

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII  
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## SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

ALOHA TOWERS

LEWERS STREET

Waikiki, Oahu, Hawaii

REGISTRATION NO. 708

### **This Report Is Not an Approval or Disapproval of This Condominium Project**

It was prepared as a supplement to an earlier Report dated August 8, 1974 issued by the Real Estate Commission on the above 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: January 15, 1975  
Expires: September 8, 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:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED AUGUST 1, 1974, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF JANUARY 10, 1975. 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. Since the issuance of the Commission's Preliminary Public Report on Registration No. 708, dated August 8, 1974, the Developer has forwarded additional information reflecting material changes which have been made in the documents and plans for the project.

2. Aloha Towers is a proposed leasehold condominium project consisting of two (2) towers. The tower on the Ewa side of Lewers Street shall be designated as Tower One and the tower on the Diamond Head side of Lewers Street shall be designated as Tower Two. Tower One has twenty-nine (29) levels including parking levels, and contains one hundred twenty-four (124) residential units, one (1) commercial unit and one hundred ninety-eight (198) parking stalls. Tower Two has eighteen (18) levels including parking levels, and contains seventy-three (73) residential units and fifty-eight (58) parking stalls. The developer intends to sell the residential units and the commercial unit together with an undivided interest in the common elements of the project (exclusive of land) and to assign leases of undivided interests in the land. Purchasers are advised to study the Surrender clause contained in paragraph 20(d) in the Sales Contract which prohibits assignment of the Sales Contract without the written consent of the Seller.
3. The basic documents (Declaration of Horizontal Property Regime, with By-Laws of Association of Owners attached, and a copy of the approved Floor Plans) have not been filed as of this date in the office of the recording officer.
4. This Supplementary Public Report is made a part of the registration on the ALOHA TOWERS condominium project. The Developer is responsible for placing this Supplementary Public Report (pink paper stock) in the hands of all purchasers and prospective purchasers and for securing a signed copy of the Receipt for Horizontal Property Regime Public Report from each purchaser and prospective purchaser.
5. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of the condominium project and the issuance of this Supplementary Public Report.
6. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514, Hawaii Revised Statutes, as amended, and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.
7. No advertising or promotional matter has been submitted pursuant to the Rules and Regulations promulgated by the Commission.
8. This Supplementary Public Report automatically expires on September 8, 1975, unless an additional Supplementary

Public Report issues or the Commission, upon review of registration, issues an order extending the effective period of this report.

NAME OF PROJECT: ALOHA TOWERS

The information in the topical headings of the Preliminary Public Report of August 8, 1974, with the exception of DEVELOPER, DESCRIPTION, LIMITED COMMON ELEMENTS, INTEREST TO BE CONVEYED PURCHASER, PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE, PURCHASE MONEY HANDLING and STATUS OF PROJECT, have not been disturbed.

DEVELOPER: The Developer advises the Commission that the only change is Henry A. Tankard and L. G. Norman should be included as Vice Presidents of S. P. L. International Hawaii Limited.

DESCRIPTION: The proposed Declaration of Horizontal Property Regime, as submitted to the Commission, states that Tower One and Tower Two and their respective appurtenances will constitute a unified condominium project. Tower One will consist of twenty-nine (29) levels, with parking stalls located on portions of the first four (4) levels of the building and will contain a total of one hundred twenty-four (124) residential units and one (1) commercial unit. Tower Two will consist of eighteen (18) levels with parking stalls located on portions of the first two levels and will contain a total of seventy-three (73) residential units. In addition, the project will contain two swimming pools and other recreational facilities. Both Towers will be constructed principally of reinforced concrete floor and roof slabs and concrete beams, columns and concrete block exterior walls. The Developer intends to sell all of its interests in the residential units and the commercial unit, together with undivided interests in the common elements of the project (including the land) and to assign apartment leases with respect thereto to third persons. The condominium units are arranged as follows:

(a) Tower One. Tower One contains one hundred twenty-four (124) residential units and one commercial unit. The levels in Tower One are given floor numbers 1 through 12 and 14 through 30 in ascending order. The first level through the fourth level, inclusive, are parking levels. The residential units begin on the fifth level (recreation deck level). Each residential unit is given a designation beginning with the floor number. There are no units commencing with the numeral 13. Except for the fifth level (recreation deck level), the residential unit in the northern corner on each level is given a designation ending in 01 with the designation numerically increasing clockwise on each level.

