

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII  
1010 RICHARDS STREET  
P. O. BOX 3469  
HONOLULU, HAWAII 96801

## FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on  
THE DOMINIS WEST CONDOMINIUM  
1419 Dominis Street  
Honolulu, Hawaii

REGISTRATION NO. 765

### **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 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: May 14, 1975  
Expires: June 14, 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 APRIL 17, 1975 AND INFORMATION SUBMITTED AS OF MAY 9, 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. The DOMINIS WEST CONDOMINIUM is a multi-story leasehold condominium project containing a total of one hundred and fourteen (114) studio apartments. There will be parking for one hundred and twelve (112) cars (91 covered and 21 open) on the five (5) parking levels which comprise the first five levels of the building. Each apartment, with the exception

of the Manager's apartment and the apartment designated on the plans as the Penthouse, will be assigned at least one (1) stall.

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 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 been filed in the office of the recording officer.

The Declaration of Horizontal Property Regime dated April 29, 1975, with the By-Laws of the Association of Apartment Owners attached thereto, has been filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 719765.

Condominium Map No. 251 was filed in said Office of the Assistant Registrar on May 9, 1975.

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 Final Public Report automatically expires thirteen (13) months after date of issuance, May 14, 1975, unless a Supplementary Public Report issues or the Commission upon review of registration issues an order extending the effective period of this report.
7. This Final Public Report is made a part of the registration on The Dominis West Condominium project. The Developer is responsible for placing this Final Public Report in the hands of all purchasers and prospective purchasers and of securing a signed copy of the receipt for the Final Public Report from each purchaser and prospective purchaser.

NAME OF PROJECT: THE DOMINIS WEST CONDOMINIUM.

LOCATION: The 20,000 square feet of property committed to the regime as a leasehold condominium project is situated at 1419 Dominis Street, between Keeaumoku and Makiki Streets, Honolulu, Hawaii.

TAX KEY: FIRST DIVISION 2-4-24: 21.

ZONING: A-4, high density apartment.

DEVELOPER: GO DEVELOPMENT CORP., a Hawaii corporation, whose mailing address is Suite 1001, 745 Fort Street, Honolulu, Hawaii 96813.

The officers of Go Development Corp. are as follows:

Michael Tsubata - President

Faye Abe - Vice President, Secretary, and Treasurer

ATTORNEY REPRESENTING DEVELOPER: Ikazaki, Devens, Lo, Youth & Nakano, 1412 Amfac Building, 700 Bishop Street, Honolulu, Hawaii 96813; Telephone 521-1456. (Attention: Mr. Richard C. Lo and Mr. Christopher N. Visher.)

DESCRIPTION: The Declaration of Horizontal Property Regime reflects that the project will consist of a leasehold property and a new multi-story building to be constructed basically of concrete, wood, steel, glass and allied building materials. The first five (5) levels will be devoted to parking for one hundred and twelve (112) cars and will also contain the Manager's apartment, laundry facilities, a swimming pool and related recreational facilities. The remaining fourteen (14) floors of the building will be for residential apartment use and will contain one hundred twelve (112) studio apartments (8 per floor). In addition, there will be a Penthouse consisting of a studio apartment, access to which will be in a stairway from the top residential floor of the building. There will be a trash chute accessible from each of the fourteen (14) residential floors of the building and the apartments above street level, with the exception of the Penthouse, will be served by two (2) elevators. One (1) parking stall will be assigned to each apartment with the exception of the Manager's apartment and the Penthouse.

Access to the apartments is directly from the grounds, walkways and driveways.

Each of the apartments, with the exception of the Manager's and the Penthouse, is similar in design and layout, containing a kitchen, living-sleeping room, dressing room, bathroom and lanai. The gross floor area, measured from the center of the side walls and the face of the front wall to the inside edge of the lanai, is approximately 483 square feet. The lanai, as measured from the outside face of the lanai door and to the edges of the lanai, contains 94 square feet.

The Manager's apartment contains a kitchen, living-sleeping room and bathroom and has no lanai. As measured from the center of the side walls and the outside face of the front and back walls, the Manager's apartment contains approximately 276 square feet.

The Penthouse contains a kitchenette, a living-sleeping room, and bathroom and has 466 square feet of the roof reserved to it as a limited common element. The gross floor area, measured from the centerline of the perimeter walls, is 530 square feet.

