

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
ILIMA WEST APARTMENTS
3121 Ala Ilima Street
Honolulu, Hawaii

REGISTRATION NO. 564

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 13, 1973
Expires: September 13, 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 or prospective purchaser is particularly directed to the following:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED MAY 29, 1973. THE OWNER, BY NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT AND AMENDMENTS THERETO, CHAPTER 514, HAWAII REVISED STATUTES.

1. Ilima West Apartments is a fee simple condominium project consisting of 91 residential units. The project consists of a 7-story building without basement and adjacent open parking thereto. This building was completed on 3/9/72 and was previously operated as an apartment complex as the 3121 Ala Ilima Apartments. The building and the land on which the building are situated were submitted to the horizontal property regime as set forth in detail below. Ninety-one residential apartments are being offered for sale.

This Final Public Report is made a part of the registration of Ilima West Apartments condominium project. The Developer is held responsible for placing this Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers securing a signed copy of the Receipt for Horizontal Property Regime Final Public Report from each purchaser and prospective purchaser is also the responsibility of the Developer.

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 has fulfilled all requirements for the issuance of this Final Public Report.
3. The Declaration of Horizontal Property Regime with By-Laws of the Association of Apartment Owners attached was recorded on May 29, 1973 in the Bureau of Conveyances of the State of Hawaii filed as Document No. 631715 and the Amended Declaration of Horizontal Property Regime was recorded on July 26, 1973 in the said Bureau of Conveyances and filed as Document No. 640825.

The Bureau of Conveyances has designated Condominium File Plan 168 to the project.

4. No advertising and promotional matter has been submitted pursuant to rules and regulations promulgated by the Commission.
5. 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.
6. This Final Public Report automatically expires thirteen months after date of issuance August 13, 1973, unless a Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the effective period of this report.

NOTE: The Commission advises that purchasers and prospective purchasers carefully study the provisions of the Amended Declaration, inasmuch as, the Declaration contains many unique and unusual provisions which are not normally found in other condominium projects.

NAME OF PROJECT: ILIMA WEST APARTMENTS

LOCATION: The 80,571 square feet of land which has been submitted to the horizontal property regime is situated on the southwest corner of Ala Ilima Street and Ala Moa Place, at 3121 Ala Ilima Street, Honolulu, City and County of Honolulu, State of Hawaii.

TAX KEY: First Division 1-1-60-1

ZONING: A-3

DEVELOPER: The developer Adolph J. Mendonca by way of Sub-Agreement of Sale dated March 14, 1973 by and between said Adolph J. Mendonca as Vendee and Gordon Kanji Uyeda, husband of Carol Miya Uyeda, Helen Lee Ahn, wife of Chung Dho Ahn, Manoa Finance Company, Inc., a Hawaii corporation, and National Mortgage and Finance Co., Ltd., a Hawaii corporation, as Vendors.

ATTORNEYS REPRESENTING DEVELOPER: Arthur S. K. Fong and Jack H. Mizuha, 334 Alexander Young Bldg., Honolulu, Hawaii (Telephone 523-1617)

DESCRIPTION: The Amended Declaration describes the project as follows:

1. Description of Building. The subject building was completed in March, 1972. It consists of a 7-story 91-unit, hollow tile and reinforced concrete structure with thirteen (13) units on each floor. All units are similarly constructed and all units consist of 2-bedrooms and 1 bathroom. The net floor area of each apartment is 704 sq. ft. Other rooms in each apartment include a living room and kitchen. The apartments shall be numbered consecutively beginning from number 00 through 12, inclusive, preceded by the floor on which the apartment is located, as for example, apartment 1 on floor 1 would be Apartment 100 and apartment 12 on floor 6 would be Apartment 612.
2. Limits of Units. 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 unit or any pipes, wires, conduits or other utility lines running through such apartment which are utilized for or serve more than one apartment, the same being deemed common elements as hereinafter provided.
3. Inclusion. Each apartment shall include any adjacent lanai or patio shown on said Condominium Map. Each unit shall be deemed to include all the walls and partitions which are not load-bearing within its perimeter walls, window and window frames, the inner decorated or finished surfaces of all walls, floors and ceilings and the air

space bounded by the lanai or patio railing and the built-in fixtures including ranges, garbage disposal units, and refrigerators.

4. Parking. There will be one hundred fourteen (114) uncovered parking stalls. 91 will be assigned and numbered to correspond to the apartment numbers. 23 stalls shall be sold as additional stalls to apartment owners by the developer.

