

# 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  
COLONY BEACH  
2893 Kalakaua Avenue  
Honolulu, Hawaii  
REGISTRATION NO. 318

### 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: February 25, 1970

Expires: March 25, 1971

#### 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 JANUARY 13, 1970 AND INFORMATION SUBSEQUENTLY FILED AS LATE AS FEBRUARY 17, 1970. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514 OF THE HAWAII REVISED STATUTES.

1. COLONY BEACH is a proposed fee simple condominium project consisting of eight (8) dwelling units arranged throughout a single eight (8) story residential apartment building. The offering plan indicates there are eight (8) separately designated and described stalls for tandem parking available under a Parking Lease, a copy of which has been filed with the Commission as part of this registration. The parking facility is the area mauka (East) of the residential apartment structure.
2. No promotional and advertising matter has been submitted pursuant to rules and regulations promulgated by the Commission.
3. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514 of the Hawaii Revised Statutes and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.

4. The Developer has submitted to the Commission for examination all documents deemed necessary for the registration of the condominium project and the issuance of this Final Public Report prior to completion of construction.
5. 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.

The Declaration of Horizontal Property Regime executed December 22, 1969, with By-Laws attached, was filed in the Office of the Registrar, Bureau of Conveyances, State of Hawaii, at Honolulu on January 1, 1970 in Liber 6848 Page 161. The Registrar designated the project Condominium Map No. 159.

6. This Final Public Report is made a part of the registration on COLONY BEACH condominium project. The Developer is responsible for placing this Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers. Securing a signed copy of the Receipt for the Final Horizontal Property Regime Public Report from each purchaser and prospective purchaser is also the responsibility of the Developer.
7. This Final Public Report automatically expires thirteen (13) months after date of issuance, February 25, 1970, 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: COLONY BEACH

LOCATION: The approximate 5,344 square feet of land in fee simple committed to the project is situated on the makai (West) side of the twenty eight hundred block of Kalakaua Avenue, one of the principal thoroughfares in Waikiki, Honolulu, Island of Oahu, Hawaii.

TAX KEY: FIRST DIVISION 3-1-32:9

ZONING: Apartment-Hotel.

DEVELOPER: The Notice of Intention states that the Developer is John Barkhorn, aka Charles John Barkhorn, Jr., 2895 Kalakaua Avenue, Honolulu, Hawaii. Telephone 923-5751.

ATTORNEY REPRESENTING DEVELOPER: Mr. Stuart T. K. Ho, 239 Merchant Street, Honolulu, Hawaii. Telephone 537-3981.

DESCRIPTION: The executed and recorded Declaration of Horizontal Property Regime and Developer's floor plans reflect there are eight (8) freehold estates designated within the perimeter walls, floors and ceilings and the adjacent lanais of the eight (8) dwelling units of the project contained in one (1) eight-story building, constructed principally of reinforced concrete. Apartment 1 is located on the first floor, Apartment 2 is located on the second floor, Apartment 3 is located on the third floor, Apartment 4 is located on the fourth floor, Apartment 5 is located on the fifth floor, Apartment 6 is located on the sixth floor, Apartment 7 is located on the seventh floor, and Apartment 8 is located on the eighth floor.

Each apartment contains five (5) rooms, including two (2) bedrooms, one (1) living room, one (1) kitchen, and one (1) bathroom, and two (2) unenclosed lanais. Apartment 1 has a floor area of 1,382 square feet, more or less, and an aggregate lanai area of 240 square feet, more or less; Apartments 2 to 6 inclusive, each have a floor area of 1,382 square feet, more or less, and an aggregate lanai area of 282 square feet, more or less; Apartment 8 has a floor area of 1,202 square feet, more or less, and an aggregate lanai area of 282 square feet, more or less.

Each apartment has immediate access to the hallways and entrance of the building, the stairways and elevator between the eight residential floors of the building, and the walkway connecting the building to the right of way to Kalakaua Avenue.

The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or interior load-bearing walls, the floors and ceilings surrounding each apartment, or any pipes, wires, conduits or other utility or service lines running through such apartment which are utilized for or serve more than one apartment, the same being deemed common elements as provided elsewhere in the Declaration. Each apartment shall be deemed to include the adjacent lanais, all the walls and partitions which are not load-bearing within its perimeter walls, the inner decorated or finished surfaces of all walls, floors and ceilings, and all fixtures originally installed therein including dishwasher, refrigerator, stove, exhaust fan, clothes washer-dryer, and garbage disposal unit.

NOTE: A copy of the proposed Parking Lease to be executed between John Barkhorn, as "Landlord" and the purchaser, as "Tenant" has been submitted as part of this registration. It is incumbent upon the purchaser and prospective purchaser that he examines this indenture which, under its terms and conditions, establishes how the available parking stalls are to be purchased. The Parking Lease expires on the last day of November, 2018.

COMMON ELEMENTS: The Declaration reflects that one freehold estate is designated in all remaining portions of the project, called the "common elements" including specifically but not limited to: (a) said land in fee simple; (b) eight (8) separately designated and described parking stalls lettered "A" to "H" inclusive as shown on the approved plans, each having an area of 161.5 square feet, more or less, and the air spaces above them for the parking of motor vehicles, which spaces are called "parking stalls"; (c) all foundations, floor slabs, columns, supports, bearing walls, roofs, driveways, entries, stairways, walkways and the elevator of said building; (d) all yards, grounds, landscaping walls, mail boxes and refuse facilities; (e) all ducts, electrical equipment, wiring, fan-coiled air conditioning system, water heating system, and other central and appurtenant installations including power, light, water, sewer and telephone; and (f) all articles of personal property acquired for common use in the operation or maintenance of the common elements.

