

**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

BIG SURF  
1690 Ala Moana Boulevard  
Honolulu, Hawaii

REGISTRATION NO. 456

**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: December 18, 1980  
Expires: January 18, 1982

SPECIAL ATTENTION

A comprehensive reading of this report is urged in order that personal requirements and expectations to be derived from the property can be ascertained. The attention of the purchaser or prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED MARCH 27, 1979 AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF DECEMBER 12, 1980. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. Since the issuance of the Commission's Preliminary Public Report on Registration No. 456 dated October 12, 1979, the Developer has forwarded additional information reflecting material changes which have been made in the documents and plans for the project. This Final Report reflects these changes and shall be made a part of BIG SURF condominium project.

2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registrarion of the condominium project and issuance of this Final 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 of Horizontal Property Regime, together with By-Laws of Association of Apartment Owners was filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Land Court Document No. 969932 and as amended by Document No. 1038939. The Registrar of Conveyances has designated the approved floor plan for the project as Condominium Map No. 394.

4. No advertising and promotional matters have been submitted pursuant to the rules and regulations promulgated by the Commission.

5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A, Hawaii Revised Statutes, and the Condominium Rules and Regulations which relate to Horizontal Property Regime.

6. This Final Public Report automatically expires thirteen (13) months after date of issuance, December 18, 1980, unless a Supplementary Public Report is issued or the Commission upon review of registration issues an order extending the effective period of this report.

7. The Developer is responsible for placing a true copy of this Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers along with a true copy of the Preliminary Public Report (yellow paper stock) and revised Disclosure Abstract. Securing a signed copy of the receipt therefor is also the responsibility of the Developer.

Except for certain information under the topical headings DESCRIPTION, ENCUMBRANCES AGAINST TITLE and PURCHASE MONEY HANDLING, all other information in the Preliminary Public Report issued October 12, 1980 remains unchanged.

DESCRIPTION: An Amendment to the Declaration of Horizontal Property Regime and the Condominium Map No. 394, prepared by George S. Kurio, dated December 12, 1978, and filed in the Bureau of Conveyances reflect changes of the area and dimensions of the 2 and 3 bedroom units and the commercial units as follows:

1. The two-bedroom units contain six rooms, including two bathrooms, and are approximately 916 square feet; which include three lanais (two on the mauka side of the unit, each being approximately 48 and 43 square feet, and one on the makai side of the unit, being approximately 91 square feet. The dimensions of Bedroom #2 have been revised from 9'4" x 12'6" to 9'8" x 12'6".

2. The three-bedroom units contain eight rooms, including three bathrooms, and are approximately 1094 square feet; which include three lanais (two on the mauka side of the unit, each being approximately 48 and 43 square feet, and one on the makai side of the unit, being approximately 91 square feet.

3. The area of the commercial unit being used as a bar has been revised from approximately 490 square feet to approximately 590 square feet consisting of the bar area, patio and two toilets. The area of the other commercial unit, the office area, has been revised from approximately 80 square feet to approximately 95 square feet consisting of an office and toilet.

4. The number of parking stalls have been increased from twenty-six (26) to twenty-seven (27) stalls.

ENCUMBRANCES AGAINST TITLE: The Preliminary Report dated October 29, 1980 issued by Title Guaranty of Hawaii, Inc. identifies the following encumbrances on the land committed to the project:

1. Real property taxes that are due and owing; refer to State Tax Assessor, First Division.

2. Mortgage and Security Agreement dated April 20, 1971, made by and between SUNG HI LIM and LILY SOOK MYENG LIM, husband and wife, as Mortgagors, and KASSLER-WEST MORTGAGE CORPORATION, now known as Kassler & Co., as Mortgagee, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 534587, and which was assigned to OLD COLONY CO-OPERATIVE BANK by instrument dated April 20, 1971, filed as Document No. 534588.

3. The interest of the above Mortgagors as Lessors under all leases and tenancies of any portion of the mortgaged property hereinafter described, and all the rents, issues and income now or hereafter arising or in any manner arising from or out of all and every part of the mortgaged property, was assigned to Kassler West Mortgage corporation (now known as Kassler & Co.), by instrument dated April 20, 1971, filed as Document No. 534589, and further assigned to Old Colony Co-Operative Bank, by instrument dated April 20, 1971, filed as Document No. 534590.

4. Notice of Pendency of Action dated July 16, 1976 re action to foreclose Mortgage Document No. 534587, Old Colony Co-Operative Bank, a State chartered savings and loan association of the State of Rhode Island (attorney - Frank D. Padgett and James A. Kawachika), as Plaintiff, and Sung Hi Lim, Lily Sook Myeng Lim, and Amfac Financial Corporation, as Defendant, filed in the Circuit Court, First Circuit, State of Hawaii, Civil No. 48843, on July 16, 1976, and also filed as Land Court Document No. 773527 on July 19, 1976.

