

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

TUTU RICHARDS STREET
P. O. BOX 3469
HONOLULU, HAWAII 96801

PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on

HOLIDAY GARDENS
1431-1434 Kahanu Street
Honolulu, Hawaii

REGISTRATION NO. 340

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 14, 1970
Expires: August 14, 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 JULY 6, 1970 AND INFORMATION SUBSEQUENTLY FILED ON JULY 9, 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. Holiday Gardens is a proposed leasehold condominium project consisting of two (2) reinforced concrete three (3) story buildings, Building A with twenty-nine (29) residential apartment units and Building B with eighteen (18) residential apartment units, all of which will be sold by the Developer upon and subject to the terms and provisions of Apartment Leases which expire December 31, 2020, to be issued by the Trustees of the Estate of Bernice Pauahi Bishop, owners. There will be fifty-nine (59) 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 Developer has submitted a statement of the estimated costs involved in completing the project and a loan commitment letter from Territorial Savings & Loan Association to provide both construction financing and long-term mortgage loans to individually qualified purchasers of the apartment units.
6. 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.
7. This Preliminary Public Report is made a part of the registration of Holiday Gardens 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.
8. If the Final Public Report is not issued within one (1) year from July 14, 1970, the date of this Preliminary Public Report, purchasers and prospective purchasers shall be entitled to a refund of all monies without further obligation.

NAME OF PROJECT: HOLIDAY GARDENS

LOCATION: 1431-1434 Kahanu Street, Honolulu, Hawaii

The site, comprising 42,600 square feet, is located on the southwest side of Kahanu Street.

TAX MAP KEY: First Division, 1-5-20:17-24

ZONING: Apartment A-3

DEVELOPER: CONDOMINIUM HAWAII, INC., a Hawaii corporation, whose business address is 301 Kahala Street, Honolulu, Hawaii, Telephone: 941-1040.
The officers of the corporation are:

Harry H. Otsuji, President
Norman C. Fung, Vice President
Edith Schick, Treasurer-Controller
Glenda K. Rother, Secretary

ATTORNEY REPRESENTING DEVELOPER: Hogan, Howell & Rother (Phillip L. Rother), Suite 320, Dillingham Transportation Building, 735 Bishop Street, Honolulu, Hawaii 96813, Telephone: 531-6351.

DESCRIPTION: The proposed Declaration of Horizontal Property Regime reflects that the project shall consist of two (2) reinforced concrete and hollow tile three (3) story buildings, Building A containing twenty-nine (29) two-bedroom, one-bath units and Building B containing seventeen (17) two-bedroom, one-bath units and one (1) one-bedroom, one-bath unit, for a total of forty-seven (47) apartment units, located on 42,600 square feet of land. Building A will be rectangular in shape, capped with a flat slab roof and containing no basement, with nine (9) apartment units and one (1) laundry room on the first floor and ten (10) apartment units on each of the second and third floors. Said building

will contain two (2) stairways, one at each end of the building. The apartments will be numbered A101 through A104 and A106 through A110 on the first floor, A201 through A210 on the second floor and A301 through A310 on the third floor.

Building B will be rectangular in shape, capped with a flat slab roof and containing no basement, with six (6) apartment units on each floor. There will be two (2) stairways, one at each end of the building. The apartments will be numbered B101 through B106 on the first floor, B201 through B206 on the second floor and B301 through B306 on the third floor.

Each apartment contains two (2) bedrooms, bathroom, kitchen and living-dining room, with gross floor area of approximately 704 square feet (except that Apartment B101 contains only one (1) bedroom and has a gross floor area of approximately 567 square feet).

The apartments will be numbered in the manner shown on the Condominium File Plan. Each apartment will be deemed to include 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 walkway on its floor and the stairways between the upper and ground floors of its building, and the walkways connecting its building to the street entrances and parking areas of the project. There will be parking stalls for fifty-nine (59) 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, floor slabs, columns, girders, beams, supports, bearing walls, roofs, chases, entries, stairways, and walkways of the buildings; all yards, grounds, landscaping, mail boxes, storage rooms and refuse facilities; all parking areas and driveways; all ducts, electrical equipment, wiring and other central and appurtenant installations including power, light, water, sewer and telephone; the laundry area; the swimming pool and equipment, 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) One parking space, designated on said plans by the letter and number corresponding to the letter and number of each apartment, shall be appurtenant to and for the exclusive use of each apartment;
- (b) Twelve additional parking spaces, designated on said plans by the letters and numbers B101A through B101L, shall be appurtenant to and for the exclusive use of Apartment B101;
- (c) The entries, stairways, hallways and walkways in any residential building of the project shall be appurtenant to and for the exclusive use of the apartments of such building;
- (d) The hallways and walkways on any floor of any residential building of the project shall be appurtenant to and for the exclusive use of the apartments on such floor.

