

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
NANIHALA
1099 Green Street
Honolulu, Hawaii

REGISTRATION NO. 321

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: March 6, 1970
Expires: April 6, 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 FEBRUARY 4, 1970 AND INFORMATION SUBSEQUENTLY FILED AS LATE AS FEBRUARY 25, 1970. 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. NANIHALA is an existing rental income apartment project completed for occupancy in 1967. The project is being converted to subleasehold Horizontal Property Regime with purchasers holding an apartment sublease for a term beginning the date of the sublease and expiring April 30, 2040. Forty-two dwelling units are arranged throughout two residential apartment buildings (one containing four stories and the other five stories). Eighteen uncovered and eighteen covered parking stalls are available to apartment occupants.
2. No advertising or promotional matter has been submitted pursuant to the rules and regulations promulgated by the Commission.
3. 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 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.
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 February 2, 1970, with By-Laws attached, was filed in the office of the Assistant Registrar of the Land Court on February 25, 1970 as Document No. 495551. The Assistant Registrar designated Land Court Condominium Map No. 94 to the project.
6. This Final Public Report is made a part of the registration on NANIHALA 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, March 6, 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: NANIHALA

LOCATION: The 23,694 square feet of land committed to the regime is situated at 1099 Green Street, City & County of Honolulu, State of Hawaii.

TAX KEY: FIRST DIVISION 2-4-17-51

ZONING: A-3 Apartment District

DEVELOPER: R. S. Ellsworth, Inc., a Hawaii corporation, whose business and post office address is Room 425, Alexander Young Building, Honolulu, Hawaii, and whose telephone number is 537-9555.

The officers of the corporation are:

Russell S. Ellsworth	President	4945 Mana Place Honolulu, Hawaii
Herbert C. Jackson	Vice-President	44-028 Aina Moi Place Kaneohe, Oahu, Hawaii
Suzanne D. Witt	Secretary- Treasurer	425 Alexander Young Building Honolulu, Hawaii

ATTORNEY REPRESENTING DEVELOPER: Chee, Hashimoto, Lee & Oshiro (Attention: Mr. William K. M. Chee), 926 Bethel Street, Honolulu, Hawaii 96813. Telephone: 538-7031.

DESCRIPTION: The specimen Declaration of Horizontal Property Regime holds that 42 freehold estates are designated in the spaces within the floors, ceilings, perimeter walls or the adjacent lanais, wherever applicable, of each of the 42 apartment units of the project contained in two apartment buildings designated as Building "A" and Building "B", which spaces are referred to as "apartments". The buildings are constructed principally of reinforced concrete and hollow tile block. The apartments are designated on the floor plan and numbered as follows:

1. Apartments numbered 201, 202, 203, 204 and 205 are located on the first apartment floor of Building "A".
2. Apartments numbered 301, 302, 303, 304 and 305 are located on the second apartment floor of Building "A".

3. Apartments numbered 401, 402, 403, 404 and 405 are located on the third apartment floor of Building "A".
4. Apartments numbered 501, 502, 503, 504, 505 and 506 are located on the fourth apartment floor of Building "A".
5. Apartments numbered 101, 102 and 103 are located on the first floor of Building "B".
6. Apartments numbered 206, 207, 208, 209, 210 and 211 are located on the first apartment floor of Building "B".
7. Apartments numbered 306, 307, 308, 309, 310 and 311 are located on the second apartment floor of Building "B".
8. Apartments numbered 406, 407, 408, 409, 410 and 411 are located on the third apartment floor of Building "B".

Building "A" contains seven apartment types, including type "A" to type "G" inclusive, and Building "B" contains five apartment types, including type "H" to type "L" inclusive. Said apartment types are described as follows:

Type "A" Apartment: Consists of five rooms, which include two bedrooms, one bathroom, one living room, one kitchen, and contains approximately 617 square feet. Apartments numbered 201, 301 and 401 are of this type.

Type "B" Apartment: Consists of five rooms, which include two bedrooms, one bathroom, one living room, one kitchen, and contains approximately 616 square feet. Apartments numbered 202, 302 and 402 are of this type.

Type "C" Apartment: Consists of four rooms, which include one bedroom, one bathroom, one living room, one kitchen, and contains approximately 471 square feet. Apartments numbered 203, 204, 205, 303, 304, 305, 403, 404 and 405 are of this type.

Type "D" Apartment: Consists of three rooms, which include one bedroom, one living-bedroom combination, one kitchen, and contains approximately 349 square feet. Only apartment numbered 501 is of this type.