There are nine (9) types of residential units in Tower One: Types A through I, inclusive.

Type A includes a living room, kitchen, two lanais, two bedrooms, with one of the bedrooms having a walk-in closet, two baths, with one of the baths containing a dressing area, approximately 1,098 square feet (133 of lanai) and a .5424% common interest.

Type B includes a living room, kitchen, two lanais, two bedrooms, with one of the bedrooms having a walk-in closet, two baths, with one of the baths containing a dressing area, approximately 1,117 square feet (133 of lanai) and a .5517% common interest.

Type C includes a living room, kitchen, lanai, one bedroom, one bath, approximately 791 square feet (89 of lanai) and a .3907% common interest.

Type D includes a living room, kitchen, two lanais, one bedroom, one bath, approximately 832 square feet (100 of lanai) and a .4110% common interest.

Type E includes a living room, kitchen, lanai, one bedroom, one bath, approximately 762 square feet (89 of lanai) and a .3764% common interest.

Type F includes a living room, kitchen, three lanais, one bedroom, one bath, approximately 1,113 square feet (327 of lanai) plus 1,395 square feet of garden area and a .6189% common interest.

Type G includes a living room, kitchen, three lanais, two bedrooms, two baths, approximately 1,528 square feet (461 of lanai) plus 575 square feet of garden area and a .7834% common interest.

Type H includes a living room, kitchen, lanai, one bedroom, one bath, approximately 1,095 square feet (378 of lanai) plus 1,230 square feet of garden area and a .6017% common interest.

Type I includes a living room, kitchen, two lanais, one bedroom, one bath, approximately 1,015 square feet (337 of lanai) plus 884 square feet of garden area and a .5448% common interest.

All unit numbers ending in 01 in Tower One are Type A. Unit number 502 is Type F and all other apartment numbers ending in 02 are Type B. Apartment number 503 is

Type G and all other apartment numbers ending in 03 are Type C. Apartment number 504 is Type H and all other apartment numbers ending in 04 are Type D. Apartment number 505 is Type I and all other apartment numbers ending in 05 are Type E.

In addition to the residential units in Tower One, there is one commercial unit on level One (a parking level), located at the southern corner, which consists of one room, but subject to partition, approximately 1,600 square feet, and a .7903% common interest.

(b) Tower Two. Tower Two contains seventy-three (73) residential units. The levels in Tower Two are given floor numbers 1 through 12 and 14 through 19 in ascending order. Level one and two, inclusive, are parking levels. The residential units begin on the third level (recreation deck level). Each residential apartment is given a designation beginning with the floor number. There are no residential apartments commencing with the numeral 13. Except for the third and nineteenth levels (recreation deck and penthouse levels respectively), the residential apartment in the northern corner on each level is given a designation ending in 01 with the designation numerically increasing clockwise on each level.

There are eight (8) types of residential units in Tower Two: Types J through Q, inclusive.

Type J includes a living room, kitchen, lanai, two bedrooms, two baths, approximately 1,242 square feet (71 of lanai) and a .6135% common interest.

Type K includes a living room, kitchen, lanai, two bedrooms, two baths, approximately 1,203 square feet (71 of lanai) and a .5943% common interest.

Type L includes a living room, kitchen, lanai, two bedrooms, two baths, approximately 1,195 square feet (71 of lanai) and a .5903% common interest.

Type M includes a living room, kitchen, lanai, one bedroom, one bath, approximately 794 square feet (52 of lanai) and a .3922% common interest.

Type N includes a living room, kitchen, lanai, two bedrooms, two baths, approximately 1,199 square feet (71 of lanai) and a .5923% common interest.

Type O, the only residential unit on the third level (recreation deck level), includes a living

room, dining room, office, two kitchens, breakfast area, four lanais, two bedrooms, three baths, storage room, approximately 2,574 square feet plus 2,393 square feet of garden-lanai area and a 1.3895% common interest.

