

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
OLU HALE KANOA
750 Kanoa Street
Honolulu, Hawaii

REGISTRATION NO. 759

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 10, 1975

Expires: April 10, 1976

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 MARCH 5, 1975, AND INFORMATION SUBMITTED AS OF MARCH 6, 1975. THE DEVELOPER BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514 OF THE HAWAII REVISED STATUTE.

1. OLU HALE KANOA is a proposed leasehold condominium project consisting of twenty-eight (28) residential apartment units arranged throughout a single four-story building. There will be three (3) studio apartments and twenty-five (25) two bedroom, one bath apartments. There will be a total of twenty-eight (28) parking stalls, with the Developer assigning one stall to each unit. There will be a laundry room and storage room located on the first floor.

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 report.
3. The basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owner 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 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 Rules and Regulations promulgated thereunder which relate to the Horizontal Property Act.
6. This preliminary public report automatically expires thirteen (13) months after date of issuance, March 10, 1975, unless a Supplementary Public Report is published or the Commission, upon review of the registration, issues an order extending the effective period of this report.

NAME OF PROJECT: OLU HALE KANOA

LOCATION: The project is located at 750 Kanoa Street, Honolulu, Hawaii and contains an area of approximately 18,617 square feet.

TAX MAP KEY: First Division, 1-7-31-50

ZONING: A-2

DEVELOPER: OLU HALE KANOA CORPORATION, a Hawaii corporation, whose principal place of business and post office address is Suite 740, Pacific Trade Center, 190 South King Street, Honolulu, Hawaii, 96813. Telephone: 524-5311. The officers of Olu Hale Kanoa Corporation are: Eunice H. Kealoha, President; David S. Y. Whang, Vice-President; and Saeko T. Whang, Secretary-Treasurer.

ATTORNEY REPRESENTING DEVELOPER: Ronald Y. C. Yee, Suite 740, Pacific Trade Center, 190 South King Street, Honolulu, Hawaii, 96813, telephone: 524-5311; and Libkuman, Ventura, Moon & Ayabe, (Attention: Sidney K. Ayabe) Suite 412, 700 Bishop Street, Honolulu, Hawaii, 96813, telephone: 537-6119.

DESCRIPTION: The proposed Declaration of Horizontal Property Regime reflects that the project is to consist of twenty-eight (28) apartment units, of which there shall be three (3) studio apartments and twenty-five (25) two bedroom, one bath apartments contained in a single four (4) story building constructed principally of reinforced concrete foundation and reinforced hollow tile block with twenty-eight (28) parking stalls.

The respective apartment units shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or interior load-bearing walls, the floors and ceilings surrounding each apartment or any pipes, wires, conduits, or other utility lines running through such apartments which are deemed common elements as hereinafter provided. Each apartment shall include the adjacent lanai shown on said condominium map and shall also 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 ceiling and the fixtures originally installed therein.

The description and location of each apartment in the building are as follows:

(a) Location of Apartments. There are four (4) apartment units on the ground floor and eight (8) apartment units on each of the 2nd through 4th floor of the building. The apartments will be numbered "01", "02", "03", "04", "05", "06", "07" and "08". Each apartment number is preceded by a number denoting the floor on which such apartment is located; e.g., Apartment "101" is the corner apartment on the Mauka/Diamond Head side of the building on the ground floor.

On the ground floor, there are four apartments with the "01" unit located on the Mauka/Diamond Head corner of the building with the subsequent apartment numbers following in a counter clockwise sequence next to each other.

The 2nd through 4th floors are identical with each floor having eight units with the "01" unit located in the same area as described above with the subsequent apartment numbers following in a counter clockwise sequence next to each other.

(b) Area of Apartments: The apartments are constructed according to two different floor plans and each contains the number of room and appropriate floor areas, according to its respective floor plans as follows:

(i) Studio Apartments: Apartments 205, 305 and 405 are studio apartments, each containing a studio living area, a bathroom and a kitchenette, with an approximate living area of 363 square feet, plus a lanai of approximately 44 square feet. There is one apartment of this type on each of the 2nd through 4th floors.

(ii) Two Bedroom Apartment: Apartments 101, 102, 103, 104, 201, 202, 203, 204, 206, 207, 208, 301, 302, 303, 304, 306, 307, 308, 401, 402, 403, 404, 406, 407 and 408 are two bedroom apartments, each containing 2 bedrooms, 1 bathroom, a living room and a kitchenette, with an approximate living area of 575 square feet, plus a lanai of approximately 44 square feet. There are four apartments of this type on the ground floor and seven of these apartments on each of the 2nd through 4th floor.

Each apartment has immediate access to its entries, and to the corridors, walkways and stairways, if any, appurtenant to such apartment, and connecting its building to the road and parking areas of the project.

COMMON ELEMENTS: The proposed Declaration reflects that the common elements include specifically but not limited to:

- (a) Said land in fee simple;
- (b) All foundations, columns, girders, beams, supports, load-bearing walls, roofs, chases, entry halls, stairs, walkways, entrances and exits of said building;
- (c) All yards, grounds, landscaping and refuse areas;
- (d) All parking areas;
- (e) All pipes, cables, ducts, electrical equipment, wiring and other central and appurtenant installations for services including power, light, cold and hot water, air conditioning, refuse and telephone;
- (f) One automatic electric passenger elevator with elevator housing and appurtenant equipment;
- (g) The laundry room, storage room, a central water heater and trash room;
- (h) All other parts of the project necessary or convenient to its existence, maintenance and safety or normally in common use for the operation of the building or the common elements.

