

# 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

THE MAUNA LUAN  
501-503 Hahaione Street, Hawaii-Kai  
Honolulu, Hawaii 96825

REGISTRATION NO. 581

### 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 15, 1973  
Expires: November 15, 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 JUNE 27, 1973 THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514, HAWAII REVISED STATUTES.

1. THE MAUNA LUAN is a leasehold condominium project consisting of two hundred and sixteen (216) residential apartments located in a twenty story building named THE MAUNA LUAN EAST constructed principally reinforced concrete.

There is a total of one hundred fifty eight (158) two bedroom apartments and fifty eight (58) one bedroom apartments (exclusive of resident manager's apartment). Each two bedroom apartment has two parking stalls, and each one bedroom apartment one parking stall, located in an adjacent five floor reinforced concrete parking building. The two automobile parking stalls for each two bedroom apartment and the one stall for each one bedroom apartment are desig-

nated on the Condominium File Plan by the same number as the number indicated on the Parking Stall Allocation attached as Exhibit B to the proposed Declaration.

In addition to the residential apartments, seventy two (72) "additional parking stalls" are designated as freehold estates and may be separately sold by Developer to owners of residential apartments.

2. The Developer of the Project has submitted to the Commission for examination all documents deemed necessary for the registration of the proposed condominium project and the issuance of this Preliminary 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) are subject to the approval of the Trustees of the Estate of Bernice Pauahi Bishop and have not been filed in the office of the recording officer.

4. Advertising or promotional matter has 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 514, Hawaii Revised Statutes, and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.

6. If a Final Public Report is not issued within one (1) year from the date of this Preliminary Public Report, purchasers shall be entitled to refund of monies paid without further obligations.

7. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance, October 15, 1973, unless the Commission, upon review of the registration, issues an order extending the effective period of this report.

NAME OF THE PROJECT: THE MAUNA LUAN

LOCATION: 501 and 531 Hahaione Street, Hawaii-Kai, Honolulu, Hawaii, containing 330,316 square feet.

TAX KEY: 3-9-70-04 (Lot 1)

ZONING: A-3 under CZC of the City and County of Honolulu.

DEVELOPER: Kaiser Aetna, P. O. Box 7534, Honolulu, Hawaii 96825, Telephone 395-2331, a California general partnership qualified to do business in the State of Hawaii.

ATTORNEY REPRESENTING DEVELOPER: Chun, Kerr & Dodd,  
14th Flr. Amfac Building  
Honolulu, Hawaii 96813  
Telephone: 531-6575

DESCRIPTION: The land will be improved, according to the Developer's plans and intention to sell, by constructing thereon one twenty-story apartment building containing a total of 216 residential units, all located from the first to the twentieth floor, a parking garage with five parking levels, together with landscaping, planters, refuse facilities, swimming pools, fountains, recreation building, all in accordance with the plans being prepared by David G. Stringers, architects and planners. The proposed Declaration of Horizontal Regime states that the Developers intend to sell the units therein to a third party by causing the Trustees of the Bishop Estate to issue an apartment lease (and if applicable an additional parking stall lease) for a period of not less than 55 years as of the date of the final closing.

Each apartment shall consist of the space measured horizontally by the distances between the interior surfaces of the perimeter walls of each apartment and measured vertically by the distance between the topside surface of the concrete floor and the underside surface of the ceiling. The designation of the limits of the apartment notwithstanding, the Developer has advised, and the Declaration disclosed that the square footage of each respective apartment is measured from the exterior face of exterior walls and the centerline of party walls and that no reduction is made to account for interior load-bearing walls, ducts, vent shafts and the like located within the perimeter walls.

The principal materials of which the apartment buildings are to be constructed are as follows: Reinforced concrete and concrete block.

There is located in the basement of the residential building individual storage lockers, allocated one to each tenant, and also a bulk storage area. There are eleven (11) apartments to each floor of THE MAUNA LUAN EAST with the exception of the ground floor which contains seven (7) apartments, an entrance lobby, elevator lobbies, recreation room, manager's office, recreation director's office and the resident manager's apartment.

There are twenty two (22) types of apartments designated Types A, B, C, CC, D, E, F, & G Typical; Types A, B, C, CC, F & G Deluxe; and TYPES A, B, C, CC, D, E, F & G Penthouse.