Type P, one of the two residential units on the nineteenth level (penthouse level) includes a living room, kitchen, two dressing rooms, three bedrooms, two baths, approximately 1,741 square feet plus 2,650 square feet of open roof garden and a .9459% common interest.

Type Q, the second of the two residential units on the penthouse level, includes a living room, kitchen, three bedrooms, three baths, approximately 1,519 square feet plus 1,736 square feet of open roof garden and a .8363% common interest.

Unit number 1901 is Type P and all other unit numbers ending in 01 in Tower Two are Type J. Unit number 1902 is Type Q and all other unit numbers ending in 02 are Type K. All unit numbers ending in 03 are Type L. All unit numbers ending in 04 are Type M. All unit numbers ending in 05 are Type N. Unit number 300 is Type O.

The common interest of each unit is based upon the entire project which consists of 198 units in Tower One and Tower Two.

The foregoing areas for units in both Towers are computed from the outside faces of exterior walls and the centerlines of party walls.

Each residential unit has immediate access to the hallway on its level and to the stairways and elevators between floors of the building.

A refrigerator, range and double oven, disposal, dishwasher and clothes washer and dryer, are included with each residential apartment.

BOUNDARY LINE: The respective residential units and commercial unit will not include the undecorated or unfinished surfaces of the perimeter walls, the interior party walls, or the floors and ceiling which surround the units or any pipes, shafts, wires, conduits or other utility or service lines, running through such units which are utilized for or which serve more than one condominium unit. Subject to the foregoing, each residential unit shall include the adjacent lanai or lanais and adjacent garden area or areas for apartments 502 through 505, inclusive, in Tower One and apartments

300, 1901 and 1902 in Tower Two, and each unit shall include all 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 exterior of the lanai railing and all air space encompassed within the unit, together with fixtures and other such improvements located therein.

The proposed Declaration of Horizontal Property Regime provides that, with the prior written approval of the owners of condominium units to which is appurtenant not less than seventy-five percent (75%) of the common interests, the Lessor shall have, reserved solely to it, the power to amend the Declaration or the By-Laws in derogation of the rights of Lessor contained therein; to determine not to repair, rebuild or restore the project in the event of damage or destruction of all or any part thereof; to remove the project from the provisions of the Horizontal Property Act; and to prosecute an action for partition.

The proposed Declaration further provides that the Lessor reserves the right, without the consent or joinder of Lessee, to cancel the Declaration and By-Laws and the Apartment Leases and to remove the project from under the provisions of said Horizontal Property Act if, for any reason, Lessee abandons development of the project after it has commenced but not completed construction of said buildings and other improvements, and after the Master Lease has been cancelled and the Apartment Leases have been issued in substitution therefor.

LIMITED COMMON ELEMENTS: The revised Declaration of Horizontal Property Regime reflects that the only change under the topical heading LIMITED COMMON ELEMENTS is that eleven (11) or more parking spaces shall be allocated for visitor parking instead of twelve (12) or more parking spaces.

INTEREST TO BE CONVEYED PURCHASER: Each unit according to its type and location shall have appurtenant thereto an undivided percentage interest called the "Common Interest" in the Common Elements for all purposes, including voting, as indicated above.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The revised Declaration of Horizontal Property Regime states that the purposes for which the building and other improvements and each of the condominium units are intended and shall be restricted as to use are as follows:

(a) The residential units shall be occupied and used as residences either permanent or temporary. The

residential apartments shall be occupied and used for no other purposes. Subject to the provisions of paragraph (c) hereof, the commercial unit shall be used for any lawful purpose. The residential apartment owners and the commercial unit owner shall have the absolute right to rent or lease their units, subject to the limitations, restrictions, covenants and conditions contained in the Declaration or in the By-Laws or the Apartment Leases.

(b) Subject to the provisions of the following paragraph (c), the By-Laws, House Rules and the Apartment Leases, the owner of a residential unit and the owner of the commercial unit may, with the prior written consent of the Board of Directors, make additions to or alterations of an apartment and may in the case of an owner of adjoining apartments, make alterations of the party walls common to and between the apartments jointly owned.