LIMITED COMMON ELEMENTS: The proposed Declaration reflects certain parts of the common elements which are 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) One automobile parking space for each apartment shall be appurtenant to and for the exclusive use of such apartment.
- (b) Any walkway, or corridor which connects the apartment or apartments adjoining it to the stairway, or exterior of the Project shall be appurtenant to and for the exclusive use of said adjoining apartment or apartments;
- (c) 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: Each apartment shall have appurtenant thereto an undivided percentage interest in all common elements of the project and the same proportionate share in all common profits and expenses of the project, in accordance with its respective apartment type, as follows:

The studio apartments shall each have appurtenant thereto a common interest of 2.4400%. The two bedroom apartments shall each have appurtenant thereto a common interest of 3.7072%.

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, domestic servants and social guests, and for no other purpose. The apartments shall not be rented for hotel purposes, which is defined as any rental in which the occupants of the apartments are provided daily or weekly rentals or customary hotel services such as room service for food and beverage, maid service, laundry and linen or bellboy service. Except for such hotel purposes the owners of the respective apartment shall have the absolute right to lease such apartment subject to all provisions of the Declaration.

OWNERSHIP OF TITLE: A Certificate of Title issued February 21, 1975, and prepared by National Escrow & Title Corporation certifies that title is vested as follows: Alyce Hak Sun Orand, wife of Dan Cloise Orand, Eunice Hahk Bong Kealoha, widow, and David Sung Youl Whang, husband of Saeko Tsutsui Whang, as tenants in common. The owners have conveyed said property to OLU HALE KANOA CORPORATION, Developer herein, by unrecorded Master Lease dated February 24, 1975 and Development Agreement dated February 27, 1975. NOTE: The Developer has advised the Commission that the Master Lease and Development Agreement shall be surrendered upon completion of the project and apartment leases shall be conveyed from the owners directly to the respective apartment owners.

ENCUMBRANCES AGAINST TITLE: The Certificate of Title also certifies that there are no liens or encumbrances of whatsoever kind or nature against said title save and except the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent Number 104485.
2. A setback line approximately 10 feet wide along Palama Street for future road widening, as shown on Tax Map Key 1-7-31-50.
3. Taxes that may be due and owing and a lien on the land, reference is hereby made to the Office of the Tax Assessor, First Division.

PURCHASE MONEY HANDLING: A copy of the Escrow Agreement dated March 4, 1975, between State Savings and Loan Association, as escrow, and Olu Hale Kanoa Corporation, has been submitted to the Commission as part of this registration. On examination, the Deposit Receipt and Sales Contract and the 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, Hawaii Revised Statutes.

Among other provisions, the executed escrow agreement states that a purchaser under contract of sale, upon written request, shall be entitled to a refund of all monies deposited with escrow, without interest and less escrow's \$25.00 cancellation fee, if purchaser shall in writing request refund of his funds and any one of the following events shall have occurred.

- (a) Escrow receives a written request from Developer to return to Purchaser the funds of such Purchaser then held hereunder by Escrow; or

(b) 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 of acceptance of the specific change; or

(c) If a Purchaser's funds were obtained prior to the issuance of a final public report and the request is prior to the time the final public report is issued; or

(d) 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 differences; or

(e) If the final public report is not issued within one year from the date of issuance of the preliminary public report.

Specimen sales contract states that the terms of the Escrow Agreement are made a part of the Sales Contract by reference. The specimen sales contract sets forth the conditions upon which the purchaser may elect to avoid the sales contract. The specimen sales contract also provides that the developer shall have the right to rescind and be relieved and released of all further liability under the sales contract if (1) the purchaser's credit shall be found unsatisfactory to seller; (2) the project is delayed for a period of more than sixty (60) days by war or other national emergency, general strike, industry-wide strike or lockout in the City and County of Honolulu, island-wide shortage of material; (3) government regulation; (4) inability of seller to obtain mortgage financing; (5) inability of seller to secure mortgage financing in the Honolulu area for purchasers of condominium apartments; (6) or other similar causes beyond the control of seller; (7) financing becomes unavailable to purchaser; or (8) if on September 30, 1975 less than seventy-five percent of the apartments have been sold.

It is incumbent upon the purchaser and prospective purchaser that he reads with care the Sales Contract and the executed Escrow Agreement.

MANAGEMENT AND OPERATIONS: The proposed Declaration of Horizontal Property Regime states that the administration of the project shall be vested in the Association of Apartment Owners of Olu Hale Kanoa, consisting of all apartment owners of the project in accordance with the By-Laws of the Association. The Developer will be entering into a Management Agreement with Delta Management Corporation as the initial Managing Agent.

BY-LAWS: The By-Laws attached to the proposed Declaration of Horizontal Property Regime provides in part that no livestock, poultry, rabbits or other animals whatsoever shall be allowed or kept in any part of the project.

STATUS OF PROJECT: The Developer has entered into a contract with C & Y Builders, Inc. on September 9, 1974 for construction of said project. Construction has not begun on the project.

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 March 5, 1975.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 759 filed with the Commission on March 5, 1975.

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.

Ad. Han Young

(for) DOUGLAS R. SODETANI,
Chairman, REAL ESTATE COMMISSION
STATE OF HAWAII

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Registration No. 759

March 10, 1975