COMMON ELEMENTS: The common elements will include the limited common element described below and all other portions of the land and improvements other than apartment units, the land on which they are located and all elements mentioned in the Horizontal Property Act which are actually constructed on the land described herein, and specifically which include, but shall not be limited to:

1. The land herein described.
2. All foundations, columns, girders, beams, supports, bearing walls, corridors, entry halls, stairs, walkways, and the laundry and garbage areas.
3. The roof.
4. All yards, grounds, landscaping and refuse storage areas.
5. All entrance structures, doors and accessways, entrance driveway, paved exit driveway and exit structure.
6. All pipes, cables, conduits, ducts, electrical equipment, wiring and other central and appurtenant installations for services such as power, light, water and electric mains, refuse and telephone.
7. Two Automatic self-servicing elevators.
8. Swimming pool.
9. Any and all other apparatus including laundry equipments and installations 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: Certain parts of the common elements, herein called and designated as "Limited common elements," are hereby set aside and reserved for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto and exclusive easement for the use of such limited common elements. The limited common elements so set aside and reserved are as follows:

- a. The walkway serving the apartments on each floor shall be appurtenant to and for the exclusive use of such apartments which it serves.
- b. Parking Stalls: The parking stall designated by apartment number as belonging to that respective apartment shall be appurtenant to and for the exclusive use of such designated apartment. The extra parking stalls, of which there are 23, shall be sold as additional stalls to the apartment owners.

INTEREST TO BE CONVEYED TO PURCHASER: Each apartment, except Apt. 707 which shall have an undivided 1.18% fractional interest therein, shall have appurtenant thereto an undivided 1.098% fractional interest in all common elements of the project (herein called the "common interest"), and the same proportionate share in the common expenses of the project and for all other purposes including voting. In addition, each residential apartment shall have appurtenant thereto an exclusive easement to use the parking space or spaces designated as appurtenant to said apartment in the assignment of lease covering said apartment.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The residential apartments shall 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, unless consent of the Board of Directors is secured. The owners of the respective apartments shall have the absolute right to lease the same subject to the limitations, restrictions, covenants and conditions of this Declaration.

NOTE: The Ilima West Apartments House Rules recites that apartments shall be used for single family residential purposes only and shall be restricted to two adults and two minors of the same household.

OWNERSHIP TO TITLE: The Developer has filed with the Commission a Preliminary Report dated July 31, 1973, prepared by Security Title Corporation showing the fee title owners as Isaac Ichiro Nonaka, Hideo Johiro, and George Kiyoshi Yamashiro, as Tenants in Common.

Said owners entered Agreement of Sale on March 7, 1972, by and between themselves and Gordon Kanji Uyeda, Helen Lee Ahn, Manoa Finance Company, Inc. and National Mortgage and Finance Company, Ltd., as purchasers; wherein said owners agreed to sell and said purchasers agree to buy the land committed to this regime. Said Agreement of Sale was filed as Land Court Document No. 573192.

By Sub-Agreement of Sale dated March 14, 1973, filed as Land Court Document No. 622897, Adolph Joseph Mendonca, the Developer, purchased the land committed to this regime from Gordon Kanji Uyeda,

Helen Lee Ahn, Manoa Finance Company, Inc., and National Mortgage and Finance Company, Ltd.

ENCUMBRANCES AGAINST TITLE: The Preliminary Report dated July 31, 1973, provides that the land is subject to the following encumbrances:

1. For taxes that may be due and owing on the land, purchasers are hereby referred to the Office of the Tax Assessor of the First Taxation Division.

2. Restriction of access rights affecting Lot 3269, as shown on Maps 309, 317, 387 and 415, as set forth by Land Court Order No. 24630, filed September 3, 1965.

3. Reservation of artesian and underground water rights as reserved in that certain Deed dated October 7, 1965, filed as Land Court Document No. 372554. All rights to enter upon surface of lands to exercise said reservation in Doc. No. 372554, including any rights of ingress and egress upon said lands was released by instrument dated October 12, 1965, filed as Land Court Document No. 372562.

4. Easement 644 for transformer vault purposes, and Easement 665 for drainage ditch purposes, as shown on Map 371, as set forth by Land Court Order No. 26708, filed January 26, 1967.

5. Grant of Easement dated February 27, 1967, filed as Land Court Document No. 411485, in favor of Hawaiian Electric Company, Inc., granting easement over Easement 644.

6. The restrictive covenants as contained in that certain Declaration dated October 16, 1967, filed as Land Court Document No. 429467, as amended by Documents Numbered 432374 and 432899.

7. Easement 680, as shown on Map 388, for transformer vault purposes, and Easement 681, for underground electric cable purposes, as set forth by Land Court Order No. 27739, filed November 17, 1967.

