

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
LEE MARTIN'S SOUTH SHORE
320 Lowers Street
Honolulu, Hawaii

REGISTRATION NO. 662

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 4, 1974

Expires: May 4, 1975

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 FEBRUARY 19, 1974. THE DEVELOPER, 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. LEE MARTIN'S SOUTH SHORE is a proposed leasehold condominium project consisting of forty-six (46) residential condominium apartments and one (1) commercial condominium apartment contained in an existing eight-story building which was completed in 1966 and was previously operated as an apartment-hotel under the name of Admiral Cook Apartment Hotel.

There will be nineteen parking stalls assigned to designated residential apartment units.

2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of a condominium and 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) have not been filed in the office of the recording officer.
4. No 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. This Preliminary Public Report automatically expires thirteen months after date of issuance, April 4, 1974, unless a Supplementary Public Report is issued or the Commission, upon review of the registration, issues an order extending the effective period of this report.
7. This Preliminary Public Report is made a part of this registration, a true copy of which, on yellow paper stock, Developer is required to provide all purchasers of apartments. Securing a signed copy of the receipt for this report from each purchaser is also the responsibility of Developer.

NAME OF PROJECT: LEE MARTIN'S SOUTH SHORE

LOCATION: The 7,613 square feet of fee simple land and improvements thereon to be submitted to the Horizontal Property Regime is located at 320 Lewers Street, Honolulu, City and County of Honolulu, State of Hawaii. Said land is known as Lot 255, as shown on Map 54, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 551, being all of the land described in Transfer Certificate of Title No. 76,696.

TAX KEY: FIRST DIVISION 2-6-18-7

ZONING: H-2, Hotel District.

DEVELOPER: The Developer is Lee Martin, Incorporated. The principal place of business and post office address of the Developer is 61-789 Papailoa Road, Haleiwa, Hawaii.

The corporate officers of the Developer are:

| | | |
|---------------|---|--|
| Lee Martin | 61-789 Papailoa Road Haleiwa, Hawaii 96712 | President-Treasurer and Director |
| Sherry Martin | 61-789 Papailoa Road Haleiwa, Hawaii 96712 | Vice-President- Secretary and Director |

ATTORNEY REPRESENTING DEVELOPER: Ashford & Wriston (Attention: Galen C. K. Leong), 235 Queen Street, Honolulu, Hawaii. Telephone 531-3761.

DESCRIPTION: The improvements of the project include an eight-story apartment building constructed principally of reinforced concrete, concrete block, steel and glass, with a basement containing thirteen parking spaces, two storage rooms, two rooms containing electrical and telephone equipment and a room for storage and trash collection as shown on said plans of the project. The Declaration of Horizontal Property Regime reflects that the project is divided as follows:

1. Residential Apartments. Forty-six (46) estates are designated as residential apartments in the spaces within the perimeter walls, floors and ceilings of each of the forty-six residential apartments of the project contained in said apartment building, as described and shown on the floor plans of the project, hereinafter referred to as "the plans". Each residential apartment is numbered and located as shown on said plans and contains the number of rooms and approximate gross floor area according to the unit type of such residential apartment as described below and as shown on said plans. Beginning with the first floor, the floors are numbered in ascending order with the numbers 1 through 8. The residential apartments on the second through eighth floors are designated by a three digit number; the first digit indicates the number of the floor and the remaining two digits indicate the position of the residential apartment on the floor as shown on said plans. Apartment numbers on the eighth floor are further identified by "PH-" preceding the apartment number.

(a) Said plans are designated by unit types shown as Unit A-1, Unit A-2, Unit B, Unit C, Unit D, Unit E, and Unit I and are further described as follows:

(1) A Unit A-1 apartment is a one bedroom apartment with 4 rooms (a bedroom, bathroom, living room and kitchen) with an approximate gross floor area of 559 square feet, plus a lanai of approximately 157 square feet. Apartments 207,

307, 407, 507, 607 and 707 are of this plan.

(2) A Unit A-2 apartment is a one-bedroom apartment with 4 rooms (a bedroom, bathroom, living room and kitchen) with an approximate gross floor area of 574 square feet, plus a lanai of approximately 157 square feet. Apartments 213, 313, 413, 513, 613 and 713 are of this plan.

(3) A Unit B apartment is a studio apartment with 2 rooms (the larger room contains the kitchen and the living-dining-sleeping area and the smaller room is the bathroom) with an approximate gross floor area of 414 square feet, plus a lanai of approximately 125 square feet. Apartments 211, 311, 411, 511, 611 and 711 are of this plan.

