

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

2233 ALA WAI
2233 Ala Wai Boulevard
Honolulu, Hawaii

REGISTRATION NO. 381

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 27, 1973
Expires: March 27, 1974

SPECIAL ATTENTION

A comprehensive reading by the prospective purchasers 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:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED MAY 4, 1971, and INFORMATION SUBSEQUENTLY FILED AS OF FEBRUARY 22, 1973. 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 AS AMENDED.

1. Since the issuance of the Commission's Preliminary Public Report of September 21, 1971, and the Supplementary Public Report of October 7, 1971, on 2233 ALA WAI, Registration No. 381, the Developer reports that changes have been made in the plan or setup as presented in the May 4, 1971 notice of intention to sell.

The changes subsequently made are determined to be a material revision to the information disclosed earlier.

This Final Public Report supersedes the Preliminary Public Report of September 21, 1971 and the Supplementary Public Report of October 7, 1971, in their entirety.

2. 2233 ALA WAI is a proposed fee simple condominium project. The project will consist of fifty-one (51) condominium dwelling units in a nineteen (19) story residential apartment building. Parking and storage space will be provided in the underground level and on the ground floor or lobby level, and a swimming pool and deck will be located between the second and third floor levels in the back of the building with access thereto from an intermediate landing between the second and third floors. There shall be a total of fifty-six (56) parking stalls in the basement and first floor parking areas. Elevator service will be provided by two 2,000 lb. load capacity, 350 feet per minute elevators.
3. The Developer of the project has filed all documents and information deemed necessary by the Commission for the registration of this proposed condominium and this issuance of the Final Public Report.
4. The Commission has determined that 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 August 24, 1971, with By-Laws attached, was registered in the Office of the Assistant Registrar of the Land Court of the State of Hawaii on June 22, 1972, as Document No. 585669 and will be mentioned in Certificate of Title No. 154,475 when issued. On that same date, the Condominium Map for the project was registered in said Office as Condominium Map No. 136.

5. The Master Deeds to Developer of the various parcels comprising the subject property were dated and registered with said Assistant Registrar of the Land Court as follows: (a) from Affie Lenah Fisher dated July 5, 1972, registered as Document No. 589000 pursuant to which Certificate of Title No. 150,419 was issued to the Developer; (b) from Adria Emma Seelig dated June 26, 1972, registered as Document No. 588999 pursuant to which Certificate of Title No. 150,418 was issued to the Developer; and (c) from Dorothy Dickey Thacker dated June 28, 1972, registered as Document No. 589001 pursuant to which Certificate of Title No. 150,417 was issued to the Developer.

A petition filed by the Developer with the said Land Court for approval of the consolidation of the said

parcels comprising the subject property into a single parcel, Lot 1, and for issuance of a single Certificate of Title covering the entire property to Developer, has been approved and Certificate of Title No. 154,475, will shortly be issued to Developer.

6. Advertising and promotional matter has been submitted pursuant to the rules and regulations of the Commission.
7. The prospective purchaser is advised to acquaint himself with the provisions of Chapter 514, Hawaii Revised Statutes, as amended, and the rules and regulations promulgated thereunder which relate to Horizontal Property Regime.
8. This Final Public Report automatically expires thirteen (13) months after the date of issuance, February 27, 1973, 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 THE PROJECT: 2233 ALA WAI

LOCATION: The approximate 14,152 square feet of property committed to the regime, as a fee simple condominium project, is situated on the makai (southwest) side of the Ala Wai Boulevard in Waikiki, City and County of Honolulu, State of Hawaii.

TAX KEY: FIRST DIVISION 2-6-20; 53, 54 and 55.

ZONING: Hotel-Apartment created by Ordinance No. 2007, dated 6-28-61.

DEVELOPER: Surf & Sand Development Corporation, 10 Poipu Street, Honolulu, Hawaii, a Hawaii corporation, registered with the Department of Regulatory Agencies, State of Hawaii, on November 19, 1968. The officers are:

President	Arthur David Goldin
Vice President	John J. Fagan
Secretary	Gail Sutter
Treasurer	Dorothy Goldin

ATTORNEY REPRESENTING DEVELOPER: Anthony, Hoddick, Reinwald & O'Connor (Attention: Mr. Howard K. Hoddick), 9th Floor, 333 Queen Street, Honolulu, Hawaii 96813. Telephone 537-1941.

