

# 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  
HALE KAHAKAI APARTMENTS  
2349 Kalanianaʻole Avenue  
Hilo, Hawaii

REGISTRATION NO. 412

### 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: October 20, 1971

Expires: November 20, 1972

#### SPECIAL ATTENTION

A comprehensive reading of the report by prospective purchasers 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 SEPTEMBER 23, 1971 AND ADDITIONAL INFORMATION FILED OCTOBER 19, 1971. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514 OF THE HAWAII REVISED STATUTES.

1. The HALE KAHAKAI APARTMENTS is a proposed leasehold condominium project consisting of fifty-eight (58) dwelling units arranged throughout a single seven-story building, containing at least fifty-eight (58) parking stalls.

Buyers will receive, through an Apartment Lease, a leasehold interest directly from the owner of the fee, and said lease expires May 31, 2070.

2. There is a possibility that the Developer may arrange for insurance by the Federal Housing Administration (FHA) pursuant to Section 234 of Title II of the National Housing Act, as amended, of individual

mortgages by qualified purchasers of apartments in the project. As a condition to its providing such insurance, the FHA requires that the Association of Apartment Owners enter into with that agency and record a Regulatory Agreement whereby the Association may be regulated and restricted by that agency. Purchasers of units in the project should, therefore, familiarize themselves with the provisions of the Regulatory Agreement.

3. 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.
4. The basic documents (Declaration of Horizontal Property Regime, with By-Laws of Association of Apartment Owners attached, and a copy of the approved Floor Plans) have not been filed in the office of the recording officer.
5. Advertising and promotional matter has not been submitted pursuant to the rules and regulations promulgated by the Commission.
6. 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.
7. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance, October 20, 1971, 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: HALE KAHAKAI APARTMENTS

LOCATION: The approximately 43,836 square feet leasehold to be committed to the regime is situated on the makai side of Kalaniana'ole Avenue, at number 2349, Hilo, Hawaii, Island and County of Hawaii. The land lies in Waieka District of South Hilo, County and State of Hawaii.

TAX KEY: THIRD TAXATION DIVISION, STATE OF HAWAII 2-1-19-14

ZONING: Resort-Hotel (VS-.75)

DEVELOPER: Kahakai Associates, Room 18, Professional Building, Hilo, Hawaii  
Telephone: 935-8521

The developer is a Hawaii limited partnership, registered as such with the office of the Director of Regulatory Agencies, State of Hawaii, on September 10, 1971. The partners are:

<u>General Partners:</u>	James P. Wohl	2349 Kalaniana'ole Ave. Hilo, Hawaii
	Keaukaha Development Corp.	Rm 18, Professional Bldg Hilo, Hawaii
<u>Officers:</u>	James P. Wohl, President	2349 Kalaniana'ole Ave. Hilo, Hawaii
	Byron M. Fox, Secy-Treas.	11 Poko Place Hilo, Hawaii
<u>Limited Partner:</u>	James P. Wohl	2349 Kalaniana'ole Ave. Hilo, Hawaii

ATTORNEY REPRESENTING DEVELOPER: James P. Wohl, Room 16, Professional Building, Hilo, Hawaii. Telephone 935-8521.

