

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
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 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: April 2, 1973

Expires: May 2, 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 ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF MARCH 27, 1973. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514, HAWAII REVISED STATUTES.

1. The registration is in compliance with the requirements of the law and regulations. The Developer has given the Commission adequate information on his intention to offer the described and existing dwelling units for sale.

2. 75 Kihapai is a fee simple apartment condominium having 14 units in a two-story building. Fourteen (14) parking stalls are available.

3. No advertising or promotional matter has been submitted pursuant to the rules and regulations promulgated by the Commission.

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

5. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of the condominium project and the issuance of this Preliminary Public Report.

6. The basic documents (the Declaration of Horizontal Property Regime and the covenants, restrictions and By-Laws and a copy of the approved Floor Plans) have not been filed in the office of the recording officer.

7. This Preliminary Public Report automatically expires thirteen (13) months from the date of issuance, April 2, 1973, unless a supplementary report is published or the Commission, upon review of the registration, issues an order extending the effective period of this report.

NAME OF PROJECT: 75 KIHAPAI

LOCATION: The project is located at 75 Kihapai Street, Kailua, County of Honolulu, on the Island of Oahu, containing 13,873 square feet or thereabouts.

TAX KEY: 4-3-57-70

ZONING: B-2, A-3

DEVELOPER: The Developer is Jerry Charles Merrick and Glen Ivan Payton, Jr., 1610 Mokulua Drive, Kailua, Oahu 96734.

ATTORNEY REPRESENTING DEVELOPER: David L. Mui, Suite 2100, 1860 Ala Moana Boulevard, Honolulu, Hawaii 96815, telephone 955-0686.

DESCRIPTION OF PROJECT: The specimen Declaration of Horizontal Property Regime reflects that this is a fee simple condominium apartment consisting of 14 one-bedroom units in a two-story building. Construction is of reinforced concrete block. Apartment numbers 1 through 7 are located on the first floor, 8 through 14 are located on the second floor.

The apartments and access thereto are more particularly described as follows:

(a) Apartments 1 through 7 are one-bedroom apartments on the ground floor consisting of a living room-dining room, a bathroom, a kitchen and a lanai. The apartment contains 630 square feet including 150 square feet of lanai.

(b) Apartments 8 through 14 are one-bedroom apartments on the second floor consisting of a living room-dining room, a kitchen, a bathroom and a lanai. The apartment contains 600 square feet including 120 square feet of lanai.

(c) All first floor units shall have immediate access to the land heretofore described. The remaining units shall have immediate access to the external covered walks, stairways that connect the units above the ground.

COMMON ELEMENTS: The specimen Declaration reflects that the common elements include:

(a) The land in fee simple heretofore described.

(b) The vehicular entry/exit to the parking area, the pedestrian entrances, all other concrete walks, planting areas, and gardens giving access to the building, the pedestrian entrances from the parking area and all walkways onto which each apartment directly opens.

(c) All foundations, columns, beams and supports, girders, roof, walks, stairways, exterior walls, partition walls between each condominium unit, floors and ceilings.

(d) The swimming pool and its filtration system, and fencing.

(e) All central and appurtenant installations for services such as power, lights, telephone, gas, hot and cold water lines, television lines, sewage disposal, and other utilities (including all pipes, ducts, wires, cables, and conduits used in connection therewith, whether located in common areas or in apartments), and all tanks, pumps, motors, fans, ducts and other apparatus and installations existing for, or in the said building for common use.

(f) All intangible personal property, choses in action, debts, monies, reserves, funds, and other assets held by the Association of Condominium Owners for the benefit of the several condominium owners.

(g) All other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use and which are not part of any apartment.

THE LIMITED COMMON ELEMENTS shall be as follows:

Each parking stall shall be marked by a letter or number corresponding to the unit it appertains. Each apartment shall have laundry facilities on the ground floor including laundry tray and washer hook-up and shall be a limited common element to the apartment to which it appertains.

PERCENTAGE OF UNDIVIDED OWNERSHIP TO BE CONVEYED: The specimen Declaration reflects that the percentage of undivided interest in all the common elements of whatever kind appertaining to each condominium unit and its owner for all purposes is 7.1428%.

