

**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

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 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 12, 1979  
Expires: November 12, 1980

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 AUGUST 28, 1979. 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. BIG SURF is a proposed mixed-use leasehold condominium project with thirty (30) residential units and two (2) commercial units, and twenty-six (26) parking stalls. The building was completed in March, 1971, and has been used as a hotel since then. The developer is now converting the project into a condominium. The building has sixteen (16) stories and a basement which is partially below and partially above street level.
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. The Developer shall be responsible for placing this Preliminary Public Report (yellow paper stock) and Disclosure Abstract in the hands of all purchasers and prospective purchasers. Securing a signed copy of receipt for same is also the responsibility of the Developer.
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 not been recorded in the Bureau of Conveyances as of this date.
4. No advertising or promotional matter has been submitted pursuant to Chapter 514A, of the Hawaii Revised Statutes, and 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 Preliminary Public Report automatically expires thirteen (13) months after date of issuance, October 12, 1979, unless a Final or Supplementary Public Report issues or the Commission upon review of registration issues an order extending the effective period of this Preliminary Public Report.

NAME OF PROJECT: BIG SURF

LOCATION: The approximate 6,839 square feet of real property and building to be committed to the regime, as a leasehold condominium project, is located at 1690 Ala Moana Boulevard, Honolulu, Hawaii.

DEVELOPER: MAX SUNG HI LIM and LILY SOOK MYENG LIM, whose place of business and mailing address is at 1690 Ala Moana Boulevard, Honolulu, Hawaii 96813. Telephone No. 946-6525

ATTORNEY REPRESENTING DEVELOPER: VERNON T. TASHIMA, Suite 400, Amfac Building, 700 Bishop Street, Honolulu, Hawaii 96813. Telephone No. 521-2951.

DESCRIPTION: The proposed Declaration of Horizontal Property Regime and Condominium File Plan prepared by Kajioka/Okada & Partners, Inc., dated July 17, 1979, reflect

that the project is to consist of the fee simple land located at 1690 Ala Moana Boulevard, and a sixteen (16) story building containing a total of thirty (30) residential apartments, two (2) commercial units and twenty-six (26) regular size parking spaces. The parking stalls, deemed common elements, will be leased and not be assigned to any unit.

There will be one elevator in the building.

There will be thirty (30) residential units for sale, [as leasehold units] by way of a Condominium Conveyance Document which includes an apartment deed and ground lease. The commercial spaces will be initially retained by the Developer, but may be leased at a future date.

The description of the units are as follows:

a) Residential units. There will be fifteen (15) 3-bedroom units, and fifteen (15) 2-bedroom units.

(i) The 3-bedroom units contain 8 rooms, including 3 bathrooms, and are approximately 1,266 square feet, each; which include 3 lanais (one on each end of the unit, each being approximately 98 square feet and one, approximately 73 square feet, on the mauka side of bedroom and bathroom No. 3) and consists of the following rooms:

Bedroom #1	area	8'8" X 11'4" with bath
Bedroom #2	area	9'4" X 12'6" with bath
Bedroom #3	area	8'8" X 8'8" with bath
Kitchen	area	8'6" X 8'9"
Living/Dining combination:		
Living area		9'4" X 15'6"
Dining area		7'6" X 9'0"

The above dimensions do not include bathroom, closets and hallways.

The kitchen has a range with hood and fan, Refrigerator, Dishwasher, Heater and Disposal.

(ii) The 2-bedroom units contain 6 rooms, including 2 bathrooms, and are approximately 983 square feet, each; which include 2 lanais, (one on each end of the unit, each being approximately 98 square feet, and consists of the following rooms:

Bedroom #1	area	8'8" X 11'4" with bath
Bedroom #2	area	9'4" X 12'6" with bath
Kitchen	area	8'6" X 8'9"
Living/Dining combination:		
Living area		9'4" X 15'6"
Dining area		7'6" X 9'0"

Unit No. 205 differs from the typical 2-bedroom unit in that Unit 205 has 2 lanais, one approximately 98 square feet and the other approximately 722 square feet. A substantial portion of the 722 square foot lanai is situated on the roof of the commercial unit presently being used as a bar. The owner of Unit 205 and the owner of the said commercial unit shall be jointly and equally responsible for repairs to the structure being jointly utilized as a lanai for Unit 205 and as a roof of the said commercial unit.