Type "E" Apartment: Consists of three rooms, which include one bedroom, one bathroom, one living room-kitchen combination, and contains approximately 516 square feet. Only apartment numbered 502 is of this type.

Type "F" Apartment: Consists of three rooms, which include one bathroom, one kitchen, one living-bedroom combination, and contains approximately 361 square feet. Only apartment numbered 503 is of this type.

Type "G" Apartment: Consists of a lanai and three rooms, which include one dressing room, one bathroom, one living room-kitchen combination. The total floor area is approximately 413 square feet, including a lanai of approximately 65 square feet. Apartments numbered 504, 505 and 506 are of this type.

Type "H" Apartment: Consists of a lanai and six rooms, which include two bedrooms, one bathroom, one walk-in closet, one living room, one kitchen. The total floor area is approximately 707 square feet, including a lanai of approximately 74 square feet. Apartments numbered 101 and 102 are of this type.

Type "I" Apartment: Consists of five rooms, which include two bedrooms, one bathroom, one living room, one kitchen, and contains approximately 731 square feet. Apartments numbered 103, 208, 308 and 408 are of this type.

Type "J" Apartment: Consists of a lanai and five rooms, which include two bedrooms, one bathroom, one living room and one kitchen. The total floor area is approximately 684 square feet, including a lanai of approximately 53 square feet. Apartments numbered 206, 306 and 406 are of this type.

Type "K" Apartment: Consists of a lanai and five rooms, which include two bedrooms, one bathroom, one living room and one kitchen. The total floor area is approximately 697 square feet, including a lanai of approximately 64 square feet. Apartments numbered 207, 209, 210, 307, 309, 310, 407, 409 and 410 are of this type.

Type "L" Apartment: Consists of a lanai and six rooms, which include two bedrooms, one bathroom, one living room, one kitchen and one walk-in closet. The total floor area is approximately 696 square feet, including a lanai of approximately 63 square feet. Apartments numbered 211, 311 and 411 are of this type.

Each apartment has access to a public walkway. The walkways on the upper floors lead to a stairway and elevator, which descends to the parking and recreation areas on the ground floor of the project.

The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls, the interior load bearing walls or the interior party walls, the floors and ceilings surrounding each apartment or any pipes, shafts, wires, conduits or other utilities running through such apartments which are utilized for, or serve more than one apartment, the same being deemed Common Elements as hereinafter provided. Each apartment shall be deemed to include the adjacent lanai, all of the walls and partitions which are not load bearing within its perimeter walls or which are not interior party walls, the inner decorated or finished surfaces of all walls, floors and ceilings and all fixtures originally installed therein, including refrigerator, range, hot water heater and garbage disposal.

Developer's counsel advises the Commission that, for legal reasons only, the specimen Declaration refers to the apartments as "fee simple estates" and the land as "fee simple", and this in no way alters the fact that this is a subleasehold condominium project.

COMMON ELEMENTS: The Declaration states that one freehold estate is designated in all remaining portions of the project called "Common Elements", which includes specifically, but not limited to: (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 and laundry rooms of said building; (c) all yards, grounds, landscaping, swimming pool, recreation deck, mail boxes and refuse areas; (d) all parking areas, ramps and driveways; (e) all ducts, electrical wiring and equipment, gas lines and equipment, 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 room and all equipment located therein.

LIMITED COMMON ELEMENTS: Thirty-six (36) parking spaces numbered 1 to 36 inclusive (being parts of the Common Elements) are designated as "Limited Common Elements", and set aside for the exclusive use of certain apartments and such apartments shall have appurtenant easements thereto for the use of such Limited Common Elements.

INTEREST TO BE CONVEYED TO PURCHASER: Each apartment shall have appurtenant thereto an undivided percentage interest in all the 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 type of such apartment as follows:

Type "A" Apartments:	2.513%	Type "G" Apartments:	1.548%
Type "B" Apartments:	2.513%	Type "H" Apartments:	2.791%
Type "C" Apartments:	1.943%	Type "I" Apartments:	2.977%
Type "D" Apartments:	1.421%	Type "J" Apartments:	2.680%
Type "E" Apartments:	2.102%	Type "K" Apartments:	2.689%
Type "F" Apartments:	1.470%	Type "L" Apartments:	2.689%

PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE: The apartments shall be occupied and used as 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 rental for any period less than 30 days or rental in which the occupants of the apartments are provided customary hotel services, such as room service, food and beverage, maid service, laundry and linen service or bell boy service. Except for such transient or hotel purposes, the owners of the respective apartments shall have the absolute right to lease the same, subject to all provisions of the Declaration of Horizontal Property Regime.