DESCRIPTION: The proposed Declaration of Horizontal Property Regime reflects that the project is to consist of fifty-eight (58) apartments arranged throughout a single seven (7) story building situated on the 43,836 square feet of land hereinbefore described. The apartment building will be constructed of reinforced concrete, steel, glass, aluminum and allied building materials. The first floor is parking, lobby and storage areas. The second through fifth floors are typical and contain 10 units per floor consisting of two one-bedroom units and eight two-bedroom units. The sixth and seventh, or penthouse floors, contain 18 units, consisting of four three-bedroom, twelve two-bedroom, and two one-bedroom units. The units on all floors are located along a single-loaded, common element exterior corridor with central elevators and stair wells at the corridor ends and center. The western or Hamakua unit on floors two through five is a one-bedroom unit, the last digit of the apartment number of which is 1, and the first digit of which is the floor number. For example, apart 201 is the western one-bedroom apartment on the second floor. The next 8 units on floors 2 through 5, going in an easterly or Puna direction are two-bedroom units, the last digit of the apartment number of which is 2, 3, 4, 5, 6, 7, 8, and 9, respectively. The Puna or easternmost apartment on floors 2 through 5 is a one-bedroom unit, the last digit in the apartment number of which is 10. The apartments on the sixth floor are numbered PH 1 through PH 18 from west to east, with the western and eastern apartments being PH 1 and PH 18, consisting of one bedroom each. Apartments PH 2 and PH 3, and PH 16 and PH 17 are three bedrooms each and are two-story units. Apartments PH 4 through PH 15 have two bedrooms and are two-story units. There will be at least one covered parking space per apartment, the limited common interest to which will be conveyed to the purchaser of the lease with the apartment.

There will be tenant utility and refuse rooms on the first floor, and for apartment owners on the second through sixth floors inclusive. There shall be two high speed automatic elevators serving six floors as well as 3 sets of stairs in the stair wells, serving all apartments above the first floor. There will be a master television antenna system. On the ground level there will be a swimming pool and recreation room for apartment owners, their invited guests and their tenants. There will be provisions in each apartment for air-conditioning and all apartments will be equipped with refrigerator, stove, carpeting, drapes, disposal, washer and drier and dishwasher. All apartments will be located as shown on the condominium map to be filed in the office of the Registrar of Conveyances. The following is a brief description of the apartments and also shows the interest of each apartment in the common elements:

The first floor is parking garage, storage, lobby and utility space.  
Apartments 201, 202, 203, 204, 205, 206, 207, 208, 209 and 210 are located on the second floor.  
Apartments 301, 302, 303, 304, 305, 306, 307, 308, 309 and 310 are located on the third floor.  
Apartments 401, 402, 403, 404, 405, 406, 407, 408, 409 and 410 are located on the fourth floor.  
Apartments 501, 502, 503, 504, 505, 506, 507, 508, 509 and 510 are located on the fifth floor.  
Apartments PH 1, PH 2, PH 3, PH 4, PH 5, PH 6, PH 7, PH 8, PH 9, PH 10, PH 11, PH 12, PH 13, PH 14, PH 15, PH 16, PH 17, and PH 18 are located on the sixth floor.

<u>Apartment Numbers</u>	<u>Approximate Square Footage Apartment</u>	<u>Approximate Lanai</u>	<u>Approximate Total Square Footage</u>	<u>Percentage of Common Interest</u>
01, 10	720	72	792	1.1628
02, 09	1040	120	1160	1.7136
03, 04, 07, 08	1040	120	1160	1.7850

<u>Apartment Numbers</u>	<u>Approximate Square Footage</u>	<u>Lanai</u>	<u>Approximate Total Square Footage</u>	<u>Percentage of Common Interest</u>
05, 06	1065	112	1177	1.7442
PH 1, PH 18	720	72	792	1.1628
PH 2, PH 17	1605	Lower 105) Upper 72)	1782	2.7540
PH 3, PH 16	1328	168	1496	2.2236
PH 4, 5, 6, 7, 12, 13, 14, 15	1130	140	1270	1.8666
PH 8, 11	1070	147	1217	1.7646
PH 9, 10	1140	119	1259	1.8666

<u>Apartment No.</u>	<u>Floor No.</u>	<u>Number of Votes</u>	<u>Number of Rooms</u>
201	2	11,628	4
202	2	17,136	6
203	2	17,850	6
204	2	17,850	6
205	2	17,442	6
206	2	17,442	6
207	2	17,850	6
208	2	17,850	6
209	2	17,136	6
210	2	11,628	4
301	3	11,628	4
302	3	17,136	6
303	3	17,850	6
304	3	17,850	6
305	3	17,442	6
306	3	17,442	6
307	3	17,850	6
308	3	17,850	6
309	3	17,136	6
310	3	11,628	4
401	4	11,628	4
402	4	17,136	6
403	4	17,850	6
404	4	17,850	6
405	4	17,442	6
406	4	17,442	6
407	4	17,850	6
408	4	17,850	6
409	4	17,136	6
410	4	11,628	4
501	5	11,628	4
502	5	17,136	6
503	5	17,850	6
504	5	17,850	6
505	5	17,442	6
506	5	17,442	6
507	5	17,850	6
508	5	17,850	6
509	5	17,136	6
510	5	11,628	4
PH 1	6 1 story	11,628	4
PH 2	6 2 floors	27,540	7 1/2
PH 3	6 "	22,236	8
PH 4	6 "	18,666	6 1/2

