

# 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

LELE PONO  
Moanalua, Kaonohi and Uao Streets  
Pearl City, Hawaii

REGISTRATION NO. 665

### **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: March 15, 1974  
Expires: April 15, 1975

#### SPECIAL ATTENTION

A comprehensive reading by the prospective purchase is urged in order that personal requirements and expectations to be derived from the property can be ascertained. The attention of the prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN  
THE REQUIRED NOTICE OF INTENTION SUBMITTED  
MARCH 5, 1974, AND ADDITIONAL MATERIAL SUB-  
SEQUENTLY FILED AS OF MARCH 14, 1974.

THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT (CHAPTER 514, HAWAII REVISED STATUTES).

1. Lele Pono is a proposed leasehold condominium project consisting of three hundred (300) apartment units arranged throughout a 33-story building. There will be 450 parking stalls available, including 28 guest parking stalls.
2. The proposed Declaration and other information submitted by Developer indicates that purchasers will receive a leasehold interest by way of an apartment lease issued directly by the fee owner and the master lessor.
3. The Developer of the project has filed all documents and materials deemed necessary by the Commission for the registration of this proposed condominium project and the issuance of the Preliminary Public Report.
4. The basic documents (Declaration of Horizontal Property Regime, By-Laws of the Association and Apartment Owners and a copy of Approved Floor Plans) have not yet been filed in the office of the recording officer.
5. The Developer has advised the Commission that advertising and promotional matter required to be filed pursuant to the rules and regulations promulgated by the Commission will be submitted prior to public exposure.
6. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514, Hawaii Revised Statutes, and the Rules and Regulations promulgated thereunder which relate to Horizontal Property Regimes.
7. This Preliminary Public Report is made a part of the registration of the Lele Pono condominium project. The Developer has the responsibility of placing a true copy of the Preliminary Public Report (yellow paper stock) in the hands of all purchasers and prospective purchasers.
8. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance, March 15, 1974, unless a Supplementary Public Report issues or the Commission upon review of registration issues an order extending the effective period of this report.

NAME OF PROJECT: LELE PONO

LOCATION: The site consisting of approximately 93,785 square feet, is located at the intersection of Moanalua, Kaonohi and Uao Streets in Pearl City, Hawaii.

TAX MAP KEY: FIRST DIVISION 9-8-39-9

ZONING: A-3

DEVELOPER: Pono Development Co., a registered Hawaii joint venture, whose principal place of business is Suite 999 Pacific Trade Center, 190 South King Street, Honolulu, Hawaii. The members of said joint venture are as follows:

Nikko U.S.A., Inc.            Suite 1990  
Pacific Trade Center  
Honolulu, Hawaii 96813

Develco Corporation        Suite 999  
Pacific Trade Center  
Honolulu, Hawaii 96813

Richard W. Gushman II     Suite 2610  
Pacific Trade Center  
Honolulu, Hawaii 96813

ATTORNEY REPRESENTING OWNER: Wooddell, Mukai, Ichiki & Whitfield (Mr. Richard MacMillan) 500 Alexander Young Building, Honolulu, Hawaii 96813, Telephone: 531-6277.

DESCRIPTION:

1. Building. The proposed Declaration of Horizontal Property Regime reflects that the building of the Project shall consist of 33 stories (numbered consecutively from 1 to 34, excluding floor number 13), containing 300 residential apartment units (hereinafter called "apartments") on the 4th through the 34th floor, an attached three-level parking structure containing a total of 450 parking stalls on the 1st through 3rd floors and a recreation deck occupying a portion of the roof of the parking structure on the 4th floor. The principal materials to be used in the construction of the building shall consist of reinforced concrete columns, floor slabs, shear walls and roof with non-load bearing partition walls of steel stud and gypsum board and aluminum frame sliding glass doors and windows.

The first, second and third floor parking levels shall contain, respectively, 163, 139 and 148 parking stalls, and each of said parking levels will also have a parking garage lobby, three elevators, exit and entrance ramps, apartment storage lockers and stairwells. There will be a trash room on the first floor, and the main entrance lobby, mailboxes and manager's office shall be located on the third floor parking level.

