and Developer having secured interim financing, then the first escrow of Developer's instruction will cancel the existing leases and will record the development lease and the interim financing mortgage. Developer will then proceed with construction. During construction and as buyers qualify for mortgage loans, Magoon Estate, Limited, will execute and deliver to second escrow releases in favor of the individual buyers to be held until the building is completed. All such individual leases will commence upon completion of the building and cancellation of the development lease.

In the event that within the term of options to cancel the existing leases sufficient sales are not made to assure payment of all costs then both escrows will be terminated and funds will be returned to the appropriate parties. (Option period to cancel existing leases ends on August 1, 1969.)

Developer has filed with the Commission a copy of the proposed development lease, and copies of the executed first and second

Escrow Agreements. The first Escrow Agreement, dated July 23, 1968, names First National Bank of Hawaii as Escrow Agent. Bishop Trust Company, Limited, is the Escrow Agent for the second Escrow Agreement dated April 25, 1969.

Developer has also filed with the Commission copies of letters from the City and County of Honolulu, Hawaiian Electric Company, Limited, and Hawaiian Telephone Company regarding the relocation of easements for sewer, electric lines, and telephone facilities.

PURCHASE MONEY HANDLING: A copy of the Escrow Agreement, executed April 25, 1969, between Bishop Trust Company, Limited, a Hawaii corporation as "Escrow", Magoon Estate Limited as "owner" and Ferguson Development Corporation as "seller" has been submitted to the Commission as part of this registration. The specimen Sales Contract and the executed Escrow Agreement have been examined. Among other provisions, the Escrow Agreement provides that Escrow Agent shall not make any disbursements of funds deposited by or on behalf of buyers until he has received the Final Public Report on the project. The Escrow Agreement further provides that buyers' funds shall not be disbursed until Escrow Agent receives a written opinion from Developer's attorney that the Sales Contract becomes effective and that the requirements of Section 514-36 through Section 514-39 of the Hawaii Revised Statutes have been met. The specimen Sales Contract provides that in the event less than 71 apartments are sold prior to August 31, 1969, seller may at its option cancel this contract, in which event seller will cause Escrow Agent to refund to buyers all monies paid without interest and seller shall be relieved and released of all further liability hereunder. It is incumbent upon the purchaser and prospective purchaser that he reads, with care, the Sales Contract and the executed Escrow Agreement. The Escrow Agreement establishes how the proceeds from the sale of units and all sums from any source are placed in trust, as well as the retention, disbursement and refund of said trust funds.

MANAGEMENT AND OPERATION: The proposed Declaration of Horizontal Property Regime states that the administration of the completed project shall be vested in the Association of Jacaranda Condominium owners, whose members include all of apartment units, in accordance with the By-Laws of the Association. The By-Laws vest the Board of Directors with the authority to employ and at all times maintain a responsible managing agent satisfactory to the land owner. The specimen Sales Contract represents that the seller may employ a responsible and competent person or corporation for the management, operation and maintenance of said Condominium until election of a Board of Directors pursuant to the By-Laws.

STATUS OF PROJECT: No building contract has been executed as of the date of this Preliminary Public Report. The Developer advises that the anticipated contractor is MUNRO-BURNS, General Contractor. The Developer anticipates that construction shall commence prior to November 1, 1969, and estimates completion within a year from date of commencement.

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 29, 1969, and additional information subsequently filed on June 5, 1969.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 278 filed with the Commission April 29, 1969.

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

William H. C. Young

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

YH:km

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

June 13, 1969
Registration No. 278