5. Pending proceedings in the United States District Court for the District of Hawaii under Bankruptcy No. 76-0474, filed November 3, 1976 by Max Sung Hi Lim, voluntary Bankruptcy proceedings. Ralph S. Aoki appointed Trustee by

Order filed in said matter on April 14, 1977 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 12166 at Page 349. (not noted on Transfer Certificate of Title No. 50,316)

6. Pending proceedings in the United States District Court for the District of Hawaii under Bankruptcy No. 76-0475, filed November 3, 1976 by Lily Sook Myeng Lim, voluntary Bankruptcy proceedings. Ralph S. Aoki appointed Trustee by Order filed in said matter of April 14, 1977 and recorded in Liber 12166 at Page 349. (not noted on Transfer Certificate of Title)

7. The restrictions on use and other restrictions and all other of the covenants, agreements, obligations, conditions, reservations, easements and other provisions set forth in Declaration of Horizontal Property Regime dated June 8, 1979, filed as Document No. 969932, and the By-Laws attached thereto, as the same are or may hereafter be amended in accordance with law, said Declaration or said By-Laws. (Project covered by Condominium Map No. 394, as amended. Said Declaration was amended by instrument dated October 20, 1980, filed as Document No. 1038939.

8. Pending proceedings in the United States District Court for the District of Hawaii under Bankruptcy No. 80-215, filed April 18, 1980 by Max Sung Hi Lim and Lily Sook Myong Lim, Voluntary-Business (Chapter XI) proceedings. (Not noted on said Transfer Certificate of Title)

PURCHASE MONEY HANDLING: The Sales Contract and Deposit Receipt form has been revised as follows:

1. Paragraph 14 entitled Subordination, has been deleted inasmuch as State Savings and Loan Association will not make the anticipated loan, nor will there be renovations to the building.

2. The following paragraphs will be added to the Sales Contract and Deposit Receipt:

Par. 21. Seller's Option to Cancel Sales Contract. If by January 30, 1981 less than ten (10) apartments in the Project have been sold and closed, Seller, at Seller's option, may cancel this sales contract upon written notice to Purchaser, in which event all sums paid by Purchaser hereunder shall be refunded, without interest, to Purchaser, less: 1) Escrow's cancellation fee; 2) any mortgagee's cancellation fee; and 3) all other costs which have been incurred in connection with Escrow mortgage processing, closing or documentation (items 1 through 3 are hereafter collectively referred to as "Cancellation Costs") and this sales contract shall be deemed to have been cancelled and both parties shall be released from all obligations and liabilities hereunder.

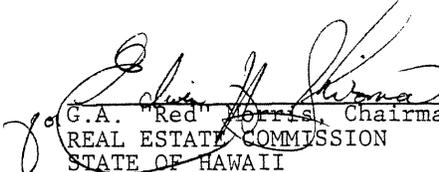
Par. 22. Sale To Seller. After one year from the date Purchaser takes possession of the property herein sold, Purchaser shall have the right to sell

the said property to Seller and Seller shall agree to purchase same at a price five per cent (5%) greater than the total purchase price as set forth on page 1 hereof, upon the condition that Purchaser is not in default of any of the terms and conditions of this contract and the Condominium Conveyance Document conveying the property sold herein. Purchaser shall exercise its aforesaid right to sell by notifying Seller in writing. Within twenty (20) days after such notice, Seller and Purchaser shall open escrow at an institution licensed to do such business in the State of Hawaii. Within forty (40) days after the establishment of escrow, escrow shall close, which shall be the date which all appropriate documents are recorded and the proceeds of sale are available for disbursement. Seller shall pay the aforesaid purchase price either in cash, if Purchaser purchased the property herein sold by such means, or by assuming Purchaser's mortgage and the balance in cash, if Purchaser utilized mortgage financing to purchase the property herein sold. In the event that the mortgagee will not allow the assumption of Purchaser's mortgage at the interest rate stated therein, then Purchaser will accept an agreement of sale with the same terms as the mortgage, with a down payment equal to the difference between the mortgage balance and the aforesaid purchase price, together with the privilege to prepay the balance of the agreement of sale, or any portion thereof, and Seller shall pay any prepayment charges under the mortgage. No real estate broker's commissions, finder's fees or like commission shall be due or payable in connection with transaction covered in this paragraph. This right to sell shall be exclusively reserved to the Purchaser named herein, and such right shall terminate in the event Purchaser sells the subject property to anyone other than Seller.

-----  
The purchaser or prospective purchaser should be cognizant of the fact that this Final Public Report represents information disclosed by the Developer in the required Notice of Intention submitted March 27, 1979, and additional information submitted as of December 12, 1980.

THIS FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 456 filed with the Commission on March 27, 1979.

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

  
G.A. Red, Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII

Distribution:

Department of Taxation  
Bureau of Conveyances  
Planning Department, City and  
County of Honolulu  
Federal Housing Administration  
Escrow Agent

REGISTRATION NO. 456

Date: December 18, 1980