Each of the floors from the fourth through the 34th shall contain ten (10) residential apartments, an elevator lobby, elevators, an access corridor and stairwells. The recreation deck, which includes a swimming pool, will be situated on the fourth floor.

2. Apartments. Each apartment has been given a number designation by which its location in the building can be determined.

With respect to the apartments on the 4th through the 33rd floor, inclusive, the first digit (in the case of three digit numbers) or the first two digits (in the case of four digit numbers) indicates the floor of the building on which an apartment is located. The last two digits of each number indicate the location of an apartment on a floor, with the lowest numbered apartment on each floor being located on the east end of the building and the highest numbered apartment being located on the west end of the building. Apartments on the 34th floor shall be designated PH-1 through PH-10, inclusive. The number 13 is eliminated from all floor and apartment numbering systems.

The type, number of rooms and percentage interest in the common elements of the apartments of the Project are as follows:

<u>Apartment No.</u>	<u>Type of Unit</u>	<u>No. of Rooms</u>	<u>Percentage Interest</u>
"01" Apartments and PH-1 (401 through PH-1)	D	6	.36443%
"02" Apartments and PH-2 (402 through PH-2)	C	5	.33640%
"03" Apartments and PH-3 (403 through PH-3)	C	5	.33640%
"04" Apartments and PH-4 (404 through PH-4)	B	6	.36871%
405	E	3	.20684%
"05" Apartments (except 405) and PH-5 (505 through PH-5)	A	4	.26164%
"06" Apartments and PH-6 (406 through PH-6)	A	4	.26164%
"07" Apartments and PH-7 (407 through PH-7)	B	6	.36871%
"08" Apartments and PH-8 (408 through PH-8)	C	5	.33640%
"09" Apartments and PH-9 (409 through PH-9)	C	5	.33640%
"10" Apartments and PH-10 (410 through PH-10)	D	6	.36443%

### 3. Types of Apartments.

(a) Each of the 59 apartments of the Project designated as Type "A" shall contain an entry, one bedroom, one bathroom, a living-dining room and a kitchen, and shall have a total gross floor area, including a 144 square foot lanai, of approximately 696 square feet.

(b) Each of the 60 apartments of the Project designated as Type "B" will contain an entry, two bedrooms, two bathrooms, a living-dining room and a kitchen, and shall have a total gross floor area, including a 224 square foot lanai, of approximately 946 square feet.

(c) Each of the 120 apartments of the Project designated as Type "C" will contain an entry, two bedrooms, one bathroom, living-dining room and a kitchen, and shall have a total gross floor, including a 144 square foot lanai, of approximately 864 square feet.

(d) Each of the 60 apartments of the Project designated as Type "D" will contain an entry, two bedrooms, two bathrooms, living-dining room and a kitchen, and shall have a total gross floor area, including a 144 square foot lanai, of approximately 936 square feet.

(e) Apartment Number 405 is the only Type E apartment of the Project and will contain a multi-purpose room, a kitchen and a bathroom. The Type E apartment shall have a total gross floor area, including a 118 square foot lanai, of approximately 567 square feet.

4. Access. Each apartment has immediate access from its entry to an exterior access corridor leading to stairways and elevators connecting with the parking areas and entry floors of the building. The building shall be serviced by three high-speed elevators and two stairways.

5. Limits of Apartments. The respective apartment units shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls, the interior party or loadbearing walls, the floors and ceilings surrounding each apartment or any pipes, wires, conduits or other utility lines running through such apartment unit which are utilized for or serve more than one apartment, the same being deemed common elements as hereinafter provided. Subject to the foregoing, each apartment shall be deemed to also include the adjacent lanai, all of the walls and partitions which are not load-bearing within its perimeter walls, the inner decorated or finished surfaces of all walls, floors and ceilings, the air space encompassed within the apartment and the fixtures and appliances originally installed therein, including refrigerator, range-oven, dishwasher, disposal and washer and dryer.

