

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
HALE KUPONO
46-260 to 46-280 Kahuhipa Street
Kaneohe, Hawaii

REGISTRATION NO. 768

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 5, 1975
Expires: June 5, 1976

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 March 31, 1975, AND INFORMATION SUBSEQUENTLY FILED AS OF APRIL 30, 1975. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT SET FORTH IN CHAPTER 514, HAWAII REVISED STATUTES.

1. HALE KUPONO is a leasehold condominium project consisting of ninety-eight (98) apartment units contained in three (3) buildings, of which one building is a three-story building containing nine (9) apartment units, another building is a three-story building containing twelve (12) apartment units, and the third is a seven-story building containing

seventy-seven (77) apartment units, manager's office, storage room, elevator shaft, and transformer, electrical, mechanical and trash rooms. The project also includes a swimming pool and one hundred twenty-three (123) parking stalls. Each apartment will have appurtenant to it one or more parking stall.

2. This Final Public Report is made a part of the registration on HALE KUPONO condominium project. The Developer is responsible for placing this Final Public Report (white 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.

3. 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 Final Public Report.

The Developer reports that the basic documents (Declaration of Horizontal Property Regime, with By-Laws of the Association of Apartment Owners attached, and a copy of the approved Floor Plans) have been filed in the office of the recording officer.

The Declaration of Horizontal Property Regime, executed March 6, 1975, with By-Laws attached, was filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 715415 and noted on Transfer Certificate of Title No. 142,849, and was amended by Amendment dated April 15, 1975, filed as aforesaid as Document No. 718105.

Condominium Map No. 245, as amended, showing the layout, location, and apartment numbers was filed in said Office of the Assistant Registrar.

4. Advertising and/or promotional material 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 the date of issuance, May 5, 1975, unless a Supplementary Public Report issues, or the Commission, upon the review of the registration, issues an order extending the effective period of this report.

NAME OF PROJECT: HALE KUPONO

LOCATION: The approximately 105,418 square feet submitted to the regime is situate at Heeia, City and County of Honolulu, State of Hawaii, being Lot 1212, as shown on Map 103, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1100, having the street number address of 46-260 to 46-280 Kahuhipa Street, Kaneohe, Hawaii.

TAX MAP KEY: 4-6-31-11

ZONING: A-3 (Apartment)

DEVELOPER: C and I Associates, a joint venture, whose principal place of business and post office address is 233 Merchant Street, Honolulu, Hawaii, and whose telephone number is 536-7211.

The members of the joint venture are:

1. Chitom Associates, a Hawaii limited partnership, whose principal place of business and post office address is 233 Merchant Street, Honolulu, Hawaii, and whose telephone number is 536-7211.

2. Philip Ing and Toshiko Ing, husband and wife, whose address is Room 200, 81 South Hotel Street, Honolulu, Hawaii, and whose telephone number is 531-8308.

ATTORNEY REPRESENTING DEVELOPER: Hong, Wong and Iwai (Attention: Gordon C. C. Ho), Suite 2300, Pacific Trade Center, 190 South King Street, Honolulu, Hawaii; Telephone: 524-4900.

DESCRIPTION: The project consists of a 105,418 square feet parcel of land situate at Heeia, City and County of Honolulu, State of Hawaii, with improvements to be constructed thereon consisting of three (3) residential buildings designated as Buildings A, B and C as shown on the plans filed with the Commission. Building A is a seven-story building containing seventy-seven (77) apartment units and is located between Buildings B and C. Building B is a three-story building containing nine (9) apartment units and is located on the westerly side of the project. Building C is a three-story building containing twelve (12) apartment units and is located on the easterly side of the project.

Each apartment will bear the letter "A," "B" or "C" designating the building in which such apartment is situated, followed by a number corresponding to the number of the floor on which its entry is located, followed by a "0" which has no significance, and then a number indicating the location of the apartment on the floor. The numbering of the last digit of apartment units in Buildings A, B and C commences from the westerly end of the buildings.

The buildings will be constructed on reinforced-concrete slabs on the ground floor and the remaining parts of the buildings will be constructed primarily of concrete blocks and wood.

There will be eight (8) types of apartment units which have been designated as A, A-1, B, C, C-1, D, E and F. The area contained in each of said types of apartment units are as follows:

(a) The Type A apartments each consists of three (3) bedrooms, two (2) bathrooms, a kitchen, a living and dining area, a planter and two lanais and each contains a total area of 1,447 square feet, including the lanais. There are nine (9) Type A apartments in the project.