<u>Apartment No.</u>	<u>Floor No.</u>	<u>Number of Votes</u>	<u>Number of Rooms</u>
PH 5	6 2 floors	18,666	6 1/2
PH 6	6 "	18,666	6 1/2
PH 7	6 "	18,666	6 1/2
PH 8	6 "	17,646	6 1/2
PH 9	6 "	18,666	6 1/2
PH 10	6 "	18,666	6 1/2
PH 11	6 "	17,646	6 1/2
PH 12	6 "	18,666	6 1/2
PH 13	6 "	18,666	6 1/2
PH 14	6 "	18,666	6 1/2
PH 15	6 "	18,666	6 1/2
PH 16	6 "	22,236	8
PH 17	6 "	27,540	7 1/2
PH 18	6 1 story	<u>11,628</u>	4
		1,000,000	

**COMMON ELEMENTS:** The common elements consist of all parts of the property other than the units, including, without limitation, the limited common elements and the following: (a) said land in fee simple; (b) the foundations, girders, columns, beams, supports, main walls, unfinished perimeter and load-bearing walls, halls, corridors, foyers, stairs, stairways, lobbies and entrances and exits to and from the building; (c) the basements, yards, landscaping, recreational facilities, (including meeting room, swimming pool and its machinery and pool deck), driveways and walkways; (d) all ducts, conduits, wiring, pipes, electrical equipment, pumps, chutes, lines and other central and appurtenant transmission facilities and installations over, under, across and through the project which serve more than one apartment for services such as power, light, gas, hot and cold running water, swimming pool water and power, sewer, telephone, radio, heating, refrigeration, incinerators, garbage disposal, air conditioning, television, sprinkler systems and all other services provided to more than one apartment or to other common elements; (e) all areas for the use of janitors and other persons employed in the operation of the property; (f) two automatic electric passenger elevators with shafts, housings and all appurtenant equipment, and all tanks, pumps, motors, engines, fans, compressors, machinery and equipment installed in or on said property; and (g) any and all other apparatus, installations, machinery and space, of and in common use, and all other parts of the property necessary or convenient to the existence, maintenance and safety thereof and of the occupants thereof, or normally in common use.

**LIMITED COMMON ELEMENTS:** The limited common elements and the units to which their use is reserved are the following: (a) each of the parking spaces is reserved for the use of the unit bearing the number corresponding to the number by which such space is designated on said Condominium Map; (b) storage areas within the first floor storage common element designated as appurtenant to specific apartments.

**INTEREST TO BE CONVEYED TO PURCHASER:** The percentage of undivided interest in the common elements appertaining to each apartment are set forth under the subject heading "DESCRIPTION."

**PURPOSE OF THE BUILDING AND RESTRICTIONS AS TO USE:** The proposed Declaration states that the apartments shall at all times be occupied and used only as private dwellings by the respective owners thereof, their tenants, families, domestic servants, and social guests, and for no other purpose. In the event the project is insured by the FHA, the apartments shall not be rented by the owners thereof for transient or hotel purposes, which are defined as (a) rental for any period less than 30 days; or (b) any rental where the occupants of the apartments are provided customary hotel services, such as room service for food and beverage, maid service, furnishing laundry and linen, and bell boy service. Other than the foregoing obligations, the owners of the respective

apartments shall have the absolute rights to lease same provided that said lease is made subject to the covenants and restrictions contained in the Declaration.