INTEREST TO BE CONVEYED TO PURCHASER: Apartment units shall have appurtenant to each the undivided interest in all common elements of the projects as follows: All two-bedroom apartment units 2.15%; Apartment unit B101 - 1.1%. 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 and all other purposes shall be in said percentage for each apartment.

USE: The proposed Declaration provides that 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 the owners of the respective apartments shall have the absolute right to lease or rent such apartments for transient purposes, subject to all provisions of the Declaration.

OWNERSHIP OF TITLE: The Preliminary Report, executed May 11, 1970, by the licensed abstractor, Security Title Corporation, reports that title to the land is vested in Condominium Hawaii, Inc., as Lessee, from the Trustees of the Estate of Bernice Pauahi Bishop, the owners of the fee simple title to the land. The project will be located exclusively on Lot 630, area 42,600 square feet, referred to in said report as "Parcel Second", described in Transfer Certificate of Title No. 125,155.

ENCUMBRANCES AGAINST TITLE: Said Preliminary Report indicates that there are the following encumbrances: (a) The terms and provisions of the Bishop Estate lease hereinbefore referred to; and (b) A mortgage dated November 18, 1968, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 460817, made by CONDOMINIUM HAWAII, INC., and HOLIDAY MART, INC., a Hawaii corporation, as Mortgagors, to FINANCE FACTORS, LIMITED, a Hawaii corporation, as Mortgagee, to secure the repayment of the sum of \$442,300.00, any additional advances and other amounts secured thereby, all according to the terms of that certain promissory note of said mortgagors therein referred to (also affects other property).

The above lease will be surrendered and the above mortgage released before issuing apartment leases. Direct apartment leases from the Bishop Estate Trustees will be issued.

PURCHASE MONEY HANDLING: An executed Escrow Agreement, dated June 25, 1970, identifies Security Title Corporation 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 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 a written request from Developer and the interim lender (Territorial Savings & Loan Association) to return to Purchaser the funds of Purchaser held under the Escrow Agreement by Escrow Agent; or,
- (b) If, subsequent to the execution of the Contract of Sale, there is any change in the building plans requiring the approval of a County officer having jurisdiction over the issuance of permits for construction of buildings, unless Purchaser's written approval or acceptance of the specific change is obtained; or,
- (c) If Purchaser enters 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;
- (d) 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,
- (e) If sufficient funds to cover all costs of completing the project are not deposited with Escrow Agent by December 31, 1971, and Purchaser has not consented to an extension of time within which to obtain sufficient funds.

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 Purchaser's funds and the Contract of Sale specifically provides that the Purchaser approves said Escrow Agreement.

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.

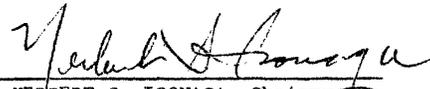
MANAGEMENT OF PROJECT: The By-Laws which are incorporated in the Declaration provide that the operation of the project shall be conducted for the Association under the direction of its Board of Directors by a responsible corporate managing agent. The Developer has submitted an executed Management Agreement to the Commission, dated June 1, 1970, with Portrait of Homes, Inc., a Hawaii corporation, as Agent.

STATUS OF PROJECT: A construction contract dated April 23, 1970, has been executed with Harvis Construction, Inc. as general contractor. Construction has not started on the project. The Developer has advised the Commission that it proposes to commence construction approximately November 1, 1970. Construction is expected to be completed within approximately nine (9) months from the Notice to Proceed.

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 July 6, 1970, and additional information subsequently filed on July 9, 1970.

This is a Preliminary Horizontal Property Regimes Condominium Public Report which is made a part of Registration No. 340, filed with the Commission on July 8, 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. 340
July 14, 1970

