

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

KAUHALE CONDOMINIUM
99-070 Kauhale Street
Aiea, Oahu, Hawaii

REGISTRATION NO. 336

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: July 23, 1970
Expires: August 23, 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 JUNE 9, 1970, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS LATE AS JULY 17, 1970. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514, HAWAII REVISED STATUTES.

1. The KAUHALE CONDOMINIUM is a proposed fee simple condominium project consisting of sixty-nine (69) units contained in a ten (10) story reinforced concrete apartment building. Sixty-eight (68) parking stalls are available.
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 a copy of the approved Floor Plans) have been filed in the office of the recording officer.

The Declaration submitting the property to the Horizontal Property Regime made June 8, 1970, with By-Laws of the Association of Apartment Owners attached, was filed in the Bureau of Conveyances, State of Hawaii, on June 8, 1970, in Liber 7040, page 238.

Condominium Map No. 169 has been assigned the Project by the Registrar, Bureau of Conveyances.

4. No advertising or promotional matter has been submitted pursuant to rules and regulations promulgated by 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, July 23, 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: KAUAHALE CONDOMINIUM

LOCATION: The approximate 0.683 acre, in fee simple, to be committed to the regime is situate on Kauhale Street, Aiea, City and County of Honolulu, State of Hawaii. (Attention is called to the fact that the area of the land (0.683 acres) is .012 acre more than the area reflected by Tax Map Key (9-9-40-52).)

TAX KEY: FIRST TAXATION DIVISION 9-9-40-52 and 53

ZONING: Business

DEVELOPER: Hale Kau Development Company, a registered limited partnership, whose principal place of business is at 1320 Kalani Street, Honolulu, Hawaii, and whose telephone number is 845-2006, is the developer. The limited partnership registered with the Department of Regulatory Agencies, State of Hawaii, on January 6, 1970. The general partner is Hin Chiu Lau.

ATTORNEY REPRESENTING DEVELOPER: Allen I. Marutani, Suite 602, Capital Investment Building, 850 Richards Street, Honolulu, Hawaii, telephone number 537-6575, is the attorney for the developer.

DESCRIPTION: The Declaration of Horizontal Property Regime reflects that the project is to consist of sixty-nine (69) separately designated and legally described freehold estates, being the area or space contained in the perimeter walls of the ten (10) story concrete building. Sixty-eight (68) of the units are residential apartments and the 69th is a laundry room apartment.

The building is a ten-story reinforced concrete building. On the ground floor of said building, there are all sixty-eight (68) parking stalls, thirteen (13) of which are covered and fifty-five (55) of which are uncovered. Also located on the ground level is one laundry room. Between the first and second floors are a storage room and an office room. There are four (4) two-bedroom apartment on the second floor. On the third through the tenth floors, there are eight (8) two-bedroom apartments on each floor.

On each of the third through the tenth floors, there are eight (8) two-bedroom apartments while there are four (4) two-bedroom apartments on the second floor. With the exception of the tenth floor, the first number of the three digit number of an apartment denotes the floor in which it is located, so that an apartment bearing number 201, for example, would be located on the second floor. With the exception of the tenth floor the second number of the three digits number is a zero. The numbering on the tenth floor contains four digits, the first two of which are the numbers one (1) and zero (0), respectively, and the third of which is a zero. The last number of the three or four digits number

denotes the location of the apartment. The apartment facing closest to Kauhale Street will have the number eight (8) and next apartment will have the number seven (7) and so on down, until the last apartment on that floor, which will bear the number one (1).

Each of the apartment units is approximately 744 square feet in gross area, and deducting the area of the duct spaces, contains an area of approximately 730.5 square feet in net area. Each apartment contains the following with the corresponding approximate areas:

(1) Living and dining room	201	square feet
(2) Bedroom No. 1	120	" "
(3) Bedroom No. 2	92.6	" "
(4) Kitchen	77.5	" "
(5) Bath	58	" "
(6) Lanai	67	" "
(7) Entry	40	" "
(8) Closet, storage, circulation and wall space, excluding duct spaces #1 and #2	74.4	" "

Total Area 730.5 square feet

The laundry room apartment is located on the first floor and contains an area of 256 square feet. It is numbered number 101.

The ground level on the first floor contains 13 covered parking stalls and 55 uncovered parking stalls.