There is a total of fourteen (14) ten (10) room apartments designated Type "A" Typical. Each has a living area of 1353 square feet and consists of Entry, Kitchen, Dining Room, Living Room, Hall, Bedrooms (2), Dressing Room and Bathrooms (2).

There is a total of four (4) ten (10) room apartments designated Type "A" Deluxe. Each has a living area of 1410 square feet and is identical to the Type "A" Typical apartments but

consists of a larger dining room.

There is a total of one (1) ten (10) room apartment designated Type "A" Penthouse, which has a living area of 1410 square feet and is identical to the Type "A" Deluxe apartments, but consists of a higher ceiling in the living room.

There is a total of fourteen (14) seven (7) room apartments designated Type "B" Typical. Each has an area of 852 square feet and consists of Entry, Kitchen, Dining Room, Living Room, Hall, Bedroom, Bathroom.

There is a total of four (4) seven (7) room apartments designated Type "B" Deluxe. Each has an area of 938 square feet and is identical to the Type "B" Typical apartments, but consists of a larger living room and bedroom.

There is one (1) seven (7) room apartment designated Type "B" Penthouse, which has an area of 938 square feet and is identical to the Type "B" Deluxe apartments, but has a higher ceiling in the living room and bedroom.

There is a total of forty five (45) nine (9) room apartments designated Type "C" Typical. Each has an area of 1211 square feet and consists of Entry, Kitchen, Dining Room, Living Room, Bedrooms (2), Dressing Rooms (2) (each with a toilet); Bathroom.

There is a total of twelve (12) nine (9) room apartments designated Type "C" Deluxe. Each has an area of 1303 square feet and is identical to the Type "C" Typical Apartments, but contains a larger bedroom and living room.

There is a total of three (3) nine (9) room apartments designated Type "C" Penthouse. Each has an area of 1303 square feet and is identical to the Type "C" Deluxe apartments, but has a higher ceiling in the living room and bedroom No. 2.

There is a total of thirty (30) nine (9) room apartments designated Type "CC" Typical. Each has an area of 1211 square feet and consist of Entry, Kitchen, Dining Room, Living Room, Bedrooms (2), Dressing Room, Bathrooms (2).

There is a total of seven (7) nine (9) room apartments designated Type "CC" Typical apartments, but contains a larger living room and bedroom.

There is a total of two (2) nine (9) room apartments designated Type "CC" Penthouse. Each has an area of 1303 square feet and is identical to the type "CC" Deluxe apartments, but has a higher ceiling in the living room and bedroom No. 2.

There is a total of nineteen (19) seven (7) room apartments designated Type "D" Typical. Each has an area of 833 square feet and consists of Entry, Kitchen, Dining Room, Living Room, Hall, Bedroom, Bathroom.

There is one (1) seven (7) room apartment designated Type "D" Penthouse. It has an area of 833 square feet and is identical

to the Type "D" Typical apartments, but has a higher ceiling in the living room and bedroom.

There is a total of eighteen (18) seven (7) room apartments designated Type "E" Typical. Each has an area of 804 square feet and consists of Entry, Kitchen, Dining Room, Living Room, Hall, Bedroom, Bathroom.

There is one (1) seven (7) room apartment designated Type "E" Penthouse, which has an area of 804 square feet and is identical to the Type "E" Typical apartment, but has a higher ceiling in the living room.

There is a total of sixteen (16) nine (9) room apartments designated Type "F" Typical. Each has an area of 1185 square feet and consists of Entry, Kitchen, Dining Room, Living Room, Bedrooms (2), Dressing Room, Bathrooms (2).

There is a total of three (3) nine (9) room apartments designated Type "F" Deluxe. Each has an area of 1274 square feet and is identical to the Type "F" Deluxe apartments, but has a higher ceiling in the living room and bedroom No. 1.

There is a total of fifteen (15) ten (10) room apartments designated Type "G" Typical. Each has an area of 1302 square feet and consists of Entry, Kitchen, Dining Room, Living Room, Hall, Bedrooms (2), Dressing Room, Bathrooms (2).

There is a total of four (4) ten (10) room apartments designated Type "G" Deluxe. Each has an area of 1359 square feet and is identical to the Type "G" Typical apartments, but consist of a larger dining room.

There is one (1) ten (10) room apartment designated Type "G" Penthouse which has an area of 1359 square feet and is identical to the Type "G" Deluxe apartment, but has a higher ceiling in the living room.