OWNERSHIP OF TITLE: The Notice of Intention states that title in the real property committed to the Horizontal Property Regime is vested in Ah Chun Loo and Pearl Tom Loo, husband and wife, whose residence and post office address is 5355 Malu Place, Honolulu, City and County of Honolulu, State of Hawaii. R. S. Ellsworth, Inc., the Developer, has submitted a Lien Letter Report dated December 23, 1969, prepared by abstractor, First American Title Company of Hawaii, Inc., which reflects that fee title to said real property is vested in said Ah Chun Loo and Pearl Tom Loo.

ENCUMBRANCES AGAINST TITLE: The Lien Letter Report shows that there are no liens or encumbrances against the title of the real property committed to the Horizontal Property Regime except: Lease between Ah Chun Loo and Pearl Tom Loo, Lessor, and Philip Ing et al., Lessees, dated June 10, 1965 and filed at the Office of the Assistant Registrar of the Land Court as Document No. 364,963; Amendment of Lease between said Lessor and Lessees, dated December 28, 1965 and filed at said Office as Document No. 379,177; Assignment of Lease between Philip Ing et al., Assignors, and R. S. Ellsworth, Inc., a Hawaii corporation, as Assignee, dated August 27, 1969 and filed as Document No. 483,035; First Mortgage made by Philip Ing et al., Mortgagors, in favor of The Liberty Bank of Honolulu, in the sum of \$425,000.00, dated May 22, 1968 and filed as Document No. 444,801; Second Mortgage made by R. S. Ellsworth, Inc., Mortgagor, in favor of Philip Ing et al., Mortgagees, in the sum of \$87,000.00, dated August 27, 1969 and filed as Document No. 483037; Real Property Taxes for the first installment of the fiscal year 1969-70 were due on November 10, 1969; and Declaration of Horizontal Property Regime, executed February 2, 1970, with By-Laws attached, was recorded February 25, 1970 at the Office of the Assistant Registrar of the Land Court and noted on Transfer Certificate of Title No. 66856 issued to Ah Chun Loo and Pearl Tom Loo as Document No. 495551. The approved Floor Plans, showing the layout, location, apartment number, etc., have been designated Land Court Condominium Map No. 94 by the Assistant Registrar of the Land Court.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated January 15, 1970, identifies First American Title Company of Hawaii, Inc., a Hawaii corporation, as the escrow agent. On examination, the specimen Contract of Sale and the Escrow Agreement are found to be in compliance with Chapter 514 of the Hawaii Revised Statutes and particularly Section 514-15.

The Escrow Agreement provides that a purchaser under Contract of Sale shall be entitled to a refund of all monies deposited with the escrow agent, without interest, and less a cancellation fee of not more than \$25.00 if purchaser shall in writing request refund of his funds and if there is a change in the plans for the buildings requiring the approval of the official of the City and County of Honolulu having jurisdiction over the issuance of building permits unless the Developer obtains the purchaser's written approval or acceptance of such change in building plans.

It is incumbent upon the purchaser and prospective purchaser to read the Sales Contract and the executed Escrow Agreement with care. The Escrow Agreement establishes how the proceeds from the sale of the apartment units and the sums received from any source are placed in trust, as well as the retention and disbursement of said trust funds.

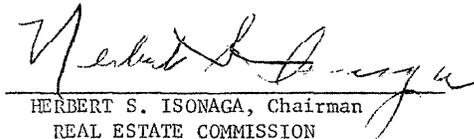
MANAGEMENT AND OPERATIONS: The Developer discloses that the administration of the project shall be vested in the Association of Apartment Owners. The proposed By-Laws of the Association place the responsibility of employing a responsible management agent to manage and control the project upon the Board of Directors. State Realty, Inc., a Hawaii corporation, has been identified as the initial managing agent.

STATUS OF PROJECT: The building was completed on or about May 4, 1967 according to plans and specifications prepared by A. W. Sturgis, Hawaii Registered Professional Architect No. 554-A. On December 2, 1970, Alan T. Sanborn, Hawaii Registered Professional Architect No. 2242, prepared a floor plan consisting of seven pages and filed with Document No. 495551 with Assistant Registrar of the Land Court, showing the layout, location, apartment number and dimensions of the apartments of the condominium project as built.

The purchaser or prospective purchaser should be cognizant of the facts that this published report represents information disclosed by the Developer in the required Notice of Intention submitted February 4, 1970 and information subsequently filed as late as February 25, 1970.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 321 filed with the Commission on February 4, 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.


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

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March 6, 1970
Registration No. 321