

# 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

MAILE TERRACE  
1323-27 and 1403-07 Makiki Street  
Honolulu, Hawaii

REGISTRATION NO. 329

### 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 27, 1970  
Expires: June 27, 1971

#### 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 APRIL 22, 1970 AND INFORMATION SUBSEQUENTLY FILED AS LATE AS MAY 26, 1970. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT (CHAPTER 514, HAWAII REVISED STATUTES).

1. Maile Terrace is a proposed leasehold condominium project consisting of two (2) buildings, an eight (8) story reinforced concrete building with fifty-two (52) residential apartment units, and a three (3) story reinforced concrete building with thirty-six (36) residential apartment units, all of which will be sold by the Developer upon and subject to the terms and provisions of Apartment Leases to be issued by Eugene Tetsuo Yoshioka, lessee under the Master Lease executed September 26, 1968, with Chew Hung Chun, a widow, and Bowman Chun, unmarried, owners. There will be eighty-eight (88) parking stalls.

2. The Developer of the project has filed all documents and materials deemed necessary by the Commission for the registration of this proposed condominium project and the issuance of the Preliminary Public Report.
3. Basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owners and a copy of Approved Floor Plans) have not been filed in the Office of the Recording Officer.
4. The Developer has advised the Commission that advertising and promotional matter required to be filed pursuant to the rules and regulations promulgated by the Commission will be submitted prior to public exposure.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514, Hawaii Revised Statutes, and the Rules and Regulations promulgated thereunder which relate to Horizontal Property Regimes.
6. This Preliminary Public Report is made a part of the registration of Maile Terrace condominium project. The Developer has the responsibility of placing a true copy of the Preliminary Public Report (yellow paper stock) in the hands of all purchasers and prospective purchasers.
7. If the Final Public Report is not issued within one (1) year from the date of this Preliminary Public Report, May 27, 1970, purchasers and prospective purchasers shall be entitled to a refund of all monies without further obligation.

NAME OF PROJECT: MAILE TERRACE

LOCATION: 1323-27 and 1403-07 Makiki Street, Honolulu, Hawaii

The site, comprising 49,230 square feet, is located on the Diamond Head side of Makiki Street.

TAX MAP KEY: First Division, 2-4-09:08

ZONING: Apartment A-3

DEVELOPER: CONDOMINIUM HAWAII, INC., a Hawaii corporation.  
The officers of the corporation are:

President	Harry H. Otsuji
Vice Presidents	Abraham A. Tokioka August A. Yee Norman Fung
Secretary	Glenda K. Rother
Treasurer	Edith Schick

ATTORNEY REPRESENTING DEVELOPER: Wooddell, Mukai & Wirtz  
(Messrs. Andy M. Ichiki and William S. Chillingworth), 594 Alexander Young Building, Honolulu, Hawaii 96813, Phone: 531-6277

DESCRIPTION: The proposed Declaration of Horizontal Property Regime reflects that the project shall consist of two (2) buildings, an existing three (3) story reinforced concrete and masonry block apartment building containing thirty-three (33) two-bedroom, one-bath units; three (3) one-bedroom, one-bath units; and an eight (8) story reinforced concrete and masonry block building containing fifty (50) two-bedroom, one-bath units; two (2) three-bedroom, two-bath units; for a total of eighty-eight (88) apartment units, located on 49,230 square feet of land. The existing three (3) story building, which has been occupied as residential apartments for the past seven (7) years, is rectangular in shape, capped with a flat slab roof and contains no basement, with twelve (12) apartment units and one (1) laundry room on each floor. Said building contains three (3) stairways, one each at the Ewa and Waikiki ends of the building, and one approximately midway between them on the makai side of the building. The apartments are numbered A101 through A112 on the first

floor, A201 through A312 on the second floor and A-301 through A312 on the third floor.

The eight (8) story building will be rectangular in shape, capped with a flat slab roof and will contain no basement. The building shall contain a total of fifty-two (52) apartment units and one (1) manager's office. The first floor shall contain four (4) apartment units, one (1) manager's office, one (1) lounge, one (1) machine room and one (1) laundry room. The second through seventh floors shall contain seven (7) apartment units and one (1) machine room per floor, except that on the second floor the machine room is called a "pump room", and on the seventh floor the machine room is called a "boiler room". The eighth floor shall contain six (6) apartment units and one (1) machine room. There shall be two (2) stairways, one at the Ewa end of the building and another at the Waikiki end of the building, and one (1) automatic elevator shall be located approximately midway between these two stairways. The apartments shall be numbered B101 through B104 on the ground floor, B201 through B207 on the second floor and on the third through seventh floors the numbering system for apartments shall be the same as on the second floor except that the first numeral of each apartment number shall correspond to the number of the appropriate floor. On the eighth floor the apartments shall be numbered PH B801 and B802 through B806 inclusive.