Each apartment shall be equipped with a range, range hood, refrigerator, dishwasher, disposal and separate washer and dryer units.

ADDITIONAL PARKING STALLS:

In addition to the apartments, seventy two (72) freehold estates are designated in sixty eight (68) covered and four (4) uncovered automobile parking stalls identified on said Condominium File Plan as follows:

a. Covered Parking Stalls:

1-145 thru 1-147 inclusive	1-324 thru 1-326 inclusive
1-107 thru 1-109 inclusive	1-345 thru 1-347 inclusive
1-280 thru 1-282 inclusive	1-307 thru 1-309 inclusive
1-224 thru 1-226 inclusive	1-484 thru 1-486 inclusive
1-234 thru 1-236 inclusive	1-424 thru 1-426 inclusive
1-207 thru 1-209 inclusive	1-445 thru 1-447 inclusive

1-384 thru 1-386 inclusive      1-407 thru 1-409 inclusive  
1-395 thru 1-398 inclusive      1-494 thru 1-498 inclusive  
   1-4102  
   1-587 thru 1-599 inclusive  
   1-5100 thru 1-5102 inclusive

b.      Uncovered Parking Stalls:

1-507 thru 1-509 inclusive  
1-525

Such additional stalls may be separately held prior to the initial conveyance thereof to an owner of an apartment, but every subsequent conveyance shall be made only to an owner of an apartment. Each such additional stall, upon the initial conveyance to an owner of an apartment, shall be deemed to be appurtenant to the apartment held by the owner thereof and all of the terms, covenants and conditions applicable to said apartment ownership, specifically including the proposed Declaration and the By-Laws, except as by the context thereof shall be inapplicable, shall be applicable to the ownership of such additional stall; provided that notwithstanding other provisions of the proposed Declaration, the attachment of such additional stall as an appurtenance to an apartment shall not have a permanent character, and such additional stalls may be separately conveyed from time to time thereafter to another apartment owner. Each such additional stall shall have appurtenant to it so much of the common elements of the Project as is reasonably necessary to permit it to be utilized for the parking of automobiles.

Each of the sixty eight (68) covered additional parking stalls has appurtenant to it a .011% interest in the common elements and each of the four (4) uncovered additional parking stalls has appurtenant to it a .009% interest in the common elements.

Pending the sale of said additional parking stalls, Developer has reserved the rights (a) to transfer any or all of said additional parking stalls to the Association of Apartment Owners for such use as said Association shall deem appropriate or (b) if Developer elects to exercise a reserved option to enlarge the scope of the Project (as hereafter noted) to reduce the number of additional parking stalls and to designate the same as limited common elements appurtenant to additional residential apartments created pursuant to the reserved option.

COMMON ELEMENTS:      One freehold estate is designated in all of the remaining portions and appurtenances of the Project, herein called the "common elements", including specifically, but not limited to:

(a) Said land in fee simple;

(b) All yards, grounds, landscaping, planters, refuse facilities, swimming pools, fountains, the recreation building as shown on said Condominium File Plan, driveways and like facilities located other than within THE MAUNA LUAN EAST;

(c) The recreation building and its facilities;

(d) All ducts, sewer lines (except for sewer lines within Easement 1 designated on said File Plan 1333), electrical equipment, pipes, wiring and other central and appurtenant transmission facilities over, under and across the Project which serve more than one apartment for services, including power, light, water, gas, recreation building air conditioning, refuse, telephone and radio and television signal distribution located other than within THE MAUNA LUAN EAST;

(e) The resident manager's office, the recreation director's office, and the resident manager's apartment (designated as Apartment 1-D1) which apartment is for such resident manager's personal use, together with the rights of access to said offices and apartment;

(f) Twenty two (22) covered guest automobile parking stalls designated as stalls 1-127 thru 1-137 inclusive, and 1-152 thru 1-162 inclusive, on said Condominium File Plan;

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

LIMITED COMMON ELEMENTS: Certain parts of the common elements, herein called and designated "limited common elements", set aside and reserved for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto exclusive easements for the use of such limited common elements. The limited common elements so set aside and reserved are as follows:

(a) The building designated THE MAUNA LUAN EAST, including without limitation its foundations, floor slabs, columns, girders, beams, supports, unfinished perimeter and load-bearing walls, roofs, elevators, ducts, sewer lines, electrical equipment, pipes, wiring and other central and appurtenant transmission facilities located within said building which serve more than one apartment, (excepting, however, the resident manager's office, the recreation director's office, and Apartment 1-D1, together with rights to access thereto, which are common elements and to which shall be attributed .324% of the common expenses of THE MAUNA LUAN EAST, to be borne as a common expense) shall be limited to the use of owners of apartments of THE MAUNA LUAN EAST.