The above dimensions do not include bathroom, closet and hallways.

The kitchen has a range with hood and fan; Refrigerator, Dishwasher, Heater and Disposal.

(iii) The floor area of each apartment is measured to the interior of the walls, and the dimensions of the rooms are approximate measurements.

b) Location and Numbering of Units in Building.

As viewed from Ala Moana Boulevard, the 3-bedroom units are located on the west or ewa side of the building, and the 2-bedroom units on the east or Waikiki side.

The 3-bedroom units number ends in "01" preceded by the number of the floor upon which it is located and the 2-bedroom units number ends in "05" preceded by the number of the floor upon which it is located.

c) Common Elements Immediately Accessible By Each Unit

The common elements to which each unit will have immediate access are the common entry and hallway leading to the elevator or to the stairway located in the rear of the elevator.

d) Commercial Units.

There will be two (2) commercial units, both on the first floor. One is presently being used as a bar, and has a total area of approximately 490 square feet consisting of the bar area, patio and 2 toilets, and the other an office area, of approximately 80 square feet, consisting of an office and toilet. These commercial units will share the cost of the maintenance of the common areas on a pro-rata basis.

e) Commercial Unit Presently Being Used as a Bar and Unit No. 205

Inasmuch as a substantial portion of Unit 205's lanai is situated on the roof of the

commercial unit presently being used as a bar, the owners of Unit 205 and the commercial unit shall be jointly and equally responsible for any and all repairs to the subject structure.

The common elements to which these units will have immediate access are the outdoor patio and entranceway for the bar and the lobby for the office unit.

The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or interior load-bearing walls, the floors and ceilings surrounding each apartment or any pipes, wires, conduits, ducts or other utility lines running through such apartment, the same being deemed common elements as hereinafter provided. Each apartment shall 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, doors and door frames, windows and window frames, and all fixtures originally installed therein.

The common element to which each apartment in the buildings will have immediate access is the common entry balcony leading to the stairway down to the ground level.

COMMON ELEMENTS: The proposed Declaration reflects that the common elements consist of:

- (a) The land described in fee simple.
- (b) All foundations, floor slabs, columns, girders, beams, supports, load-bearing walls, interior walls separating adjacent apartments, fences and building roofs.
- (c) All yards, grounds, landscaping, sprinkler system, refuse facilities, all utility rooms, trash rooms, common laundry areas including service toilets, storage rooms, lobby.
- (d) All building walkways, building sidewalks, stairways, pathways, driveways including 30 parking spaces, corridors or common balcony on each floor, elevator, elevator shaft and appurtenant equipments.
- (e) All ducts, house meters, electrical equipment wiring and other central and appurtenant installations, including power, light, water, sewer, gas and telephone, machine, meter room and switch room, all pipes, wires, conduits or other utility or service lines, including TV cables, if any, which run through an apartment, but which are utilized by or serve more than one apartment.

NOTE: The commercial apartment will have separate electrical meters for each unit.

- (f) Any and all other apparatus and installation of common use and all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

LIMITED COMMON ELEMENTS: There will be no limited common elements.

INTEREST TO BE CONVEYED PURCHASER: The Declaration states that the undivided interest in the common elements appertaining to each apartment are as follows:

<u>UNIT NO.</u>	<u>UNDIVIDED PERCENTAGE INTEREST</u>
201	3.6245
301	3.6245
401	3.6245
501	3.6245
601	3.6245
701	3.6245
801	3.6245
901	3.6245
1001	3.6245
1101	3.6245
1201	3.6245
1401	3.6245
1501	3.6245
1601	3.6245
1701	3.6245
205	4.6007
305	2.8143
405	2.8143
505	2.8143
605	2.8143
705	2.8143
805	2.8143
905	2.8143
1005	2.8143
1105	2.8143
1205	2.8143
1405	2.8143
1505	2.8143
1605	2.8143
1705	2.8143
Bar Area	1.4027
Commercial office	.2289
	<u>100.0000</u>

According to the Declaration and By-Laws, each apartment's share of the common expenses and voting rights shall be in proportion to its undivided percentage interest in the common elements.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The Declaration states that each residential apartment shall be used primarily as a single-family residence dwelling by the respective owners, their tenants, families and domestic servants and for no other purpose and the commercial units for lawful business purpose, respectively. Each owner shall comply with the terms of the Declaration, By-Laws and House Rules of the Association of Apartment Owners.