OWNERSHIP TO TITLE: The Notice of Intention submitted to the Commission on September 23, 1971, reflects that the fee title to the parcel of 43,836 square feet is vested in James P. Wohl and Keaukaha Development Corp. as General Partners of Kahakai Associates. The Policy of Title Insurance of September 17, 1971 by Title Guarantee Escrow Services, Inc., a Hawaii corporation, verified that the title to the parcel committed to the Horizontal Property Regime is vested in said fee simple owner.

ENCUMBRANCES AGAINST TITLE: The Policy of Title Insurance dated September 17, 1971, by Title Guarantee Escrow Services, Inc., as amended by letter dated September 23, 1971, reflects that title to the property is subject to Real Property Taxes for the fiscal year July 1, 1971 through June 30, 1972, now a lien.

Note: Developer advises that an easement for access across a portion of the subject property may be granted to The Hawaii Land Corporation, adjoining land owner.

PURCHASE MONEY HANDLING: A copy of the executed escrow agreement, dated September 23, 1971, identifies Security Title Corporation as "Escrow". On examination, the executed Escrow Agreement is found to be in compliance with Chapter 514, Hawaii Revised Statutes. The language in the Escrow Agreement illustrates compliance with the requirements of Sec. 514-36 through 514-40, Hawaii Revised Statutes.

Among other provisions, the Escrow Agreement provides that a purchaser shall be entitled to a refund of his funds, and Escrow shall pay said funds to said purchaser, without interest and less Escrow's \$10.00 cancellation fee, if the purchaser shall in writing request refund of his funds and any one of the following shall have occurred:

- (a) Escrow receives a written request from Developer to return to purchaser the funds of such purchaser then held by Escrow; or
- (b) If a purchaser's funds were obtained prior to the issuance of a final public report and if there is any change in the condominium building plans, subsequent to the execution 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 specific change; or
- (c) If a purchaser's funds were obtained prior to the issuance of a final public report and the request is prior to the time the final public report is issued; or
- (d) 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; or
- (e) If the final public report is not issued within one year from the date of issuance of the preliminary public report.

It is incumbent upon the purchaser and prospective purchaser that he reads with care the specimen Reservation Agreement and Contract of Sale and the executed Escrow Agreement. The Escrow Agreement establishes how the proceeds from the sale of dwelling units and all sums from any source are placed in trust as well as the retention and disbursement of said trust funds.

MANAGEMENT AND OPERATIONS: No management contract has been submitted as part of this registration. The proposed By-Laws of Association of Apartment Owners place the power and duty with the Board of Directors to properly administer the affairs of the project. The Board of Directors is specifically empowered to employ a responsible managing agent to manage and control the property. No managing agent has been named as yet.

STATUS OF PROJECT: At the date of the issuance hereof, no building contract has been executed and the financing of the project has not been completed. Both of these matters, the Developer indicates, should be consummated before March 31, 1972. The documents pertaining to construction, contractor's warranty and financing will be submitted upon application for the Final Public Report. Construction, the Developer indicates, should be completed within twelve (12) months from the execution of the construction contract. The contractor and financing institutions have not been as yet identified.

The specimen Reservation Agreement and Contract of Sale state that in the event less than 80% of the total value of the apartments are sold prior to March 31, 1972, Developer may at its option cancel the contract and will cause Escrow Agent to refund to Buyers all monies paid without interest. It further states that if said apartment building is not completed and ready for occupancy on or before December 31, 1973, the obligations of both Buyer and Developer shall terminate and all sums paid by Buyer shall be refunded without interest. The completion date of March 31, 1973 shall be extended for any period of time during which Developer is actually and necessarily delayed in completing construction if such delay is caused by conditions beyond the control of Developer.

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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 September 23, 1971 and additional information filed October 19, 1971.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 412 filed with the Commission on September 23, 1971. The report, when reproduced, shall be a true copy of the Commission's public report. In making facsimiles, the paper stock must be yellow in color.

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

YH/f

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REGISTRATION NO. 412  
October 20, 1971