

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

LUSITANA GARDENS
1401 Lusitana Street
Honolulu, Hawaii

REGISTRATION NO. 674

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: May 1, 1974
Expires: June 1, 1975

SPECIAL ATTENTION

A comprehensive reading of this 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:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED APRIL 4, 1974, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF APRIL 26, 1974. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514, HAWAII REVISED STATUTES.

1. "LUSITANA GARDENS" is a proposed fee simple condominium project consisting of approximately 15,506 square feet of land, with a total of twenty-six (26) one bedroom, one bath units. There will be one

(1) building of five (5) stories; the first story will consist of two (2) apartments, a manager's office and parking; the second (2nd) story will consist of six (6) apartments and parking, the third through fifth stories will have six (6) apartments per story. There will be a total of twenty-six (26) parking spaces, twenty-one (21) of which are standard size and five (5) of which are compact size. Seventeen (17) of the parking spaces are covered and nine (9) are uncovered. One parking space is assigned to each apartment by number corresponding to the apartment number.

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 issuance of this Preliminary Public Report.
3. The basic documents (Declaration of Horizontal Property Regimes, 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 matters have been submitted to the Commission for approval.
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 Regime.
6. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance of May 1, 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: "LUSITANA GARDENS"

LOCATION: The approximate 15,506 square feet of real property to be committed to the regime, as a fee simple condominium project is located on corner of Lusitana and Wilder Streets at 1401 Lusitana Street, Honolulu, Hawaii.

TAX KEY: First Division 2-1-21-01.

ZONING: A-2

DEVELOPER: The Developer is Lusitana Gardens Limited Partnership, a registered Hawaii limited partnership. Jerry D. C. Park, a resident of Hawaii, whose mailing address is Suite 1386,

Pacific Trade Center, 190 South King Street, Honolulu, Hawaii, 96813, is the General Partner of Lusitana Gardens Limited Partnership. The mailing address of the Developer is Suite 1386, Pacific Trade Center, 190 South King Street, Honolulu, Hawaii, 96813.

ATTORNEY REPRESENTING DEVELOPER: Jason F. Oliver, Suite 1220, 1441 Kapiolani Boulevard, Honolulu, Hawaii, 96814, Telephone No. 949-5305.

DESCRIPTION: The proposed Declaration of Horizontal Property Regime reflects that the project is to consist of the fee simple of the property located on the corner of Lusitana and Miller Streets at 1401 Lusitana Street, Honolulu, Hawaii, and one (1) five story building containing a total of twenty-six (26) apartment units and twenty-six (26) parking spaces (twenty-one (21) standard and five (5) compact).

The building is comprised of a ground level (first floor of building) which will consist of parking stalls, manager's office and apartments, second story which will consist of parking stalls and apartments, and third through fifth stories which will consist of apartments. There will be fifteen (15) covered standard parking spaces and two covered compact parking spaces on the first floor. Floor numbered 2 will accommodate six uncovered standard parking spaces and three (3) uncovered compact parking spaces. The parking spaces shall be numbered with reference to the applicable apartment designation.

Access to the apartments and common areas is directly from the grounds, walkways, and parking areas.

There will be three types of apartment spaces on the floors numbered one through five. Apartments designated 101 and 102 will consist of approximately 487.61 square feet. Apartments designated 201, 202, 203, 204, 205, 206, 301, 302, 303, 304, 305, 306, 401, 402, 403, 404, 405, 406, 501, 502, 503, 504, 505, and 506 will consist of approximately 592.03 square feet (inclusive of a lanai with approximately 75.77 square feet). Each apartment shall have the following: one (1) bedroom; one full bath with tub-shower combination; a kitchen with built-in cabinets, drawers and storage space, an automatic-defrost refrigerator, a range, a disposal, a water heater, and a stack clothes washer and dryer; and a living room. All apartments will have wall-to-wall carpeting throughout, drapes in the living room and bedroom.

Each apartment within the condominium project shall include the interior unfinished surfaces, (exclusive of paint, paper, wax, tile, enamel, or other finishings) of its perimeter walls, bearing walls, floors and ceilings, (exclusive of any common elements as provided in the below paragraph). All doors and door frames, windows and window frames, (excepting external finished surfaces facing a common element) and non-loadbearing walls within an apartment, however, are part of the apartment.

COMMON ELEMENTS: The proposed Declaration reflects that the common elements consist of the following: (1) the fee simple land submitted to the Horizontal Property Regime; (2) all foundations, floor slabs, columns, girders, beams, supports, bearing walls, roofs, chases, chutes, corridors, stairs, walkways, entrances and exits of said project; (3) all yards and refuse areas; (4) all ducts, electrical equipment, wiring and other central and appurtenant installations for service of more than one (1) apartment, including power, light, cold and hot water, refuse and telephone; (5) the area on the ground floor and other floors of the building which are designated as lobbies; (6) an open recreation area on the second floor; and (7) 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 certain parts of the common elements, called and designated as "limited common elements" will be set aside and reserved for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto an exclusive easement for the use of such limited common elements. The limited common elements to be set aside and reserved are as follows: (1) one (1) parking space shall be allocated to each apartment; parking spaces shall be allocated to each apartment by the number corresponding to the number of each apartment; (2) the interior one-half (1/2) of all perimeter party walls of an apartment, whether loadbearing or non-loadbearing, shall be appurtenant to the apartment on which they are located.