(4) A Unit C apartment is a one-bedroom apartment with 4 rooms (a bedroom, bathroom, living room and kitchen) with an approximate gross floor area of 720 square feet, plus a lanai of approximately 147 square feet. Apartments 209, 309, 409, 509, 609, 709 and PH-805 are of this plan.

(5) A Unit D apartment is a one-bedroom apartment with 4 rooms (a bedroom, bathroom, living room and kitchen) with an approximate gross floor area of 567 square feet, plus a lanai of approximately 157 square feet. Apartments 201, 301, 401, 501, 601 and 701 are of this plan.

(6) A Unit E apartment is a studio apartment with 2 rooms (the larger room contains the kitchen and the living-dining-sleeping area and the smaller room is the bathroom) with an approximate gross floor area of 457 square feet, plus a lanai of approximately 125 square feet. Apartments 203, 205, 303, 305, 403, 405, 503, 505, 603, 605, 703 and 705 are of this plan.

(7) A Unit I apartment is a two-bedroom apartment with 7 rooms (two bedrooms, 2 bathrooms, a walk-in closet, living room and kitchen). There are three apartments of this plan, Apartment Nos. PH-801, PH-803 and PH-807. The approximate gross floor area and lanai area of each such apartment is as follows:

| <u>Apartment No.</u> | <u>Floor Area</u> | <u>Lanai Area</u> |
|----------------------|-------------------|-------------------|
| PH-801 | 1033 | 284 |
| PH-803 | 1023 | 284 |
| PH-807 | 975 | 284 |

(b) Each residential apartment has immediate access to the hallways and elevators permitting ingress and egress to and from the residential floors and to the lobby, stairway, ramps, sidewalks, parking areas and driveways connecting it to the public streets.

(c) Each residential apartment shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls, floors and ceilings surrounding the apartment or of interior load-bearing walls, nor shall said apartment be deemed to include the pipes, wires, conduits or other utility or service lines running through the apartment which are utilized for or serve more than one apartment, the same being deemed common elements as hereinafter provided. Each residential apartment shall be deemed to include all of the areas or spaces enclosed by the walls, floors and ceilings surrounding the apartment, the lanai, all the walls and partitions which are not load-bearing within the perimeter walls of the apartment, the inner decorated or finished surfaces of all walls, floors and ceilings of the apartment, all doors, window frames, windows and glass walls, and all fixtures and appliances originally installed therein.

2. Commercial Apartment. One (1) estate is designated as the Commercial Apartment 101 within the perimeter walls, floors and ceilings of the space on the first floor of the building and shown on said plans as Commercial Apartment 101. Said apartment has an approximate gross floor area of 1846 square feet and consists of 6 rooms and the area for air conditioning equipment as shown on said plans.

(a) Commercial Apartment 101 has immediate access to the lobby, stairway, ramps, sidewalks, parking areas and driveways connecting it to the adjacent public streets.

(b) Commercial Apartment 101 shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls, floors and ceilings surrounding the apartment or of interior load-bearing walls, nor shall said apartment be deemed to include any pipes, wires, conduits or other utility or service lines running through said apartment which are utilized for or serve more than one apartment in the project, the same being deemed common elements as hereinafter provided. Said apartment shall be deemed to include all of the areas or spaces enclosed by

the walls, floors and ceilings surrounding the apartment, all the walls and partitions which are not load-bearing within the perimeter walls of the apartment and the interior decorated or finished surfaces of all walls, floors and ceilings of the apartment. All doors, windows and glass walls immediately adjacent to said apartment and exclusively serving said apartment shall be considered a part of such apartment.

COMMON ELEMENTS: The Declaration reflects that the remaining portions of the project are designated as and called the "common elements", including specifically but not limited to: the land described above; the foundations, columns, girders, beams, supports, load-bearing walls, roofs, halls, corridors, lobbies, basement, stairs, stairways and fire escapes; the yards and grounds, fences, walkways, parking areas, driveways and pavement; central facilities and appurtenant installations for utility and other common services such as power, light, gas, water and air conditioning; elevators, tanks, pumps, motors, fans, compressors, ducts and, in general, all other apparatus and installations existing for common use; swimming pool and adjacent swimming pool deck area; and, all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

LIMITED COMMON ELEMENTS: The Declaration reflects that portions of the common elements are set aside and allocated as "limited common elements" for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto exclusive easements for the use of such limited common elements as follows:

1. The following designated common elements are reserved for the exclusive use and are appurtenant to all the residential apartments in the project:

(a) All elevators with their appurtenant equipment and housings, the corridors above the second floor, the roof and the swimming pool and swimming pool deck area.