DESCRIPTION: The recorded Declaration of Horizontal Property Regime provides that the project is to consist of the approximately 14,152 square feet of land, located at 2233 Ala Wai Boulevard, a nineteen (19) story building containing fifty-one (51) apartments and an underground parking level. The building is being constructed of reinforced concrete, will have eighteen (18) living levels and will cover approximately 3,240 square feet of land area exclusive of parking, landscaping, etc. There will be twenty-nine (29) parking stalls in the underground parking level under cover and twenty-seven (27) on the ground floor level in the open area. Stalls will be assigned to a unit as the units are purchased.

Access to the living areas shall be provided through elevators from the underground parking level and from the lobby on the ground floor level or from stairways.

As has been previously mentioned, the building will consist of nineteen (19) floors in addition to an underground parking level. The first floor will constitute the ground floor parking and lobby level; the second floor through the eighteenth floor (numbered 2-19 excluding any floor numbered 13) will be the seventeen apartment floors; the nineteenth floor (numbered 20) will contain one penthouse apartment; and the swimming pool and deck will be situated between the second and third floors. The plan of said seventeen apartment floors will be the same as that of every other floor and will contain 2 one-bedroom units (A & C) and one 2-bedroom unit, (B). The one-bedroom units will contain approximately 865 square feet, and will include a lanai hall, entryway, bedroom, den-dining room, kitchen, living room and one and one-half bathrooms. The two bedroom units will contain approximately 1,192 square feet and will include a lanai, hall, entryway, two bedrooms, living-dining room, kitchen, two bathrooms and dressing room. The penthouse apartment will contain approximately 1,170 square feet including a 200 square foot roof top lanai made of redwood decking. It will also include one living-dining room, kitchen, one and one-half (1-1/2) bathrooms, one dressing room and one bedroom.

Each apartment shall have immediate access to a hallway leading to the elevators and stairways descending to the ground level, except that the penthouse access to the elevator shall be by stairs to the eighteenth floor (numbered 19).

The building as viewed from Ala Wai Boulevard shall be numbered and situated as follows:

<u>LEVEL</u>	<u>APARTMENT NO.</u>		
	<u>Left (Diamond Head) Side</u>	<u>Middle</u>	<u>Right (Ewa) Side</u>
19th	(No. 20)	Penthouse	
18th	19A	19B	19C
17th	18A	18B	18C
16th	17A	17B	17C
15th	16A	16B	16C
14th	15A	15B	15C
13th	14A	14B	14C
12th	12A	12B	12C
11th	11A	11B	11C
10th	10A	10B	10C
9th	9A	9B	9C
8th	8A	8B	8C
7th	7A	7B	7C
6th	6A	6B	6C
5th	5A	5B	5C
4th	4A	4B	4C
3rd	3A	3B	3C
2nd	2A	2B	2C

First (No. 1) Ground floor parking and lobby level.

COMMON ELEMENTS: The recorded Declaration provides that the common elements shall consist of one fee simple estate in (a) the land; (b) the foundations, floor slabs, columns, girders, beams, supports, bearing walls, roofs, closets, entries, stairways, hallways, lobbies, walkways, elevators, and storage areas; (c) yards, grounds, landscaping and recreation areas including swimming pool; (d) parking areas, ramps and driveways; (e) all central and appurtenant installations of ducts, electrical equipment, wiring and other installations for services including powers, light, water, sewer, refuse, television, etc.; and (f) apartment 2C reserved for occupancy by the manager of the project, together with a storage area and parking space each bearing the number 2C and likewise being reserved for use of said manager.

LIMITED COMMON ELEMENTS: The recorded Declaration disclosed that the limited common elements consist of a parking space and storage space specifically reserved for the exclusive use of a certain apartment. There shall be a total of 56 parking stalls and 52 will be assigned. The remaining 4 unassigned parking stalls will be sold by the developer. The hallways and lobby on each apartment level are reserved for the exclusive use of apartments on each floor, except that the penthouse shall have the use of the hallway and lobby on the eighteenth floor (numbered 19).

INTEREST TO BE CONVEYED PURCHASER: The recorded Declaration states that the undivided interest in the common elements appertaining to each type "B" apartment shall be a 2.37%

and to each type "A" and type "C" apartment the undivided interest in the common elements shall be a 1.75% and to the Penthouse 1.96%. According to the Declaration and By-laws, each apartment's share of the common expense and profits of the project, as well as its interest for all other purposes, including voting, shall be in proportion to its undivided interest in the common elements.

