

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 HALE MOANI
2115 Ala Wai Boulevard
City & County of Honolulu
State of Hawaii

REGISTRATION NO. 297

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: October 2, 1969
Expires: November 2, 1970

SPECIAL ATTENTION

A comprehensive reading by the prospective purchaser is urged in order that personal requirements and expectations to be derived from the property can be ascertained. The attention of the prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED AUGUST 18, 1969 AND INFORMATION SUBSEQUENTLY FILED AS LATE AS OCTOBER 2, 1969. THE DEVELOPERS, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, ARE COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT SET FORTH IN CHAPTER 514, HAWAII REVISED STATUTES.

1. The Hale Moani is a proposed leasehold condominium project consisting of sixty-nine (69) apartment units arranged throughout a single reinforced concrete building of fifteen (15) floors, plus a basement floor. The structure will have sixty-nine (69) parking stalls in the basement and first floor. The second through the fifteenth floors will contain the apartment units.
2. The Developers of the Project has submitted to the Commission for examination all documents deemed necessary for 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 a copy of approved Floor Plan) have not been filed in the office of the recording officer.

4. No advertising and promotional matter has been submitted pursuant to the rules and regulations of the Commission.
5. The 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, October 2, 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: THE HALE MOANI

LOCATION: The approximate 13,634 square feet of land area to be committed to the regime is situated at the corner of Ala Wai Boulevard and Launiu Street. The address is 2115 Ala Wai Boulevard at Waikiki, Honolulu, Island of Oahu, State of Hawaii.

TAX KEY: First Division 2-6-17-16

ZONING: H-2

DEVELOPER: Ruxton Enterprises, a joint venture consisting of Francis Ruxton Schuh, of 974 Mokulua Drive, Lanikai, Hawaii, and Albert John Vivas, Jr., of 5204 Makalena Street, Honolulu, Hawaii.

ATTORNEY REPRESENTING DEVELOPER: Chee, Hashimoto, Lee & Oshiro (Attention: Sidney I. Hashimoto), 926 Bethel Street, Honolulu, Hawaii. Telephone 538-7031.

DESCRIPTION: The specimen Declaration of Horizontal Property Regime reflects that this will be a leasehold condominium project consisting of a fifteen (15) story reinforced concrete building with a basement, containing sixty-nine (69) apartment units, to be constructed on the approximately 13,634 square feet of land committed to the regime. There will be 69 parking spaces in the basement and first floor. The second floor through the fifteenth floor are the apartment floors.

The floor plans submitted by Developer reflect that there will be 36 parking stalls, transformer vault, pump room, elevators and stair area located in the basement. The first floor will have 33 parking stalls, trash hopper, mail boxes, elevators and stair area. There will be a swimming pool and recreation deck situated at a level between the second and the third floors. Each floor from the second floor through the fourteenth floor are identical and shall contain 5 apartment units, a laundry room, corridor, elevators and stair area. The fifteenth floor shall consist of 4 penthouse apartment units, a laundry room, corridor, elevators and stair area. The roof will have an elevator equipment room, heater room, and concrete roof deck.

Each of the apartments on the lower thirteen apartment floors (second through fourteenth) shall be designated by the number of its apartment floor followed by the numbers 01, 02, 03, 04 and 05. Each of the lower thirteen apartment floors will contain one "A" type, one "B" type, one "C" type, one "D" type and one "E" type apartment.

The fifteenth floor shall contain four penthouse apartments designated as PH-A, PH-D, PH-E and PH-F. The fifteenth floor will contain one "A" type, one "D" type, one "E" type and one "F" type apartment.

The composition of each of the six types of apartments are as follows:

Type A: Four rooms, one hall and one balcony. Rooms include one bedroom, one bathroom, one living-dining room and one kitchen. The total floor area including balcony is approximately 990 square feet. The net livable area (which is defined herein as the total floor area minus balcony) is approximately 748 square feet. The following apartments are included in this

type: 201, 301, 401, 501, 601, 701, 801, 901, 1001, 1101, 1201, 1301, 1401 and PH-A.

Type B: Four rooms and one balcony. Rooms include one bedroom, one bathroom, one living-dining room and one kitchen. The total floor area including balcony is approximately 673 square feet. The net livable area (which is defined herein as the total floor area minus balcony) is approximately 583 square feet. The following apartments are included in this type: 202, 302, 402, 502, 602, 702, 802, 902, 1002, 1102, 1202, 1302 and 1402.