The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter or party walls or interior load-bearing walls or of the floors and ceilings surrounding each apartment, or any pipes, wires, conduits, or other utilities or service lines running through such apartments which are utilized for or serve more than one apartment, the same being deemed common elements as hereinafter provided. Each apartment shall be deemed to include all the walls and partitions which are not load-bearing within its perimeter or party walls, the inner decorated or finished surfaces of all walls, floors and ceilings, doors and door frames, windows and window frames, the exterior air space bounded by the interior of the lanai railing, and all fixtures originally installed therein.

Each apartment shall contain carpets, drapes, frost-free refrigerator, 1/2 H. P. Disposer, and range with hood. All apartments except for the Penthouse will have an air conditioner.

COMMON ELEMENTS: The Declaration reflects that the common elements consist of:

1. Said land in fee simple.
2. All foundations, floor slabs, columns, girders, beams, supports, load-bearing walls, main walls, interior walls separating adjacent apartments in the building, halls, the roof of the building, stairs, stairways, fire escapes and entrances and exits of the apartment building, elevators, and appurtenances.
3. All yards, grounds, landscaping, refuse facilities, switchrooms and recreational facilities, including but not limited to the swimming pool, sauna, exercise room, men's and women's bathrooms located on level "D", and the equipment appurtenant to all such facilities.
4. All building walkways, building sidewalks, pathways, parking areas, driveways and roads within the project.
5. All ducts, electrical equipment, wiring and other central and appurtenant installations, including power, light, water, sewer, gas and telephone; all pipes, plumbing, wires, conduits or other utility or service lines, which run through an apartment but which are utilized by or serve more than one apartment; and air conditioning and like utilities, if installed.

6. The studio apartment on level "D", which shall be reserved for the use of the Manager.
7. The laundry room, located behind the Manager's apartment on level "D", including four 30 lb. gas dryers and nine commercial washers.
8. All other portions of the land and improvements not specifically heretofore designated as apartments which are intended for common use and all other devices and installations existing for or rationally of common use or necessary to the existence, upkeep and safety of the Horizontal Property Regime.

LIMITED COMMON ELEMENTS: The Declaration reflects that the limited common elements consist of the following:

1. Each apartment, with the exception of the Manager's apartment and the Penthouse, shall have appurtenant thereto, for the exclusive use of such apartment, one (1) parking space, each such parking space being designated on said Condominium Map by a number corresponding to the number of the apartment to which it is appurtenant.

NOTE: The Condominium Map reflects that there are twenty-five (25) compact parking stalls to be assigned.

2. The Penthouse shall have appurtenant thereto for its exclusive use an area of the roof bounded by the Diamond Head wall of the Penthouse, a three foot metal railing, the edge of the roof and the wall of the Mauka stairwell and containing 466 square feet, more or less.
3. All other common elements of the project which are rationally related to less than all of the said apartments or building shall be limited to the use of such apartments.

INTEREST TO BE CONVEYED PURCHASER: The Declaration states that each apartment shall have appurtenant thereto in all common elements of the project an undivided percentage interest and the same proportionate share in all common profits and expenses of the project and for all other purposes, including voting. The interests are allocated as follows:

<u>Apartment Units</u>	<u>Percentage Interest</u>
Penthouse	.8800
All other apartments (112), excluding the Manager's apartment	.8850

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The By-Laws attached to the Declaration states that each apartment shall be used only as a private dwelling by the respective owners thereof, their tenants, families, domestic servants, and guests.

OWNERSHIP TO TITLE: The Notice of Intention reflects ownership to fee title is vested in Michael Masaru Kimura.

ENCUMBRANCES AGAINST TITLE: The Preliminary Title Report dated February 27, 1975 and updated as of May 9, 1975, certifies that the following encumbrances exist:

1. Covenants as to sewer pipe line easement as set forth in Deed from Henry Albion Wicke and Alla Neely Wicke to James Hong Hoo Ching and Juanita Sen Ching, dated May 27, 1953, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 2699 at Page 153, to which reference is hereby made.
2. Lease made by and between Michael Masaru Kimura, husband of Carol Jean Kimura and Revol Corp., a Hawaii corporation, dated February 22, 1974, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 670407 and noted on Transfer Certificate of Title No. 152,969 and recorded as aforesaid in Liber 9753 at Page 395.  
  
NOTE: The corporate name of Revol Corp. has been changed to Go Development Corp., by Change of Name dated June 28, 1974, recorded as aforesaid in Liber 10005 at Page 437. Said name change has been filed with the said Office of the Assistant Registrar as Land Court Order No. 41962 on May 8, 1975.
3. Mortgage made by Revol Corp., a Hawaii corporation, in favor of Amfac Financial Corp., a Hawaii corporation, dated February 22, 1974, recorded as aforesaid in Liber 9753 at Page 420 and filed as aforesaid as Document No. 670408. Consent to said Mortgage filed as aforesaid as Document No. 670409 and recorded as aforesaid in Liber 9753 at Page 427.
4. Financing Statement made by Revol Corp. to Amfac Financial Corp., recorded as aforesaid in Liber 9753 at Page 392.
5. Additional Security Mortgage made by Revol Corp. to Amfac Financial Corp., dated April 26, 1974, filed as aforesaid as Document No. 677763 and recorded as aforesaid in Liber 9864 at Page 537.