PURPOSE OF BUILDING AND RESTRICTION TO USE: The specimen Declaration reflects that all apartments of the project may not be occupied or used for any purpose other than as permitted by the By-Laws of the Association of Apartment Owners and the House Rules.

OWNERSHIP OF TITLE: The Developer reports that title is vested in

Robert Wayne Horton and Audrey Lou Horton. The preliminary title report dated March 14, 1973, by Security Title Corporation confirms such ownership.

ENCUMBRANCES AGAINST PROPERTY: Developer has submitted a Preliminary Title Report dated March 14, 1973, prepared by Security Title Corporation, a licensed abstractor. The report states that the title to the land is subject to:

(a) Taxes that may be due and owing on the land reference is hereby made to the office of the Tax Assessor of the First Division.

(b) 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.

(c) Grant dated July 19, 1957, in favor of the City and County of Honolulu, granting an easement for underground drainage structure under and across Easement "J", filed in the Office of the Assistant Registrar of the Land Court as Document No. 223144.

(d) Mortgage dated July 27, 1971, in favor of Honolulu Mortgage Company, Ltd., filed in the Office of the Assistant Registrar as Document No. 547052.

NOTE: The Developers report that they hold an unrecorded Option Agreement dated May 3, 1972, to purchase said property. The Option period extends to January 15, 1973, plus any additional time as may be required by the Real Estate Commission for approval of a condominium conversion of the property, and any additional time as may be required thereafter by Escrow to process all necessary documents connected with the sale of the condominium units.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated March 2, 1973, identifies Security Title Corporation, as the Escrow Agent. On examination the specimen Reservation Agreement, the specimen Contract of Sale, and executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes, and particularly Section 514-35 HRS and Section 514-36 HRS through Section 514-40 HRS. Among other provisions the Escrow Agreement states that no money shall be disbursed from the funds deposited with Escrow on behalf of Developer unless and until the Real Estate Commission of the State of Hawaii has issued a Final Public Report, and the requirements set forth in Hawaii Revised Statutes, Section 514-36 through Section 514-39, as amended, have been satisfied. It further states that a purchaser under a contract of sale shall be entitled to a refund of all money deposited with Escrow, less a cancellation fee of \$25.00 and without interest if Purchaser shall in writing request refund of his funds and any of the following events shall have occurred: (a) If the Escrow Agent receives a written request from the Developer to return the Purchaser's funds to him; (b) There is a change in the plans for the said building requiring the approval of the official of the County having jurisdiction over the issuance of permits for the construction of buildings, unless Developer obtains the Purchaser's written approval or acceptance of such specific change in building plans; (c) The Final Public Report upon the project differs from the Preliminary Public

Report upon the project issued by the Real Estate Commission of the State of Hawaii in any material respect; (d) Such Final Public Report is not issued within one year from the date of issuance of such Preliminary Public Report. Buyer shall, in any event, have the right to a refund of any money deposited in Escrow under a Reservation Agreement, less cancellation fee, without interest, upon written request therefor, at any time prior to the issuance of a Final Public Report by the Commission.

The specimen Reservation Agreement provides that Developer shall have the option to cancel the Reservation Agreement if it fails to sell less than Fourteen (14) apartment units by April 1, 1973.

It is incumbent upon the Purchaser or prospective Purchaser that he reads with care the Reservation Agreement, the Contract of Sale, and the Escrow Agreement. The Escrow Agreement establishes how the proceeds from the sale of 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 empower the Board of Directors with the authority to engage a Manager or Managing Agent to manage the Horizontal Property Regime. The property manager has been identified in the Notice of Intention to Sell as Brilhante and Associates, Inc.

STATUS OF PROJECT: This project is a conversion of an existing apartment building into a condominium. The Developer has advised the Commission that the building was completed some time in August, 1957, and used as apartment rental units.

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 December 27, 1972, and additional information subsequently filed by the Developer as of March 27, 1973.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 508 filed with the Commission on December 27, 1972. The report, when reproduced, shall be a true copy of the Commission's public report. The paper stock must be yellow in color.


(for) DOUGLAS R. SODEVANI, 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. 508
April 2, 1973