Type C: Four rooms and one balcony. Rooms include one bedroom, one bathroom, one living-dining room and one kitchen. The total floor area including balcony is approximately 620 square feet. The net livable area (which is defined herein as the total floor area minus balcony) is approximately 523 square feet. The following apartments are included in this type: 203, 303, 403, 503, 603, 703, 803, 903, 1003, 1103, 1203, 1303 and 1403.

Type D: Four rooms, one hall and one balcony. Rooms include one bedroom, one bathroom, one living-dining room and one kitchen. The total floor area including balcony is approximately 882 square feet. The net livable area (which is defined herein as the total floor area minus balcony) is approximately 644 square feet. The following apartments are included in this type: 204, 304, 404, 504, 604, 704, 804, 904, 1004, 1204, 1304, 1404 and PH-D.

Type E: Four rooms, one hall and one balcony. Rooms include one bedroom, one bathroom, one living-dining room and one kitchen. The total floor area including balcony is approximately 729 square feet. The net livable area (which is defined herein as the total floor area minus balcony) is approximately 649 square feet. The following apartments are included in this type: 205, 305, 405, 505, 605, 705, 805, 905, 1005, 1105, 1205, 1305, 1405 and PH-E.

Type F: Six rooms, one hall and one balcony. Rooms include two bedrooms, one bath and dressing room, one bathroom, one kitchen, and one living-dining room. The total floor area including balcony is approximately 1,348 square feet. The net livable area (which is defined herein as the total floor area minus balcony) is approximately 1,095 square feet. Only penthouse apartment No. PH-F is of this type.

Each apartment has immediate access to the public corridor elevators and stairways on each apartment floor.

COMMON ELEMENTS: The specimen Declaration identify the following as common elements: (a) Said land in fee simple; (b) All foundations, floor slabs, columns, girders, beams, supports, bearing walls, roofs, entries, stairways, vestibules, corridors, walkways, storage areas, laundry rooms and heater room of said building; (c) All yards, grounds, landscaping, swimming pools, recreation deck, mail boxes and refuse areas; (d) All parking areas, ramps and driveways; (e) All ducts, electrical and gas equipment, wiring and other central and appurtenant installations including power, light, hot and cold water, refuse, sewer and telephone; (f) The electric elevators with elevator housing and appurtenant equipment; and (g) The laundry equipment located on each apartment floor.

LIMITED COMMON ELEMENTS: Certain parts of the common elements called and designated "limited common elements" in the specimen Declaration are set

aside and reserved for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto easements for the use of such limited common elements as follows: (a) One parking space designated on said Condominium File Plan by the number of each apartment and shall be appurtenant to and for the exclusive use of said apartment; and (b) The corridor and laundry room and the equipment and facilities therein contained on each apartment floor shall be appurtenant to and for the exclusive use of the apartments on such floor.

INTEREST TO BE CONVEYED PURCHASER: The specimen Declaration reflects that each apartment shall have appurtenant thereto an undivided percentage interest in all common elements of the project and the same proportionate share in all common profits and expenses of the project and for all other purposes including voting, according to the plan of such apartment as follows:

Type A Apartments	1.698%
Type B Apartments	1.324%
Type C Apartments	1.187%
Type D Apartments	1.462%
Type E Apartments	1.473%
Type F Apartments	2.495%

The specimen Apartment Lease filed with the Commission specifies that the term of the Apartment Lease will terminate on September 30, 2032.

PURPOSE OF BUILDING AND RESTRICTION AS TO USE: The specimen Declaration states that the apartments shall be used only as a private residential dwellings by the respective owners thereof, their tenants, families, domestic servants and social guests, and for no other purpose. The apartments shall not be rented for transient or hotel purposes, which are defined as (a) rental for any period less than 30 days, or (b) any rental in which the occupants of the apartment are provided customary hotel services, such as room service for food and beverage, maid service, laundry and linen or bellboy service. Except for such transient or hotel purposes, the owners of the respective apartments shall have the absolute right to lease such apartments subject to all provisions of the Declaration.

OWNERSHIP TO TITLE: The Developers in their Notice of Intention reports that ownership of title to the land is vested in Donald Lyman Burlingame. Developers have filed with the Commission a Certificate of Title executed September 24, 1969, prepared by First American Title Company of Hawaii, Inc., which verifies that fee title to the land is vested in the above-named.