The apartments in both buildings will contain the number of rooms and approximate floor area, excluding the planting area, indicated below:

(i) Type "A" Apartments: Thirty (30) apartments (A102 through A106 inclusive and A108 through A112 inclusive and the correspondingly numbered apartments on the second and third floors) in Building "A" contain five (5) rooms, specifically, two bedrooms, one bath, one living-dining room and one kitchen, with a floor area of approximately 841 square feet and a lanai of approximately 127.5 square feet.

(ii) Type "B" Apartment: One (1) apartment (A107) in Building "A" contains four (4) rooms, specifically, one bedroom, one bath, one living-dining room and one kitchen, with a floor area of approximately 683 square feet and a lanai of approximately 115 square feet.

(iii) Type "C" Apartments: Two (2) apartments (A207 and A307) in Building "A" contain four (4) rooms, specifically, one bedroom, one bath, one living-dining room and one kitchen, with a floor area of approximately 783 square feet and a lanai of approximately 140 square feet.

(iv) Type "D" Apartments: Three (3) apartments (A101, A201 and A301) in Building "A" contain five (5) rooms, specifically, two bedrooms, one bath, one living-dining room and one kitchen, with a floor area of approximately 892 square feet and a lanai of approximately 140 square feet.

(v) Type "E" Apartments: Fifty (50) apartments (B102 through B104 inclusive, B201 through B207 inclusive and the correspondingly numbered apartments on the third to the seventh floors inclusive and B802 through B806 inclusive) in Building "B" contain five (5) rooms, specifically, two bedrooms, one bath, one living-dining room and one kitchen, with a floor area of approximately 642 square feet.

(vi) Type "F" Apartment: One (1) apartment (B101) situate on the first floor of Building "B" contains seven (7) rooms, specifically, three bedrooms, two baths, one living-dining room and one kitchen, with a floor area of approximately 1214 square feet and a lanai of approximately 236 square feet.

(vii) Type "G" Apartment: One (1) apartment (PHB801) in Building "B" contains eight (8) rooms, specifically, three bedrooms, two baths, one kitchen, one dining room and one living room, with a total floor area of approximately 1355 square feet and a balcony of approximately 83 square feet. The apartment has been committed to the Lessors and is to be sold at cost.

The apartments will be numbered in the manner shown on the Condominium File Plan. Each apartment will be deemed to include the adjacent lanai, 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 refrigerator, gas range and garbage disposer. Each apartment will have immediate access to the hallways, balconies and entrances of each building, the stairways and elevator. The eight (8) story building will be serviced by one elevator and two stairways.

There will be parking stalls for eighty-eight (88) automobiles.

COMMON ELEMENTS: The common elements will include the limited common elements hereinafter described and all other portions of the land and improvements other than the apartments and they shall specifically include but not be limited to the above-described land and improvements thereon; all foundations, columns, girders, beams, supports, bearing walls, roofs, chases, entries, stairways, walkways, balconies and entrances of the building; all yards, grounds, landscaping, mail boxes, and refuse facilities; all parking areas, driveways, and walkways; all ducts, electrical equipment, wiring and other central and appurtenant installations including power, light, water, sewer and telephone; the elevator, with elevator housing and appurtenant equipment; the office on the ground floor of the building reserved for use by the manager of the project; and storage rooms and all other elements and facilities rationally in common use or necessary to the existence, upkeep and safety of the buildings of the project.

LIMITED COMMON ELEMENTS: The proposed Declaration reflects that certain parts of the common elements herein called "limited common elements" are designated and set aside for the exclusive use of certain apartments. Such apartments shall have appurtenant thereto easements for the use of such limited common elements as follows: (a) Not less than one parking space for each apartment to be assigned upon the original conveyance thereof; and (b) The undecorated or unfinished surfaces of the perimeter walls, interior load-bearing walls, the floors and ceilings surrounding each apartment; and all other common elements of the project which are rationally related to less than all of the apartments shall be limited to the use of such apartments.

INTEREST TO BE CONVEYED TO PURCHASER: Apartment units shall have appurtenant to each the undivided interest in all common elements of the project as follows: All apartment units except Penthouse and B101 - 1/98 fractional interest, or 1.111%; Penthouse unit and remaining three-bedroom unit (B101) - 1/45 fractional interest, or 2.222%. The common interest, proportionate share in all common profits and expenses of the project and proportionate representation for voting purposes in the Association of Apartment Owners shall be in said percentage for each apartment.

USE: The proposed Declaration provides that the apartments shall be occupied and used only as single-family private dwellings by the respective owners thereof, their servants and guests. After approval by the Association as provided in the By-Laws, an entire apartment may be rented subject to the limitations, restrictions, covenants and conditions of the Declaration and By-Laws, provided the occupancy of the rented apartment is only by the lessee, his family, its servants and guests. The apartments shall not be rented for transient or hotel purposes, which are defined as (a) rental for any period less than thirty 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.

OWNERSHIP OF TITLE: The title document, executed March 10, 1970, by the licensed abstractor, Security Title Corporation, verifies that title to the land is vested in Chew Hung Chun.