COMMON ELEMENTS: The Declaration identifies the following as common elements: (a) Said land in fee simple; (b) All foundations, columns, girders, beams, supports, bearing walls, roofs, chases, entries, stairways, walkways, balconies, entrances and exits of said building; (c) Elevator and appurtenant equipment and installation for such elevator service; (d) All hallways and lobbies; (e) All yards, recreation and refuse areas; (f) All parking and driveway areas; (g) All ducts, electrical equipment, wiring and other central and appurtenant installations for services including power, light, cold and hot water, refuse and telephone; and (h) The storage room and office room.

LIMITED COMMON ELEMENTS: Certain parts of the common elements called and designated as "limited common elements" in the Declaration are set aside and reserved for the exclusive use of certain apartments and such apartments shall have appurtenant thereto an exclusive easement for the use of such limited common elements. The limited common elements so set aside and reserved are as follows: (a) One parking stall for each apartment, except the laundry room apartment, said stalls to be numbered and assigned with the corresponding apartment as shown in the schedule below:

<u>Apartment No.</u>	<u>Parking Stall No.</u>	<u>Apartment No.</u>	<u>Parking Stall No.</u>
201	67	405	22
202	68	406	66
203	21	407	65
204	20	408	64
301	12	501	63
302	13	502	62
303	14	503	61
304	15	504	60
305	16	505	59
306	17	506	58
307	18	507	57
308	19	508	56
401	26	601	55
402	25	602	54
403	24	603	53
404	23	604	52

<u>Apartment No.</u>	<u>Parking Stall No.</u>	<u>Apartment No.</u>	<u>Parking Stall No.</u>
605	51	807	10
606	50	808	11
607	49	901	3
608	48	902	2
701	47	903	1
702	46	904	27
703	45	905	28
704	44	906	29
705	43	907	30
706	42	908	31
707	41	1001	32
708	40	1002	33
801	4	1003	34
802	5	1004	35
803	6	1005	36
804	7	1006	37
805	8	1007	38
806	9	1008	39

(b) All other elements of the project which are rationally of limited common use for less than all of said apartments.

INTEREST TO BE CONVEYED PURCHASER: The Declaration reflects that the percentage of the undivided interest in the common elements pertaining to each owner of an apartment, is 1.449275 percentage interest. There shall be sixty-nine (69) votes, with one (1) vote for each unit.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The Declaration states that each unit shall be used only in accordance with the uses permitted under the applicable laws and ordinances, unless such uses are prohibited by the Association of Apartment Owners, in accordance with the Master Deed, By-Laws, and the house rules, as they exist or may be amended from time to time, and each owner shall observe, comply with, and perform all rules and regulations, ordinances, and laws made by the Department of Health, State of Hawaii, or any other governmental authority of the municipal, state, and federal government applicable to the premises.

OWNERSHIP TO TITLE: The Notice of Intention states, and the Certificate of Title dated June 8, 1970, prepared by Security Title Corporation, verifies that the title to the land is vested in Hin Chiu Lau, General Partner of Hale Kau Development Company, a Hawaii registered limited partnership.

ENCUMBRANCES AGAINST TITLE: The Certificate of Title identifies the following encumbrances on the land:

1. Tax Key: 9-9-40-52 - Area Assessed: .671 Acres. Taxes for the fiscal year 1969-1970 are a lien; payable as follows:

1st Installment	\$402.80 PAID
2nd Installment	\$402.79 OPEN (Delinquent after 6/25/70)
2. Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent No. 786.
3. Reservation of easement and water rights in favor of the State of Hawaii, as reserved in Land Patent (Grant) No. S-13,937, dated May 14, 1962, to which reference is hereby made.
4. Grant dated July 25, 1933, recorded on December 20, 1933, in the Bureau of Conveyances of the State of Hawaii in Book 1221, page 377, in favor of the CITY AND COUNTY OF HONOLULU, a municipal corporation,

granting the right to construct, etc., a sewer, as a part of a sanitary sewerage system, through, under and across R. O. W. 19 & 29, more particularly described in said Grant.