8. As to Easements 665, 680 and 681, the reservations as reserved in that certain Deed dated April 29, 1971, filed as Land Court Document No. 537661.

9. Mortgage dated May 19, 1971, filed as Land Court Document No. 537662, made by Isaac Ichiro Nonaka and Kay Shizuko Nonaka, husband and wife, Hideo Johiro and Kimiye Johiro, husband and wife, and George Kiyoshi Yamashiro and Sheila Kikue Yamashiro, husband and wife, as Mortgagors, to Amfac Financial Corporation.

By instrument dated May 3, 1972, filed as Land Court Document No. 580364, the foregoing Mortgage was assigned to East Girard Savings Association of Philadelphia, Pennsylvania.

10. Agreement of Sale dated March 7, 1972, filed as Land Court Document No. 573192, made by Isaac Ichiro Nonaka, Hideo Johiro and George Kiyoshi Yamashiro, as Sellers, and Gordon Kanji Uyeda, Helen Lee Ahn, Manoa Finance Company, Inc. and National Mortgage and Finance Company, Ltd., as purchasers.

By instrument dated August 8, 1972, filed as Land Court Document No. 593887, Hideo Johiro assigned all of his interest as seller under the foregoing Agreement of Sale to Amfac Financial Corporation.

11. Sub-Agreement of Sale dated March 14, 1973, filed as Land Court Document No. 622897, made by and between Gordon Kanji Uyeda, Helen Lee Ahn, Manoa Finance Company, Inc. and National Mortgage and Finance Company, Ltd., as Sellers, and Adolph Joseph Mendonca, as Purchaser.

By instrument dated March 14, 1973, filed as Land Court Document No. 622899, Adolph Joseph Mendonca assigned all of his interest as purchaser under the foregoing Sub-Agreement of Sale to Service Finance, Ltd.

By instrument dated March 14, 1973, filed as Land Court Document No. 622902, Gordon Kanji Uyeda, Helen Lee Ahn, Manoa Finance Company, Inc., and National Mortgage and Finance Company, Ltd., assigned all proceeds and all condemnation proceeds payable under the foregoing Sub-Agreement of Sale to Ernest Kurlansky (50% interest), Jack H. Mizuha (25% interest) and Gordon Uyeda (25% interest).

12. Condominium Map No. 168, filed in the Office of the Assistant Registrar on May 29, 1973.

13. The covenants, obligations, agreements, conditions and other provisions set forth in that certain Declaration of Horizontal Property Regime, dated April 30, 1973, and filed as Land Court Document No. 631715, and the By-Laws attached thereto.

By instrument dated July 19, 1973, filed as Land Court Document No. 640825, the foregoing Declaration was amended.

PURCHASE MONEY HANDLING: A copy of the Escrow Agreement dated April 23, 1973 by and between Security Title Corporation, a Hawaii corporation, as Escrow, and Adolph J. Mendonca, as Seller, has been submitted to the Commission as part of this registration. On examination the Escrow Agreement and Sales Contract, also submitted to the Commission as a part of this registration, are found to be in compliance with Chapter 514, Hawaii Revised Statutes. The provisions of the Sales Contract should be carefully read by the Purchaser. The specimen Sales Contract filed as a part of the registration recites the conditions under which the Purchaser acknowledges receipt of this Final Public Report.

It is incumbent upon the purchaser that he reads with care the Sales Contract and Escrow Agreement. The Escrow Agreement establishes how the proceeds and the sale of the apartments and all sums from any source are placed in trust as well as the retention, disbursement and refund of said trust fund.

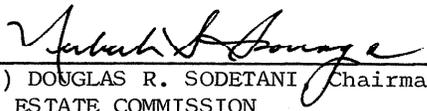
MANAGEMENT AND OPERATION: The Amended Declaration of Horizontal Property Regime provides that the operation of the project shall be conducted for the Association of Apartment Owners by a managing agent which shall be a responsible Hawaii corporation appointed by the Association in accordance with the By-Laws, subject to written approval by the Trustees, which approval shall not be unreasonably withheld. The initial managing agent has not yet been appointed but is expected to be Aaron M. Chaney, Inc. No separate unit, considered as part of the common element, has been set aside specifically for use by the manager on the premises.

STATUS OF THE PROJECT: Subject property is now in use as rentals.

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 May 29, 1973.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of Registration No. 564 filed with the Commission on May 29, 1973.

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


(for) DOUGLAS R. SODEHANI Chairman
REAL ESTATE COMMISSION
State of Hawaii

Distribution:

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BUREAU OF CONVEYANCES
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FEDERAL HOUSING ADMINISTRATION
ESCROW AGENT

Registration No. 564
August 13, 1973