(b) Two automobile parking stalls for each two bedroom apartment and one such stall for each one bedroom apartment designated on said Condominium File Plan by the same number as the number indicated on the Parking Stall Allocation attached hereto as Exhibit B, shall be appurtenant to and be

for the exclusive use of the designated apartment. Each apartment shall always have at least one parking stall appurtenant to it but otherwise any automobile parking stall easement may be transferred from apartment to apartment in the Project but shall always be appurtenant to one of the apartments in the Project.

(c) One storage space in the basement of THE MAUNA LUAN EAST designated on said Condominium File Plan by the same number as the number on the Allocation of Storage Spaces attached to the proposed declaration as Exhibit "C" shall be appurtenant to and be for the exclusive use of the designated apartment.

(d) One undesignated locker in the Recreation Building as shall be assigned to each of the apartments upon the original conveyance thereof shall be appurtenant to and for the exclusive use of such apartment;

(e) All other common elements of the Project which are rationally related to less than all of said apartments or buildings shall be limited to the use of such apartments or buildings.

INTEREST TO BE CONVEYED TO PURCHASER: The proposed Declaration reflects that each apartment and each additional automobile parking stall shall have appurtenant thereto an undivided percentage interest in all common elements and limited common elements and the same percentage share in common profits and expenses and limited common elements, as follows:

<u>APARTMENTS</u>		<u>Percentage of Limited Interest in The Mauna Luan East, a Limited Common Element and Share in Limited Common Profits and Expenses:</u>	<u>Percentage of Common Interest in Common Elements and Share in Common Profits and Expenses:</u>
	<u>TYPE</u>		
A	Typical	.546%	.271%
B	Typical	.344%	.171%
C	Typical	.489%	.243%
CC	Typical	.489%	.243%
D	Typical	.336%	.167%
E	Typical	.324%	.161%
F	Typical	.478%	.238%
G	Typical	.525%	.261%
A	Deluxe	.569%	.283%
B	Deluxe	.378%	.188%
C	Deluxe	.526%	.261%
CC	Deluxe	.526%	.261%
F	Deluxe	.514%	.255%

G	Deluxe	.548%	.272%
A	Penthouse	.569%	.283%
B	Penthouse	.378%	.188%
C	Penthouse	.526%	.261%
CC	Penthouse	.526%	.261%
D	Penthouse	.336%	.167%
E	Penthouse	.324%	.161%
F	Penthouse	.514%	.255%
G	Penthouse	.548%	.272%

ADDITIONAL PARKING STALLS:

Covered	.011%
Uncovered	.009%

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The proposed Declaration reflects that the apartments shall be occupied and used only as private dwellings by the respective owners thereof, their tenants, families, and social guests, and for no other purpose. The apartments shall not be rented for transient or hotel purposes, but the owners of the respective apartments shall have absolute right to lease such apartments subject to all the provisions of the Declaration. Other restrictions as to use are contained in the Leases, Declaration and By-Laws.

OWNERSHIP OF TITLE: The Trustees of the Bernice P. Bishop Estate own the fee and Kaiser Aetna has the exclusive development rights.

ENCUMBRANCES AGAINST TITLE: The certificate of title issued August 29, 1973, reflects: (a) title to all mineral and metallic mines reserved to the State of Hawaii; (b) easements 1 through 7 inclusive as shown on map of the Hahanione Valley Subdivision, Unit 1-D-3, File Plan 1333; (c) easements 4 to 10 inclusive as shown on map of the Hahanione Valley Subdivision, Unit 1-D-2, File Plan 1281; (d) easement 1 and 2 as shown on the map of the Hahanione Valley Subdivision, Unit 1-D-1, File Plan 1220; (e) easements 1, 2, 8, 9, 10 and 11 as shown on map of the Hahanione Valley Subdivision, Unit 1-D, File Plan 1161; (f) unrecorded Development agreement dated April 27, 1961 in favor of Kaiser Hawaii Kai Development Co., and amendments thereto, of which a short form agreement dated May 27, 1971 is recorded in Book 7592, Page 467; (g) taxes for fiscal year 1972-1973 have been paid. Taxes for fiscal year 1973-1974 now a lien, pending rate determination.