5. Mortgage dated February 11, 1967, recorded on February 24, 1967, in said Bureau of Conveyances in Book 5588, page 38, made by K. YOSHIMURA, INC., a Hawaii corporation, as Mortgagor, to FIRST FINANCIAL SAVINGS AND LOAN ASSOCIATION OF HAWAII, a Hawaii corporation, as Mortgagee, to secure the repayment of the sum of \$40,000.00, any additional advances and other amounts secured thereby, all according to the terms of that certain promissory note of said mortgagor therein referred to.
6. Additional Charge Mortgage dated March 17, 1967, recorded on March 21, 1967, in said Bureau of Conveyances in Book 5607, page 441, made by K. YOSHIMURA, INC., a Hawaii corporation as Mortgagor, to FIRST FINANCIAL SAVINGS AND LOAN ASSOCIATION OF HAWAII, a Hawaii corporation, as Mortgagee, to secure the repayment of the additional loan of \$10,000.00, together with interest thereon in accordance with the terms of a note therein referred to.
7. Second Mortgage dated December 28, 1967, recorded on December 29, 1967, in said Bureau of Conveyances in Book 5917, page 344, made by K. YOSHIMURA, INC., a Hawaii corporation, as Mortgagor, to MANOA FINANCE COMPANY, INC., a Hawaii corporation, as Mortgagee, to secure the repayment of the sum of \$26,648.00, any additional advances and other amounts secured thereby, all according to the terms of that certain promissory note of said mortgagor therein referred to.
8. City and County Master Plan Road Right-of-Way Setback Line on Kauhale Street, as mentioned in that certain Deed dated June 8, 1970, recorded on June 8, 1970 in said Bureau of Conveyances in Book 7040, page 232, to which reference is hereby made.
9. Condominium Map No. 169, filed in said Bureau of Conveyances on June 8, 1970.
10. The restrictions, covenants and conditions set forth in that certain Master Deed and Declaration of Owner Submitting Property to the Horizontal Property Regime Act dated June 8, 1970, recorded on June 8, 1970 in said Bureau of Conveyances in Book 7040, page 238, and the By-Laws attached thereto, to which reference is hereby made.

NOTE: The Notice of Intention indicates that the aforesaid mortgage liens will be discharged prior to the delivery of any apartment deed to any purchaser.

PURCHASE MONEY HANDLING: A copy of an executed Escrow Agreement dated January 23, 1970 has been filed with the Commission. The escrow agent is Pacific Savings and Loan Association. Upon examination, the executed Escrow Agreement is found to be in consonance with the provisions of Chapter 514, Hawaii Revised Statutes.

Among other provisions, the Escrow Agreement provides that purchaser shall be entitled to a refund of his funds, without interest, if at any time prior to the recordation of any deed, (a) Escrow receives written request from seller to return to a purchaser such purchaser's funds held by Escrow, or (b) Seller notifies Escrow in writing that the project cannot be completed within the time specified in the agreements with buyers and that seller has exercised the option of cancellation granted seller in such event, or (c) if at any time seller shall notify Escrow in writing that seller or a purchaser has exercised the option of cancellation in the event such apartment shall not have been built by the time provided in such sales agreement, or (d) if a purchaser's funds were obtained prior to the issuance of a final public report, and if there is any change in the building plan subsequent to the execution of the sales agreement requiring the approval of a county officer having jurisdiction over the issuance of permits for construction of buildings unless the purchaser has given written approval or acceptance of the specific change, or (e) if the

final public report, differs in any material respect from the preliminary public report, unless the purchaser has given written approval or acceptance of the difference.

It is incumbent upon the purchaser and prospective purchaser that he reads the Condominium Reservation, Deposit, Receipt and Contract and the executed Escrow Agreement. The former recites certain conditions under which Seller has the option to cancel the agreement. It also reserves unto the Seller the right to modify the Declaration, By-Laws, Apartment Deed and other condominium documents subject to certain conditions. The latter establishes how the proceeds from the sale of dwelling units and funds from other sources are placed in trust, as well as the retention and disbursement of said trust funds.

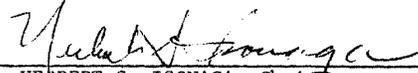
MANAGEMENT AND OPERATIONS: Administration of the project, as proposed in the Declaration, will be vested in the Association of Apartment Owners. The By-Laws of the Association of Apartment Owners grant the Board of Directors the powers and duties necessary for the administration of the affairs of the Association. The Board of Directors may employ for the Association a management agent or manager. The Declaration states that the initial Managing Agent shall be Aaron M. Chaney, Inc., a Hawaii corporation, whose principal place of business and post office address is 1600 Kapiolani Boulevard, Honolulu, City and County of Honolulu, State of Hawaii.

STATUS OF PROJECT: Construction of the project has not yet begun. The Developer has entered into a construction contract dated May 27, 1970 with Oceanic Construction Corporation. A copy of this executed contract has been filed with the Commission.

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 June 8, 1970, and additional information subsequently filed on July 17, 1970.

The PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 336 filed with the Commission on June 8, 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 yellow in color.


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

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ESCROW AGENT

July 23, 1970
Registration No. 336