(c) The owner of a condominium unit shall not use the same for any purpose which will injure the reputation of the project. Such owner shall not suffer anything to be done or kept in said condominium unit or elsewhere on the project which will jeopardize the soundness of the building or premises, or which will interfere with or unreasonably disturb the rights of other owners, or which will obstruct the public halls or stairways of the building or which will increase the rate of fire insurance on any building or the contents thereof or which will reduce the value of the premises.

PURCHASE MONEY HANDLING: An Amended Escrow Agreement dated January 7, 1975, has been executed and a copy of same has been filed with the Commission. The Escrow Agent is Bank of Hawaii. Upon examination the specimen Sales Contract and the executed Escrow Agreement are found to be in consonance with Chapter 514, Hawaii Revised Statutes, and particularly Sections 514-15(6) and 514-36 through 514-40.

Among other provisions, the Escrow Agreement provides that if at any time, (a) Escrow receives a written request from Seller to return to a purchaser such purchaser's funds held hereunder by Escrow, or (b) Seller shall notify Escrow in writing that Seller or a purchaser has exercised the option of cancellation in the event construction shall not have been completed by the time provided in such Sales Contract, then in any such event Escrow shall return such purchaser's funds, without interest, and without deduction, together with such Sales Contract, marked "cancelled", and Seller and purchaser shall be deemed no longer held thereunder. If at the time of execution of the Sales Contract, a Final Public Report has not been issued by the State Real

Estate Commission with respect to the project, then the following limitations shall apply: (1) Purchaser's funds obtained prior to the issuance of a Final Report shall be refunded if there is any change in the condominium building plans subsequent to the execution of the Sales Contract, which change requires the approval of a county officer having jurisdiction over the issuance of permits for construction of buildings, unless purchaser's written approval or acceptance of the specific change is obtained. (2) All rights under the Sales Contract shall not become enforceable against the purchaser until the purchaser has had a full opportunity to read the State Real Estate Commission's Final Public Report on the project and to obtain refund of any moneys paid by the purchaser as well as release from all obligations under the Sales Contract if the Final Report differs in any material respect from the Preliminary Report. (3) If the Final Public Report is not issued within one year from the date of the issuance of the Preliminary Report, the purchaser shall be entitled to refund of all moneys paid by him under the Sales Contract without further obligation. (4) All moneys paid by the purchaser prior to the issuance of said Final Report shall be deposited in trust with the Escrow, and the Escrow is hereby instructed that no disbursements shall be made from such trust fund on behalf of the Seller until the Sales Contract has become effective, and the requirements of Sections 514-36 through 39, Hawaii Revised Statutes, have been met.

Among other provisions, the specimen Sales Contract provides that in the event less than 100 Apartments are sold prior to April 30, 1975, Seller may at its option cancel this Sales Contract, and all sums paid by the Buyer thereunder shall be refunded without interest, and upon tender of such refund, the parties shall be released from all obligations to each other thereunder.

It is incumbent upon the purchaser and prospective purchaser that he reads with care the Sales Contract and the executed Escrow Agreement. The latter Agreement establishes how the proceeds from the sale of condominium units are placed in trust, as well as the retention and disbursement of said funds.

STATUS OF PROJECT: Construction of the project has not yet begun.

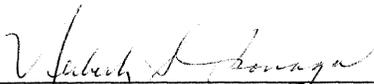
The Developer advises, and the revised specimen Sales Contract reflects that the construction completion dates for Towers One and Two have been extended to be on or before September 30, 1976, and July 30, 1976, respectively.

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The purchaser or prospective purchaser should be cognizant of the fact that this report represents information disclosed by the Developer in the required Notice of Intention submitted August 1, 1974.

This SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 708 filed with the Commission on August 1, 1974.

The report, when reproduced, shall be a true copy of the Commission's public report. The paper stock used in making facsimiles must be pink.

  
(For) DOUGLAS R. SODEVANI, Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII

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of Honolulu  
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Registration No. 708

January 15, 1975