INTEREST TO BE CONVEYED TO PURCHASER: Each of the twenty-six (26) apartments of the project shall have appurtenant thereto an undivided one/twenty-sixth (1/26) interest in all common elements of the project (herein called the "common interest") and the same proportionate share in all common profits and expenses of the project and for all other purposes, including voting.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The proposed Declaration states that the project hereinabove described, shall, at all times be restricted to the following use: (1) the twenty-six (26) apartments located on floors 1 through 5 shall be used for residential purposes and/or for such other purpose or purposes as the Association of Apartment Owners may, from time to time approve, but in keeping with the applicable zoning regulations and Chapter 514, Hawaii Revised Statutes, as amended; (2) the parking areas shall be used only for the parking and storing of vehicles and/or for such other purposes as the Association of Apartment Owners may, from time to time approve, but in keeping with the applicable zoning regulations and Chapter 514, Hawaii Revised Statutes, as amended; (3) each apartment owner shall comply with the terms of the Declaration, By-Laws and House Rules of the Association of Apartment Owners.

OWNERSHIP TO TITLE: The Title Insurance issued by Title Guaranty of Hawaii, Incorporated, as of December 27, 1973, and updated on April 19, 1974, certifies that ownership to fee title is vested in JERRY D. C. PARK and CHESTER C. S. LIM, as General Partners of Lusitana Gardens Limited Partnership, For And On Behalf Of All Limited And General Partners Of Said Limited Partnership (Note: Chester C. S. Lim has withdrawn as General Partner from said limited partnership as reflected in Certificate of Amendment of Limited Partnership filed on April 4, 1974, in the Department of Regulatory Agencies of the State of Hawaii).

ENCUMBRANCES AGAINST TITLE: The Title Insurance reflects that the following encumbrances exist:

1. Reservations contained in Land Patent Grant Numbers 6486 and 6476, to wit:

"The government reserves the right to lay sewers along the boundary lines of this lot, using such width of ground for the same as may be reasonably necessary.

The government reserves the right to make such cuts and fills and do such other work as it may deem necessary, or proper, for the construction of the roads along this lot as indicated on the present map without liability for any damages that may result therefrom to said lot."
2. Mortgage dated December 21, 1973, in favor of Commercial Finance, Limited, a Hawaii corporation, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 9660 at Page 473.
3. Taxes that may be due and owing on the land, reference is hereby made to the office of the Tax Assessor of the First Taxation District.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated April 2, 1974, identifies Security Title Corporation as "Escrow." On examination, the specimen Sales Agreement and executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes and particularly, Section 514-35 and Section 514-36 through 514-40.

The specimen Sales Agreement provides that in the event that less than fifty percent (50%) of the apartments are sold by December 31, 1974, or if any time during the period of the Agreement, Purchaser's credit shall be found unsatisfactory to Seller or financing becomes unavailable to Purchaser or Seller, Seller may at its option, cancel the Agreement upon written notice to purchaser.

Among other provisions, the Escrow Agreement reflects that a purchaser shall be entitled to a refund of his funds, if any one of the following shall have occurred: (1) Escrow receives a written request from Developer to return to purchaser the funds of such purchaser then held hereunder by Escrow; or (2) if the purchaser's funds were obtained prior to the issuance of a final report and if there is any change in the building

plans, subsequent to the execution of purchaser's contract requiring the approval of a county officer having jurisdiction over the issuance of permits for construction, unless the purchaser has given written approval of acceptance of the change; or (3) if the purchaser's funds were obtained prior to the issuance of a final public report and the purchaser requests in writing refund of his funds prior to the time the Final Report is issued; or (4) if the purchaser's funds were obtained prior to the issuance of a Final Report and if the Final Report differs in any material respect from the Preliminary Report, unless the purchaser has given written approval or acceptance of the difference; or (5) if the Final Report is not issued within one (1) year from the date of issuance of the Preliminary Report; or (6) if for any reason whatsoever, a particular individual, escrow is cancelled, then Escrow shall be compensated in the amount of fifteen dollars (\$15.00) as its administrative costs, said cancellation fee to be paid by the party responsible for the cancellation.

It is incumbent upon the purchaser and prospective purchaser that he reads with care the Contract of Sale and the Escrow Agreement. The Escrow Agreement establishes how the proceeds from the apartment units and all sums received from any source are placed in trust, as well as the retention and disbursement of said trust funds.

FINANCING OF PROJECT: The Developer is preparing to file with the Commission, a statement of financing showing the total project costs, and Developer's program of financing the total project costs. The Developer plans to finance the total project cost through a construction loan in the amount and from a lender yet to be determined.

MANAGEMENT AND OPERATIONS: The proposed By-Laws of this project states the Board of Directors may employ for the Association of Apartment Owners, a management agent to perform such duties as the Board shall authorize, including the collection of all assessments from the owners. The proposed Declaration identifies that the initial managing agent shall be Michael Ota & Associates, Inc., 629A Kailua Road, Kailua, Hawaii, 96734.

STATUS OF PROJECT: The Developer advises the Real Estate Commission that the construction of the building has not yet commenced.

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 April 4, 1974, and additional information subsequently filed as of April 26, 1974.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)
PUBLIC REPORT is made a part of REGISTRATION NO. 674
filed with the commission on April 4, 1974.

The report, when reproduced, shall be a true copy of the
Commission's Public Report. In making facsimiles, the paper
stock shall 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. 674
May 1, 1974