ENCUMBRANCES AGAINST TITLE: The Notice of Intention reflects and the March 10, 1970 title search report certifies that there are the following encumbrances:

(a) Building Loan Agreement dated August 19, 1963, filed as Land Court Document No. 314070, made by and between Chew Hung Chun, and City Bank of Honolulu, under which said Bank will make a loan of \$250,000 to Chew Hung Chun; (b) Mortgage in favor of the City Bank of Honolulu, dated August 19, 1963, filed as Land Court Document No. 214071, securing \$250,000; (c) Agreement of Sale dated December 20, 1967, filed as Land Court Document No. 434130 between Chew Hung Chun and Downan Chun, covering 1/2 interest in land; By instrument dated December 29, 1967, filed as Land Court Document No. 434667, the foregoing Agreement of Sale was amended; (d) Lease dated September 26, 1968, filed as Land Court Document No. 457888, made by and between Chew Hung Chun and Bowman Chun, as Lessors, and Eugene Tatsuo Yoshioka, as Lessee, for a term of 60 years commencing October 1, 1968 to and including September 30, 2028; (e) Mortgage dated September 30, 1968, filed as Land Court Document No. 457889, from Eugene Tatsuo Yoshioka to Island Federal Savings and Loan Association of

Honolulu, securing \$ 189,000; (18) Additional Charge Mortgage dated January 9, 1969, filed as Land Court Document No. 463906, from Eugene Tatsuo Yoshioka to Island Federal Savings and Loan Association, securing \$189,000.

The Certificate of Title reflects that all taxes assessed against the land have been fully paid and the next installment will be due and payable on June 10, 1970.

The Developer has submitted a copy of an unrecorded Development Agreement dated September 1, 1969 by and between Eugene Tatsuo Yoshioka and Condominium Hawaii, Inc., giving Condominium Hawaii, Inc. the right to develop the subject property for a condominium project and to nominate the sublessees for subleasing apartments under long-term subleases. The Developer has advised that said subleases will terminate on September 29, 2028.

PURCHASE MONEY HANDLING: An executed Escrow Agreement, dated April 1, 1970 identifies Security Title Corp. as the Escrow Agent. Upon examination of the Escrow Agreement, as amended, 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 Escrow Agent shall refund to Purchaser all of Purchaser's funds, without interest, if Purchaser shall in writing request refund of his funds and any one of the following shall have occurred: (a) Escrow Agent receives the written request from Developer to return to Purchaser the funds of Purchaser held under the Escrow Agreement by Escrow Agent, or (b) if the Final Public Report of the Real Estate Commission is not issued within one year from the date of issuance of this Preliminary Public Report, or (c) if Purchaser entered into a Contract of Sale prior to the time the Final Public Report is issued and the Final Public Report differs in any material respect from this Preliminary Public Report, or (d) if there is any change in the building plans requiring the approval of a county officer having jurisdiction over the issuance of permits for construction and Purchaser has not given written approval or acceptance of the change.

The Contract of Sale provides that Seller expressly reserves the right to sell or lease unsold apartments free from any restrictions on such sale or lease which may under the By-Laws apply to buyer.

It is incumbent upon the Purchaser and prospective Purchaser to read and understand the Escrow Agreement before executing the Contract of Sale, since the Escrow Agreement prescribes the procedure for receiving and disbursing Purchasers' fund and the Contract of Sale specifically provides that the Purchaser approves said Escrow Agreement and assumes the benefit and obligations therein provided.

MANAGEMENT OF PROJECT: The By-Laws which are incorporated in the Declaration provides that the operation of the project shall be conducted for the Association under the direction of its Board of Directors by a responsible corporate managing agent. The Developer has advised the Commission that Realty Management Corporation, a Hawaii corporation, will be the initial Managing Agent, but the Developer has not yet submitted an executed Management Agreement to the Commission.

RIGHT OF FIRST REFUSAL: The By-Laws also provide that the Board of Directors of the Association of Apartment Owners shall have the right of first refusal upon the sale or lease of any apartment unit in the project, which right shall not be effective until six months after the date of recordation of the verified statement of the registered architect certifying that the final plans of the building fully and accurately depict the layout and dimensions of the apartment units as built.

STATUS OF PROJECT: No construction contract has been executed although the Developer has advised the Commission that preliminary negotiations have been carried on with a general contractor and tentatively agreed upon. Construction has not started on the project. The Developer has advised the Commission that construction commenced on March 24, 1970 and construction is expected to be completed within twelve (12) months.

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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, 1970, and additional information subsequently filed as late as May 26, 1970.

This is a Preliminary Horizontal Property Regimes Condominium Public Report which is made a part of Registration No. 329, filed with the Commission on April 22, 1970.

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.

  
HERBERT S. ISONAGA, Chairman  
REAL ESTATE COMMISSION  
State of Hawaii

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Distribution:

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

Registration No. 329  
May 27, 1970