ENCUMBRANCES AGAINST TITLE: The Certificate of Title reflects that the land is subject to the following reservations, easements, liens, encumbrances, etc.:
Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent No. 2275. Perpetual Easement in favor of the City and County of Honolulu and various public utilities, now authorized or which may hereafter be authorized, to use the various so-called utility lanes in Waikiki.
Lease dated August 5, 1957, made and executed by and between Donald Lyman Burlingame, as Lessor, and Gobindram Jhamandas Watumull, Lila Anne Watumull, Radha Watumull Homayounpour, and David Watumull, as Lessee, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 205674 and noted in Transfer Certificate of Title No. 31397, and also recorded in the Bureau of Conveyances of the State of Hawaii in Liber 3307, page 376. Said Lease was assigned to Frances Ruxton Schuh and Albert John Vivas, Jr., by Assignment dated February 7, 1969, filed as Document No. 472783 and noted on Transfer Certificate of Title No. 31397, and also recorded in said Bureau in Liber 6515, page 404; consent thereto filed as Document No. 472789, and also recorded in Liber 6515, page 411. Mortgage made by Francis Ruxton Schuh, as mortgagor to Economics Research Associates, a California corporation, dated February 1, 1969, filed as Document No. 472786, and also recorded in said Bureau in Liber 6515, page 413; consent thereto filed as Document No. 472787 and recorded in Liber 6515, page 419, to secure the repayment of the sum of \$64,000, any additional advances and other amounts secured thereby, all according to the terms of that certain promissory note of

said mortgagor. Any existing month-to-month tenancies of persons currently occupying the premises.

As to Lot 150 only (area 2,352 square feet), as shown on Map 3, filed with Land Court Application 537 of John Francis Bowler and August Ahrens, Ltd.: A perpetual Easement in favor of Hawaiian Electric Company, Inc., to the strip of land 5 feet wide along the northeast boundary of said Lot 150.

NOTE: The Developers have advised the Commission that the City and County of Honolulu is in the process of acquiring 64 square feet of the premises for the purpose of rounding the street corner at Launiu Street and Ala Wai Boulevard.

PURCHASE MONEY HANDLING: An executed Escrow Agreement for The Hale Moani, dated August 11, 1969 identifies First Hawaiian Bank as the escrow agent. Upon examination of the Escrow Agreement, it is found to be in consonance with Chapter 514, Hawaii Revised Statutes, and particularly Section 514-35 through Section 514-40.

Among other provisions, the Escrow Agreement provides that a purchaser shall be entitled to a refund of his funds, without interest, if purchaser requests in writing refund of his funds and any one of the following has occurred:

- a. Seller has requested Escrow in writing to return to purchaser the funds of purchaser then being held by Escrow; or
- b. Purchaser's funds were obtained prior to the issuance of a final public report and there is a change in the condominium building plans subsequent to execution of purchaser's sales contract requiring the approval of a county officer having jurisdiction over the issuance of permits for construction of buildings unless purchaser has given written approval or acceptance of the specific change; or
- c. The final public report differs in any material respect from the preliminary public report; or
- d. If the final public report is not issued within one year from the date of issuance of the preliminary public report.

It is incumbent upon the prospective purchaser to read and understand the Escrow Agreement and the sales agreement before executing the sales 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.

FINANCING OF PROJECT: The Developers have advised the Commission that as of September 22, 1969, no interim loan has been obtained, nor tentative take-out financing arranged. No written loan commitment has been received except that Ivor B. Clark Company, Inc., a California mortgage broker, has indicated that it is confident that permanent mortgage financing for the project can be made.

MANAGEMENT AND OPERATION: The specimen By-Laws of the Association of Apartment Owners provide that the Board of Directors of the Hale Moani shall employ a responsible Hawaii corporation as Managing Agent to manage and control the project subject at all time to direction of the Board with all administrative functions at such compensation as the Board may establish, subject to prior approval of every such employment contract by a majority of apartment owners. The specimen Declaration identifies Pacific Group, Ltd., 974 Makulua Drive, Kailua, Hawaii, as the initial Managing Agent.

STATUS OF PROJECT: The Developers have advised the Commission on September 22, 1969 that no construction contract has been executed as yet. The Developers estimate that construction will be completed 14 to 16 months from date of commencement, but, as yet has no idea when construction will commence.

The purchaser or prospective purchaser should be cognizant of the fact that this published report represents information disclosed by the Developers in the required Notice of Intention submitted August 18, 1969, in additional information subsequently filed as late as October 2, 1969.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 297 filed with the Commission August 18, 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 in color.


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

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October 2, 1969
Registration No. 297