In addition, the Developer has disclosed that it intends to mortgage the land and the proposed improvements to secure the repayment of a loan for the construction of improvements and/or for any other purpose and that such mortgage or mortgages shall have priority over any rights that the purchaser may acquire by virtue of the sales agreement until such time as the sale is closed in accordance with the terms of the agreement.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement will be available at Seller's office for Purchaser's examination and Purchaser will be given ample opportunity to examine and approve the term of said Escrow Agreement before signing any

Sales Agreement. On examination, the specimen Sales Agreement and executed Escrow Agreement are found to be in compliance with Chapter 514 of the Hawaii Revised Statutes. The Sales Agreement provides in part that the sale is in all respects made subject to the provisions of Section 514-36 through 514-40 which provides for Seller's filing of certain documents with the Real Estate Commission, the refunding of Purchaser's money under certain circumstances and the depositing of Purchaser's funds with an Escrow.

FINANCING: Developer by its Sales Agreement has indicated that the Purchaser alone shall have the responsibility for securing a mortgage loan, if any is required.

MANAGEMENT AND OPERATIONS: The proposed By-Laws of the Association provide that the Board of Directors shall annually employ a responsible Hawaii corporation as Managing Agent to manage and control the Project subject at all times to direction by the Board. A specimen agreement has been submitted as a part of the registration. HAWAIIANA MANAGEMENT COMPANY has been appointed as the initial managing agent.

RIGHTS RESERVED BY DEVELOPER: By provisions of the Declaration, the Developer has specifically reserved the right to be exercised by itself and the Trustees of the Estate of Bernice Pauahi Bishop to enlarge the scope of the Project by construction of additional living units and other facilities, alter its design on approximately one-half of the land lying north of the site of THE MAUNA LUAN EAST and being the portion of said land designated on the proposed Condominium File Plan as "Reserved for Future Development", or alternatively, to withdraw a portion of that land from the Project. In the case of either election, the purchaser's percentage interest in the common elements and percentage share of the common expenses will be modified pending the exercise of the option to enlarge the scope of the project or to withdraw a portion of the land, Kaiser shall have a 49.682% interest in the common elements and shall bear a like percentage of the expenses of the common elements. Paragraph C of the Declaration more explicitly sets out the reservation of options and its effect upon the purchaser's interest and the attention of the purchaser is invited thereto.

DISCLAIMER OF REPRESENTATIONS: Paragraph 14 of the Sales Agreement contains certain disclaimers, the contents of which the purchaser should be particularly cognizant:

"(a) (The) Sales Agreement supersedes any and all understandings or agreements heretofore made, if any, and no representations or warranties have been made by Seller other than those contained herein. No variation or amendment after the date of execution shall be valid unless approved by Purchaser or Seller in writing.

(b) The Condominium File Plan is intended to show only the layout, location, apartment numbers and dimensions of the apartments and that the same is not intended by Seller to contain or to be any other representation or warranty.

(c) The Seller and all entities, persons and agents

related to or affiliated with the Seller have no program at this time, nor is any program planned or contemplated, to offer a rental service of any kind to the owners of condominium units, either individually or in any form of pooling arrangement. A Purchaser who desires to rent his unit must, therefore, make his own rental arrangements.

(d) Neither the Seller nor its agent make any representation regarding either economic benefits to be derived from rentals or tax treatment of any Purchaser of a condominium unit. The tax treatment and economic benefits may vary with individual circumstances and the Seller and its agents recommend that the Purchaser consult his own attorney, accountant or other tax counsel for advice regarding tax treatment."

STATUS OF PROJECT: No building contract has been executed; however, the Developer has advised that it intends to commence construction in 1974.

The purchaser should be cognizant of the fact that the Developer by its Sales Agreement has reserved the right to cancel the Sales Agreement if it shall have sold less than 175 apartments on or before June 30, 1974, or in any event, if it is prevented by law from proceeding with construction of the Project.

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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 June 27, 1973.

This PRELIMINARY HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 581 filed with the Commission on June 27, 1973.

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

  
(for) DOUGLAS R. SODEJANI,  
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. 581  
October 15, 1973