6. Condominium Map No. 251, filed in said Office of the Assistant Registrar on May 9, 1975.
7. The covenants, agreements, obligations, conditions and other provisions set forth in that certain Declaration Submitting Property to the Horizontal Property Regime, "The Dominis West Condominium", dated April 29, 1975, filed as aforesaid as Document No. 719765, to which reference is hereby made.
8. For taxes that may be due and owing, reference is hereby made to the Office of the Tax Assessor, First Division.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated April 17, 1975, identifies Long & Melone Escrow, Ltd. as "Escrow". Upon examination, the specimen Sales Contract and executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes, and particularly Sections 514-35 through 514-40, Hawaii Revised Statutes.

Among other provisions, the executed Escrow Agreement states that a purchaser shall be entitled to a refund of his funds, and Escrow shall pay said funds to purchaser, without interest, if purchaser shall in writing request refund of his funds and any one of the following shall have occurred:

1. Escrow receives a written request from the Seller to return to purchaser the funds of such purchaser held in escrow.
2. If purchaser's funds were obtained prior to the issuance of a Final Public Report and 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 purchaser has given written approval or acceptance of the specific change.
3. 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.
4. If the Final Public Report differs in any material respect from the Preliminary Public Report, if any, unless the purchaser has given written approval or acceptance of the difference.
5. If the Final Public Report is not issued within one (1) year from the date of issuance of the Preliminary Public Report.

The specimen Sales Contract provides in part that in the event less than seventy-nine (79) apartments are sold by September 30, 1975, Seller at its option may cancel the Sales Contract upon written notice to purchaser. Upon cancellation, Seller shall direct Escrow to refund to purchaser, without interest, all sums paid thereunder by purchaser, and both parties shall be released from all further liability under the Sales Contract.

The specimen Sales Contract provides that the purchaser should be aware that the Seller's mortgage loan (interim, renewals and extensions) used for the construction of the project shall remain at all times a superior lien on the project, and the purchaser intentionally waives and subordinates the priority of any lien under the Sales Contract in favor of the mortgage loan.

It is incumbent upon the purchaser and prospective purchaser that he read with care the specimen Sales Contract and the executed Escrow Agreement. The executed Escrow Agreement establishes how the proceeds from the dwelling units and all sums received from any sources are placed in trust, as well as the retention and disbursement of said trust funds.

HOUSE RULES: The purchaser and prospective purchaser is advised to read with care the proposed House Rules for the project as it contains certain unique provisions. The proposed House Rules provide in part:

1. Occupancy is limited to not more than three (3) persons per apartment, except that this occupancy may be exceeded by members of the immediate family of the owner, rentee or lessee.
2. No owner shall rent or lease an apartment for a period less than three (3) months.
3. With the exception of those registered with the Resident Manager as of January 1, 1976, no pets may be kept by any resident apartment owner. Any owner so registering a pet may continue to keep such pet and, in the event of its loss or death, to replace it with the same or a similar pet so long as he remains a resident owner, subject to subsequent amendment to the House Rules or the By-Laws. No pets of any kind may be kept by a rental occupant.
4. No children under the age of ten (10) years may reside on the premises except those belonging to or under the care of a resident apartment owner, provided, however, that such children may also reside on the premises for periods not to exceed three (3) weeks as the bona fide guests of rental occupants.
5. No water beds are permitted in any apartment.

MANAGEMENT AND OPERATIONS: The By-Laws attached to the Declaration states the Board of Directors may employ, for and on behalf of 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 Developer has filed with the Commission an executed Management Agreement naming Dillingham Land Corporation as the initial managing agent. The term of said agreement shall terminate on April 16, 1977.

STATUS OF PROJECT: The Developer advises the Real Estate Commission that the construction of the building shall be completed in or about May, 1975.

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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 17, 1975, and information submitted as of May 9, 1975.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 765 filed with the Commission on April 17, 1975.

The report when reproduced shall be a true copy of the Commission's Final Public Report. The paper stock used in making facsimiles must be white.

  
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(for) DOUGLAS R. SODEHANI, 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. 765

MAY 14, 1975