USE: The recorded Declaration states that each apartment shall be used only as a private dwelling by the respective owners thereof, their tenants, families, domestic servants and social guests, and shall not be rented for transient and hotel purposes, except that other than for such transient or hotel purposes, each apartment may be leased by the owners thereof, and except that the permitted use may be changed by vote of 80% of the apartments to which are appurtenant not less than 80% of the common interests.

OWNERSHIP TO TITLE: Present ownership of fee simple title to the subject property is vested in Surf & Sand Development Corporation. Copies of lien letters prepared by Title Guaranty of Hawaii dated February 20, 1973, certify that the fee simple title to the land is vested in Surf & Sand Development Corporation.

ENCUMBRANCES AGAINST TITLE: Lien letters dated February 20, 1973, reveal no liens or encumbrances against title save and except the following: Declaration of Horizontal Property Regime dated August 24, 1971 and filed as Land Court Document No. 585669 (Condominium Map No. 136). Final Orders of Condemnation of sewer easement in favor of City and County of Honolulu over Lots 29-B, 1-B, 30-B and 28-B filed as Document Nos. 486081 (Civil No. 20541), 522382 (Civil No. 26473) and 479616 (Civil No. 23815). Mortgage of the entire property made by Surf & Sand Development Corporation to Honolulu Federal Savings and Loan Company, Limited, dated June 28, 1972, filed with said Assistant Registrar of the Land Court as Document No. 589001 for the sum of \$1,980,000.00. Grant in favor of Hawaiian Electric, Inc., granting easement for utility across and under Lot 1-B, dated July 24, 1933, filed as Document No. 28853; Grant in favor of Hawaiian Telephone Company dated April 12, 1954, granting perpetual right, to be used in common with Hawaiian Electric Company, Inc., to build I-C distributor boxes across and under Lot 1-B, filed as Document No. 173932. Real Property Taxes for Fiscal Year July 1, 1972 through June 30, 1973 are now a lien.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated August 19, 1971, identifies Crown Escrow, Inc., a Hawaii corporation, as "Escrow". On examination, the specimen Sales Contract (Reservation and Purchase Agreement) and executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes, and particularly Sec. 514-35,

and Sec. 514-26 through 514-40.

Among other provisions the Escrow Agreement reflects that a purchaser shall be entitled to a refund of his funds less a reasonable cancellation fee if he makes request therefor in writing and any one of the following shall have occurred:

(1) Escrow receives a written request from Developer to return to purchaser the funds of such purchaser then held hereunder by Escrow; or (2) if purchaser's funds were obtained prior to the issuance of a Final Report and if there is any change in the building plans, subsequent to the execution of purchaser's contract, requiring the approval of a county officer having jurisdiction over the issuance of permits for construction, unless the purchaser has given written approval or acceptance of the change; or (3) if purchaser's funds were obtained prior to the issuance of a Final Report, and if the Final Report differs in any material respect from the Preliminary Report, unless the purchaser has given written approval or acceptance of the difference; or (4) if the Final Report is not issued within one (1) year from the date of issuance of the Preliminary Report.

It is incumbent upon the purchaser and prospective purchaser that he reads with care the Contract of Sale and the Escrow Agreement. The Escrow Agreement establishes how the proceeds from the apartment units 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 By-Laws of Association of Apartment Owners of 2233 Ala Wai provides that the Board of Directors may employ for the Association a management agent or manager at a compensation established by the Board of Directors to perform such duties as the Board shall authorize. Developer advises that Tropic Shores Realty, Ltd., has been selected as management agent. The specimen Apartment Deed of 2233 Ala Wai states that each owner at his proportionate expense shall at all times maintain a responsible Hawaii corporation as managing agent of the project for the direct management and operation thereof, maintenance and repair of the common elements and collection and payment for the apartment owner of all rents, taxes, assessments and other charges payable by Lessee in accordance with the Declaration, By-Laws, and the Deed.

STATUS OR PROJECT: The Developer advises the Real Estate Commission that the estimated date of completion of the project is July 1973. On June 29, 1972, a building contract was entered into by the Developer with Swinerton & Walburg Co., and construction commenced about July 18, 1972.

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 May 4, 1971 and additional information subsequently filed as of February 22, 1973.

This FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 381 filed with the Commission on May 4, 1971.

The report, when reproduced, shall be a true copy of the Commission's Public report. The paper stock must be white.



(for) DOUGLAS R. SODEVANI, Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII

Distribution:

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

Registration No. 381

February 27, 1973.