Expenses which are incurred in connection therewith shall be borne by each residential apartment according to the following percentages:

| | |
|----------------------|-------------|
| Unit A-1 apartments: | 2.157%; |
| Unit A-2 apartments: | 2.202%; |
| Unit B apartments: | 1.624%; |
| Unit C apartments: | 2.612%; |
| Unit D apartments: | 2.181%; |
| Unit E apartments: | 1.753%; |
| Unit I apartments: | |
| PH-801 | 3.967%; |
| PH-803 | 3.937%; and |
| PH-807 | 3.792%. |

2. Each residential apartment listed in Exhibit "C" attached to the Declaration and made a part hereof shall have appurtenant thereto (Note: See Declaration of Horizontal Property Regime page 10) an exclusive easement to use the parking space or spaces designated in said Exhibit "C" as appurtenant to such apartment.
3. The following designated common elements are reserved for the exclusive use and are appurtenant to Commercial Apartment 101 and all expenses in connection therewith shall be borne by such apartment:
 - (a) The exhaust duct mounted on the surface of the building and described on the plans as "Exhaust Duct".
 - (b) The storage room, described on the plans as "Storage", on the first floor of the building adjoining Commercial Apartment 101.
 - (c) The area described on the plans as "Trash Area for Apt. 101" located on the first floor of the building.

INTEREST TO BE CONVEYED TO PURCHASER: Each apartment shall have appurtenant thereto an undivided percentage 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 as set forth in Exhibit "A" attached hereto.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The apartments shall be occupied and used only as follows:

1. The residential apartments shall be occupied and used as lodgings by the respective owners thereof, their tenants, families, domestic servants and guests.
2. Commercial Apartment 101 shall be occupied and used only for general office or commercial purposes and may include any lawful commercial enterprise therein.

Except for the above expressed restrictions, the owners of the respective apartments shall have the absolute right to lease such apartments subject to all provisions of the Declaration.

OWNERSHIP TO TITLE: As shown in the Policy of Title Insurance dated October 23, 1973, furnished by Title Insurance and Trust Company, the fee simple title to the land to be submitted to the horizontal property regime is vested in Samuel McClay and Elizabeth McClay, husband and wife. Said land is subject to a

lease dated July 24, 1957, presently held by the Developer, as Lessee.

ENCUMBRANCES AGAINST TITLE:

1. The reservation set forth in that certain Deed made by Alexander Young Estate, Limited to Iwalani Amelia Robinson, dated July 25, 1927 and filed as Land Court Document No. 13508.
2. The reservation set forth in that certain Deed made by Alexander Young Estate, Limited to Samuel McClay, dated February 21, 1928 and filed as Land Court Document No. 15075.
3. Lease dated July 24, 1957, made by Samuel McClay and Elizabeth McClay to Marion Florence Majit, filed as Land Court Document No. 205095, as amended by Amendment of Lease dated October 18, 1973, filed as Land Court Document No. 654894.
4. Memorandum of Option Agreement dated October 18, 1973 by and between Lee Martin, Incorporated, and Samuel McClay and Elizabeth McClay, filed as Land Court Document No. 654895.
5. Mortgage in favor of the Trustees of Builders Investment Group, a Florida business trust, dated October 12, 1973, filed as Land Court Document No. 654896 and in the Bureau of Conveyances in Liber 9558, at Page 394.
6. The terms and conditions contained in that certain unrecorded lease dated November 15, 1965 in favor of Smitty's Pancake Houses (Hawaii), Ltd., a Canadian corporation, leasing and demising the first floor restaurant area.

PURCHASE MONEY HANDLING: A copy of the Escrow Agreement dated July 17, 1973, by and between Title Guaranty Escrow Services, Inc., a Hawaii corporation, as Escrow, and Lee Martin, Incorporated, as Seller, has been submitted to the Commission as part of this registration. On examination the Escrow Agreement and Sales Contract are found to be in compliance with Chapter 514, Hawaii Revised Statutes. The provisions of the Sales Contract should be carefully read by the purchasers. The specimen document filed as a part of the registration recites the conditions under which the purchaser acknowledges receipt of the Public Report.

Among other provisions the Escrow Agreement provides that a Purchaser shall be entitled to a refund of his funds, and Escrow shall pay said funds to said Purchaser, without interest and

less Escrow's cancellation fee, in the following instances:

1. Seller and Seller's mortgagee have requested Escrow in writing to return to Purchaser the funds of such Purchaser then held by Escrow; or
2. If a Purchaser's funds were obtained prior to the issuance of a final public report and if there is any change in the condominium building plans, subsequent to the execution of Purchaser's sales contract, requiring the approval of a county officer having jurisdiction over the issuance of permits for construction of buildings, unless the Purchaser has given written approval or acceptance of the specific change within five (5) days from the receipt of such final public report; or
3. If 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 within five (5) days of receipt of such final public report; or
4. If the final public report is not issued within one year from the date of issuance of the preliminary public report unless the Purchaser waives his right to a refund within five (5) days of receipt of such final public report.

