

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

75 KIHAPAI  
75 Kihapai Street  
Kailua, Oahu, Hawaii

REGISTRATION NO. 508

**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: August 9, 1973  
Expires: September 9, 1974

SPECIAL ATTENTION

A comprehensive reading of the report 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 DECEMBER 27, 1972, AND INFORMATION SUBSEQUENTLY FILED AS OF AUGUST 3, 1973. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL AND SUBMITTING INFORMATION AND DATA OF MATERIAL CHANGES IN THE PROJECT, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT SET FORTH IN CHAPTER 514, HAWAII REVISED STATUTES.

1. Since the issuance of the Preliminary Public Report on the 75 KIHAPAI project, Registration No. 508, dated April 2, 1973, the Developer has submitted additional information and requested a Final Public Report on the

1. Taxes for the Fiscal Year 1972-1973 have been paid in full.
2. Easement "J" over and across Lot 1283-1-A-1, as shown on Maps 414 and 454, as set forth by Land Court Order No. 15677, filed September 11, 1957.
3. Grant dated July 19, 1957, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii, as Document No. 223144, in favor of the City and County of Honolulu, granting an easement for underground drainage structure under and across Easement "J".
4. Mortgage dated June 12, 1973, filed in the Office of the Assistant Registrar as Document No. 637870, made by Jerry Charles Merrick and Glen Ivan Payton, Jr., as Mortgagors, to City Bank of Honolulu, as Mortgagee, to secure the repayment of the sum of \$250,000.00 and any additional advances and other amounts secured thereby, all according to the terms of that certain promissory note of said mortgagors therein referred to.
5. Condominium Map No. 172 filed in the Bureau of Conveyances of the State of Hawaii, on July 18, 1973.
6. Restrictions, covenants, conditions and other provisions contained in that certain Declaration of Horizontal Property Regime dated July 11, 1973, filed in the Office of the Assistant Registrar as Document No. 639783, and the By-Laws attached thereto to which reference is hereby made.

NONCONFORMING USE: On August 9, 1973, the Commission was advised by the Developer's Attorney that this condominium apartment building is a nonconforming building under the present zoning regulations. A portion of the property is zoned B-2 (business) and the remainder of the property is zoned A-3 (apartment). At the time the building was constructed, the zoning code allowed the construction of an apartment on a business zone. The existing zoning code, does not allow the construction of an apartment on a business zone. The Developer's Attorney has notified the Commission that, in the event of destruction of any or all portions of said building, rebuilding or restoration to the original plans will not be allowed without a variance.

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The prospective purchaser or purchaser should be cognizant of the fact that this published report represents information disclosed by the Developer in the required Notice of Intention submitted December 27, 1972, and additional information subsequently filed as of August 9, 1973.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of Registration No. 508 filed with the Commission on December 27, 1972.