COMMON ELEMENTS. The proposed Declaration states that the common elements shall include but shall not be limited to the following:

1. All land in fee simple;
2. All foundations, columns, girders, beams, floor slabs, supports, unfinished perimeter and load-bearing walls (except for the inner decorated surface within each unit), roofs, stairways, walkways, entrances and exits of said building;
3. All yards, grounds, landscaping, refuse facilities, the swimming pool, and other recreational facilities and appurtenances;
4. All driveways, loading bay areas and parking areas;
5. All lobbies, storage area, trash rooms, equipment rooms and mailboxes;
6. Twenty-eight (28) guest parking stalls so designated on the Condominium File Plan;
7. All ducts, sewer lines, electrical equipment, pipes, wiring and other central and appurtenant transmission facilities, installations which serve more than one apartment for services such as power, light, water, gas, refuse, telephone and radio and television signal distributions, and passenger elevators; and
8. Any and all other apparatus and installations of common use and all other part of the property necessary or convenient to its existence, maintenance or safety, and normally in common use.

LIMITED COMMON ELEMENTS. The Declaration provides that certain parts of the common elements, 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 exclusive easements for the use of such limited common elements. The limited

common elements so set aside and reserved by the Declaration are as follows:

1. The elevator lobby and access corridor on each floor from the 5th through the 34th floor shall be appurtenant to and for the exclusive use of the apartments which are located on each such floor.

2. One or more automobile parking spaces; so designated on said Condominium File Plan by the number corresponding to the number of each apartment, shall be appurtenant to and for the exclusive use of such apartment, with which the same shall be transferred upon the initial conveyance by lease. Each apartment shall always have at least one parking space appurtenant to it, but otherwise any parking space easement may be transferred from apartment to apartment in the Project but shall always be appurtenant to one of the apartments in the Project. All Type "B" and Type "D" apartments situated on the 7th through the 34 floors, inclusive, shall be assigned two parking stalls, which stalls shall be included in the purchase price for such apartments. All other apartments shall be assigned one parking stall. Twenty-six (26) additional parking stalls shall be offered for sale to apartment purchasers on terms and conditions established by Developer.

3. One storage locker shall be assigned to each of the apartments upon the initial conveyance by lease and shall be appurtenant to and for the exclusive use of said apartment.

INTEREST TO BE CONVEYED TO PURCHASERS. Each apartment shall have appurtenant thereto a percentage interest in all common elements of the Project and the same proportionate share in all common profits and expenses of the Project and for all other purposes including voting, as set forth under the topical heading "Description" hereinabove.

RESTRICTIONS AS TO USE. The 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. The apartments shall not be rented for transient or hotel purposes, which are defined as (a) rental for any period less than 30 days, or (b) any rental in which the occupants of the apartment are provided customary hotel services such as room service for food and beverage, maid service, laundry and linen or bellboy service. Except for such transient or hotel purposes, the owners of the respective apartments shall have the absolute right to lease such apartment subject to all of the provisions of the Declaration and By-Laws.

OWNERSHIP OF TITLE: The preliminary title report dated February 5, 1974 by Long & Melone, Ltd. indicates that title to the land is vested in the Trustees of the Estate of Bernice Pauahi Bishop, deceased.

ENCUMBRANCES AGAINST TITLE:

1. The reservation in favor of the State of Hawaii of all mineral and metallic mines of every description.

2. Lease from Trustees under the Will and of the Estate of Bernice Pauahi Bishop, deceased, to Honolulu Plantation Company,

by Lease No. 6600, dated July 1, 1940, recorded in Liber 1627, Page 326. Said Lease was assigned to Oahu Sugar Company, Limited by Assignment of Lease dated January 1, 1947, recorded in Liber 2031, Page 166, as modified and extended.

3. Unrecorded Development Rights Agreement dated August 29, 1960, made by and between the Trustees under the Will and of the Estate of Bernice Pauahi Bishop, deceased, and American Factors, Limited (now Amfac, Inc.) as amended, by mesne assignments assigned to and now held by Waiahole Water Company, Ltd., an undivided 1/2 interest, by instrument dated December 27, 1967, recorded in Liber 5915, Page 395, and to Trousdale Construction Company, an undivided 1/2 interest, by instrument dated December 27, 1967, recorded in Liber 5915, Page 425.

NOTE: Waiahole Water Company, Ltd. merged into Lear Siegler, Inc., by instrument dated September 20, 1972, recorded in Book 8820, Page 356.