NOTE: The House Rules provide that not more than six (6) persons shall be allowed to occupy

any residential apartment or be employed by the owner or occupant or lessee of any commercial apartment.

OWNERSHIP TO TITLE: A copy of a Preliminary Report issued by TITLE GUARANTY OF HAWAII, INC. as of August 3, 1979 reports that the title to the land is vested in the Developer, MAX SUNG HI LIM and LILY SOOK MYENG LIM, as evidenced by Transfer Certificate of Title No. 50,316, issued to said owners.

ENCUMBRANCES AGAINST TITLE: The Preliminary Report dated August 3, 1979 identifies the following encumbrances on the land committed to the project:

1. Real property taxes for the fiscal year July 1, 1979 - June 30, 1980, 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 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 said Transfer Certificate of Title)

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated February 26, 1979, identifies Title Guaranty Escrow Services, Inc. as "Escrow". On examination, the specimen Sales Contract and Receipt and executed Escrow Agreement are found to be in compliance with Chapter 514A, Hawaii Revised Statutes.

Among other provisions, the executed Escrow Agreement reflects that a purchaser shall be entitled to a refund of his funds, without interest, if any one of the following shall have occurred: (1) Escrow receives a written request from Seller 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 Public Report and if there is any change in the building plans, subsequent to the extension of purchaser's contract, requiring 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 ninety (90) days have elapsed since the purchaser has accepted in writing, the apartment or he has first occupied the apartment; or (3) if the purchaser's funds were obtained prior to the issuance of a Final Public Report and 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 (4) if the Final Public Report is not issued within one (1) year from the date of issuance of the Preliminary Public Report and purchaser's rights are not waived under Section 514A66, Hawaii Revised Statutes.

Additionally, the Specimen Sales Contract and Receipt provides: (1) that the purchaser's rights are and shall be subject and subordinate to the lien of any mortgage made to finance the cost of construction and other costs during construction; (2) that upon notification of completion by Owner, purchaser agrees to inspect and accept unit(s) (together with lists of defects, if any) so long as the unit(s) are not deemed uninhabitable.

It is incumbent upon the purchaser and prospective purchaser that he reads with care the Sales Contract and Receipt 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 this project states that the Board of Directors may employ for the Association of Apartment Owners, a management agent to perform such duties as the Board shall authorize, including the collection of all assessments from the owners. The Developer has entered into a contract with Aaron M. Chaney, Inc., 841 Bishop Street, Honolulu, Hawaii 96813, as the initial managing agent.

STATUS OF PROJECT: The Building, completed in March, 1971, has been used as a hotel/apartment rental by the Developer. To the best of Developer's information and belief, the building(s) presently built on the subject premises is in compliance with all ordinances, codes, rules, regulations, or other requirements in force at the time of its construction thereof, and no variance was granted from any ordinance, code, rule, regulation, or other requirements in force at the time of the construction thereof or from any current ordinance, code, rule, regulation or other requirement.

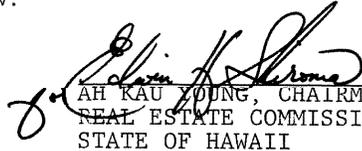
There are no current outstanding notices to the owners of the improvements of uncured violations of building codes or of other municipal violations.

The existing building(s) is a non-conforming structure, defined as a structure which was previously lawful but which does not now comply with the present regulations. Additional improvements, including alterations, on the Project is subject to Ordinance 78-89 and the Comprehensive Zoning Code, Section 21-107, which relates to non-conformities.

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The purchaser or prospective purchaser should be cognizant of the fact that this Public Report represents information disclosed by the Developer in the required Notice of Intention submitted March 27, 1979, and information subsequently filed as of August 28, 1979.

THIS PRELIMINARY 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 yellow.

  
AH KAU YOUNG, CHAIRMAN  
REAL ESTATE COMMISSION  
STATE OF HAWAII

Distribution:

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Department of Land Utilization, City and County of Honolulu  
Federal Housing Administration  
Escrow Agent

REGISTRATION NO. 456

DATED; October 12, 1979