Among other provisions the specimen Sales Contract provides that in the event that less than 50% of the 46 residential apartments are sold by March 1, 1975, or if the Seller is prevented by law from proceeding with renovation of the project as herein contemplated, Seller, at its option, may cancel the contract upon written notice to Purchaser, in which event all sums paid by Purchaser thereunder shall be refunded to Purchaser, without interest, and the contract shall be deemed to have been cancelled and both parties shall be released from all obligations and liability thereunder.

Under the terms of the Sales Contract, a Purchaser shall be obligated to execute a 55-year apartment lease with lease rents as set forth in each Sales Contract.

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

MANAGEMENT AND OPERATION: The Declaration of Horizontal Property Regime provides that the operation of the project shall be conducted for the Association of Apartment Owners by a responsible

corporate Managing Agent. The initial Managing Agent has not yet been selected.

STATUS OF THE PROJECT: The Developer reports that the building was completed in 1966 but that renovation of the project has not yet commenced.

The purchaser or prospective purchaser shall be cognizant of the fact that this published report represents information disclosed by the Developer in the required Notice of Intention submitted February 19, 1974.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 662 filed with the Commission on February 19, 1974.

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. SODEHANI, Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII

Distribution:

Department of Taxation
Bureau of Conveyances
Planning Department, City & County of Honolulu
Federal Housing Administration
Escrow Agent

Registration No. 662
April 4, 1974

EXHIBIT "A"

| <u>Apartment No.</u> | <u>Floor on Which Apartment is Located</u> | <u>Approximate Gross Floor Area</u> | <u>Lanai</u> | <u>Common Interest</u> |
|--------------------------|--|-------------------------------------|--------------|------------------------|
| 201 | Second | 567 | 157 | 2.066 |
| 203 | " | 457 | 125 | 1.661 |
| 205 | " | 457 | 125 | 1.661 |
| 207 | " | 559 | 157 | 2.043 |
| 209 | " | 720 | 147 | 2.474 |
| 211 | " | 414 | 125 | 1.538 |
| 213 | " | 574 | 157 | 2.086 |
| 301 | Third | 567 | 157 | 2.066 |
| 303 | " | 457 | 125 | 1.661 |
| 305 | " | 457 | 125 | 1.661 |
| 307 | " | 559 | 157 | 2.043 |
| 309 | " | 720 | 147 | 2.474 |
| 311 | " | 414 | 125 | 1.538 |
| 313 | " | 574 | 157 | 2.086 |
| 401 | Fourth | 567 | 157 | 2.066 |
| 403 | " | 457 | 125 | 1.661 |
| 405 | " | 457 | 125 | 1.661 |
| 407 | " | 559 | 157 | 2.043 |
| 409 | " | 720 | 147 | 2.474 |
| 411 | " | 414 | 125 | 1.538 |
| 413 | " | 574 | 157 | 2.086 |
| 501 | Fifth | 567 | 157 | 2.066 |
| 503 | " | 457 | 125 | 1.661 |
| 505 | " | 457 | 125 | 1.661 |
| 507 | " | 559 | 157 | 2.043 |
| 509 | " | 720 | 147 | 2.474 |
| 511 | " | 414 | 125 | 1.538 |
| 513 | " | 574 | 157 | 2.086 |
| 601 | Sixth | 567 | 157 | 2.066 |
| 603 | " | 457 | 125 | 1.661 |
| 605 | " | 457 | 125 | 1.661 |
| 607 | " | 559 | 157 | 2.043 |
| 609 | " | 720 | 147 | 2.474 |
| 611 | " | 414 | 125 | 1.538 |
| 613 | " | 574 | 157 | 2.086 |
| 701 | Seventh | 567 | 157 | 2.066 |
| 703 | " | 457 | 125 | 1.661 |
| 705 | " | 457 | 125 | 1.661 |
| 707 | " | 559 | 157 | 2.043 |
| 709 | " | 720 | 147 | 2.474 |
| 711 | " | 414 | 125 | 1.538 |
| 713 | " | 574 | 157 | 2.086 |
| PH-801 | Eighth | 1033 | 284 | 3.758 |
| PH-803 | " | 1023 | 284 | 3.730 |
| PH-805 | " | 720 | 147 | 2.474 |
| PH-807 | " | 975 | 284 | 3.593 |
| Commercial Apartment 101 | First | 1846 | | 5.271 |
| | | | | <u>100.000</u> |