4. Unrecorded Participation Lease Rights Letter Agreement made by and between Oahu Sugar Company, Limited, and Central Oahu Land Corporation and Hawaiian Pacific Industries, Inc., a joint venture under the name of "Central Hawaiian", dated August 29, 1960, now held by Central Oahu Land Corporation, as to an undivided 1/2 interest, by instrument dated December 27, 1967, recorded in Liber 5915, Page 440, and Trousdale Construction Company, as to an undivided 1/2 interest, by instrument dated December 27, 1967, recorded in Liber 5916, Page 10.

5. Assignment from Trousdale Construction Company to Lear Siegler Properties, Inc., a Delaware corporation, dated December 30, 1969, recorded in Liber 6976, Page 334. Assign interest in partial assignment of Development Rights and Assumption of Liabilities, dated December 27, 1967, recorded in Liber 5915, Page 425; and partial assignment of Lease Participation Rights, dated December 27, 1967, recorded in Liber 5916, Page 10.

6. Unrecorded Agreement of Sale dated December 14, 1973, by and between Amfac-Trousdale, as Seller and Pono Development Co., as Buyer, covering the construction and sales rights for the subject property.

7. Lis Pendens filed December 13, 1968 in the First Circuit Court, Civil No. 26800 and also recorded December 16, 1968 in said Bureau of Conveyances in Book 6335, Page 189, entitled State of Hawaii vs Trustees under the Will and of the Estate of Bernice Pauahi Bishop, deceased, et al re condemnation of Easement 4 for sewer purposes and temporary Easement 26 for construction purposes.

8. Taxes for 1973-1974 are a lien.

PURCHASE MONEY HANDLING: An executed Escrow Agreement, dated February 28, 1974, identifies Bank of Hawaii as the Escrow Agent. Upon examination of the Escrow Agreement, as amended, it is found to be in consonance with Chapter 514, Hawaii Revised Statutes, and particularly Section 514-35 through Section 514-40.

According to the Deposit Receipt and Sales Contract, in the event that less than two hundred (200) apartments in the project are sold prior to March 1, 1975, Developer may, at its option, cancel the Contract and cause the Escrow Agent to refund to buyer all monies paid without interest and less a cancellation fee of \$15.00.

It is incumbent upon the purchaser and prospective purchaser to read and understand the Escrow Agreement before executing the Deposit Receipt and Sales Contract since the Escrow Agreement prescribes the procedure for receiving and disbursing purchaser's funds and the Deposit Receipt and Sales Contract specifically provides that the purchaser approves said Escrow Agreement and assumes the benefit and obligations therein provided.

The purchaser and prospective purchasers should also read with care the House Rules of said project which provide in part that occupancy is limited to not more than two persons per bedroom contained in each apartment, except that this occupancy may be exceeded by members of the immediate family of the owner, rentee or lessee.

MANAGEMENT OF PROJECT. The By-Laws which are incorporated in the Declaration provide that the operation of the project shall be conducted for the Association under the direction of its Board of Directors by a responsible corporate managing agent. The initial Managing Agent has not yet been selected, however, the Developer reserves the right to designate a managing agent at any time prior to the first conveyance of an apartment by lease.

STATUS OF PROJECT: A construction contract dated March 8, 1974 has been entered into with Harvis Construction, Inc., a copy of which has been furnished to the Commission. Construction has not commenced on the project, however, the Developer has advised the Commission that it proposes to commence construction on or about July 1, 1974. Construction is expected to be completed within twenty-one months after the commencement thereof.

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The purchaser or prospective purchaser should be cognizant of the fact that this published report represents information disclosed by the Owner in the required Notice of Intention submitted March 5, 1974, and additional information subsequently filed as of March 14, 1974.

This is a PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT which is made a part of REGISTRATION NO. 665, dated March 15, 1974. This report, when reproduced, shall be a true copy of the Commission's Public Report. The paper stock used in making facsimiles must be yellow.

  
For DOUGLAS R. SODEVANI, Chairman  
REAL ESTATE COMMISSION

Distribution:

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

Registration No. 665  
March 15, 1974