LIMITED COMMON ELEMENTS: Certain portions of the common elements, called the "limited common elements", we designated and set aside 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) the ground area shown on the plot and ground floor of said plan as enclosed by a hollow-tile wall and a portion of the exterior boundary of Apartment 1 and so much of the air space above said area which can be used by the owner or occupant of Apartment 1 for strictly residential and landscaping purposes and without unreasonably interfering with the light, air and view of other apartment owners and occupants of the project, shall be appurtenant to and for the exclusive use of Apartment 1; and (b) the foyers of the second to eighth floors inclusive shall be respectively appurtenant to and for the exclusive use of the apartments on such floors.

INTEREST TO BE CONVEYED PURCHASER: Each apartment shall have appurtenant thereto a 12.5% undivided interest in all common elements of the project and the same proportionate share in all common profits, as hereinafter provided, in all common expenses, of the project and for all other purposes including voting.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The apartments shall be occupied and used only as private dwellings by the respective owners thereof, their tenants, families, domestic servants and social guests, and for no other purpose; provided, however that no child under twelve (12) years of age may at anytime occupy or use any of the apartments except as provided by the By-Laws of the Association. The apartments shall be used and occupied only in compliance with all requirements of all laws, ordinances, orders and

regulations of the federal, state and city and county authorities and with any direction or certificate of occupancy issued pursuant to law by any public officer or officers.

OWNERSHIP OF TITLE TO LAND: A copy of the Warranty Deed, executed April 9, 1968, shows that the Developer, John Barkhorn, is vested with the fee. Said deed is filed at the Bureau of Conveyances in Liber 6249 Page 1. The Certificate of Title, prepared by the Abstractor, Title Guaranty Company of Hawaii, a Hawaii corporation, gives evidence that John Barkhorn (husband of Rainee Barkhorn) is the owner of the property in fee.

ENCUMBRANCES AGAINST TITLE: The Developer in his Notice of Intention reports Mortgage, dated October 5, 1968, in favor of Helen Marie Kaczor to secure a note in the principal amount of \$200,000; Mortgage, dated December 1969, in favor of Bank of Hawaii to secure a note in the principal amount of \$600,000. The Certificate of Title, executed by the Abstractor on December 26, 1969, states that the property under search is subject, also, to: Agreement dated October 19, 1928, recorded in the Bureau of Conveyances in Liber 1047 Page 176, entered into by and between the Territory of Hawaii (now State of Hawaii) and Harriet Hatch Hartwell, et al. Said Agreement relates to the construction of a proposed beach extending from the Ala Wai to the Elks Club; Grant, dated August 27, 1937, recorded in the Bureau of Conveyances in Liber 1405 Page 322, in favor of the Board of Water Supply, City and County of Honolulu -; granting an easement for water pipeline purposes under and across roadway lot; Grant, dated April 9, 1938, recorded in said Bureau in Liber 1433 Page 359 in favor of Hawaiian Electric Company, Inc. -; granting easement for utility purposes; and the location of the seaward boundary of the described property as affected by the law of the State of Hawaii. The property committed to the project is also subject to the Declaration of Horizontal Property Regime executed December 22, 1969 and filed in the office of the recording officer on January 9, 1970 in the Bureau's Liber 6848 Page 161. Condominium Map No. 159 has been designated to the project.

PURCHASE MONEY HANDLING: A copy of the Escrow Agreement, dated December 30, 1969, between Bank of Hawaii as "Escrow", and John Barkhorn, as "Seller", has been filed with the Commission. On examination the specimen Sales Agreement and the copy of the executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes, and particularly Sec. 514-15, HRS.

It is incumbent upon the purchaser and prospective purchaser that he reads with care the Sales Agreement, the Parking Lease and the executed Escrow Agreement. The Escrow Agreement establishes how the proceeds from the sale of apartments 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 executed Declaration of Horizontal Property Regime states that the administration of the project shall be vested in its Association of Apartment Owners. Operation of the project shall be conducted for the Association by a responsible corporate Managing Agent. A copy of the Property Management Contract executed January 13, 1970 identifies Colony Surf Development Corporation, a Hawaii corporation as managing agent.

STATUS OF PROJECT: A copy of the Standard Form of Agreement between Owner and Contractor (AIA Document A-101) executed September 26, 1969 by and between Charles John Barkhorn, Jr., as "Owner" and Pacific Construction Co., Ltd., as "Contractor" has been filed with the Commission as part of this registration. In the Notice of Intention the Developer advised that construction was to start on or about January 15, 1970. The building contracts state that all work shall substantially be completed within nine (9) months after commencement of the work. As of the date of this Final Public Report, the Developer gives oral notice that 20% of the construction has been completed.

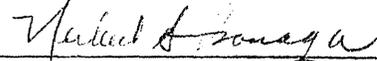
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The purchaser or prospective purchaser should be cognizant of the fact that this published report represents information disclosed by the Developer in the required Notice of Intention submitted January 13, 1970 and information

subsequently filed as late as February 17, 1970.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 318 filed with the Commission on January 13, 1970.

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



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

REB:bym

Distribution:

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

February 25, 1970  
Registration No. 318