(b) The Type A-1 apartments each consists of three (3) bedrooms, two (2) bathrooms, a kitchen, a living and dining area, a planter and two lanais and each contains a total area of 1,447 square feet, including the lanais. There are two (2) Type A-1 apartments in the project.

(c) The Type B apartments each consists of three (3) bedrooms, two (2) bathrooms, a kitchen, a living and dining area and a lanai and each contains a total area of 1,269 square feet, including the lanai. There are eleven (11) Type B apartments in the project.

(d) The Type C apartments each consists of two (2) bedrooms, a bathroom, a kitchen, a living and dining area and a lanai and each contains a total area of 876 square feet, including the lanai. There are fifty-two (52) Type C apartments in the project.

(e) The Type C-1 apartments each consists of two (2) bedrooms, a bathroom, a kitchen, a living and dining area and a lanai and each contains a total area of 876 square feet, including the lanai. There are two (2) Type C-1 apartments in the project.

(f) The Type D apartment consists of two (2) bedrooms, a bathroom, a kitchen, a living and dining area and two (2) lanais and contains a total area of 1,024 square feet, including the lanais. There is one (1) Type D apartment in the project.

(g) The Type E apartments each consists of three (3) bedrooms, two (2) bathrooms, a kitchen, a living and dining area, a planter, a private yard and a lanai and each contains a total area of 1,264 square feet, including the private yard and lanai. There are seven (7) Type E apartments in the project.

(h) The Type F apartments each consists of two (2) bedrooms, a bathroom, a kitchen, a living and dining area and a lanai and each contains a total area of 935 square feet, including the lanai. There are fourteen (14) Type F apartments in the project.

The Condominium Map reflects that six (6) types of apartments designated as A, A-1, B, C, C-1 and F are split-level townhouse design. There are no apartment entries on the second, fifth and seventh floors of Building A.

All units will be furnished with a refrigerator, range/oven, range hood, disposal, washer/dryer, dishwasher, plumbing and lighting fixtures, and carpeting and drapes in the bedrooms and living/dining room.

The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or interior load-bearing walls, the floor and ceilings surrounding each apartment or any pipes, wires, conduits or other utility or service lines running through such apartment which are utilized for or serve more than one apartment, the same being deemed common elements as

provided. Each apartment shall be deemed to 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, ceilings and all fixtures originally installed therein.

The apartment number of each apartment space, its location and model are as shown on Exhibit "A" attached hereto and by reference made a part hereof. An apartment designated on said Exhibit "A" as "reverse" is an apartment with the usual layout of the rooms reversed.

PARKING STALLS: One hundred twenty-three (123) parking stalls are available for purchase by the purchasers of the apartment units. Each apartment will have as an appurtenance thereto at least one parking space for the exclusive use of such apartment. The parking spaces are shown on said Condominium Map.

The Developer advises the Commission that there will be 74 single standard stalls, 13 single compact stalls, 6 tandem compact stalls and 30 tandem standard stalls.

COMMON ELEMENTS: A freehold estate consisting of all remaining portions of the project being described and referred to in the Declaration as "common elements" which definition includes, but is not limited to:

- (a) Said land in fee simple.
- (b) All foundations, floor slabs, columns, girders, beams, supports, unfinished perimeter, party and load-bearing walls, roofs, chases, entries, storage room, stairways, lobby, elevators, elevator shafts and wells, walkways, entrances and exits of said buildings.
- (c) All yards, grounds, landscaping, planting areas, all refuse facilities, transformer room, electrical room, mechanical room, trash room, elevator machinery room, manager's office and storage areas.
- (d) All parking areas, driveways and loading areas.
- (e) The swimming pool, sand box, recreation areas, play areas, pool equipment, storage room and other recreational facilities.
- (f) All pipes, cables, conduits, ducts, electrical equipment, wiring and other central and appurtenant transmission facilities and installations over, under and across the project which serve more than one apartment for services such as power, light, gas, water, sewer, telephone and television signal distribution.
- (g) Any and all other apparatus and installations of common use and all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

LIMITED COMMON ELEMENTS: Certain parts of the common elements, herein called the designated "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 are as follows:

(a) Each apartment will have as an appurtenance thereto at least one parking space designated on said Condominium Map for the exclusive use of such apartment. Each apartment shall always have at least one parking space appurtenant to it but otherwise any automobile parking space easement may be transferred from apartment to apartment in the project, with the approval of the Trustees of the Bishop Estate, effective only upon the filing of instruments in said Office of the Assistant Registrar of the Land Court setting forth such transfer.

(b) The mailboxes assigned to each apartment shall be limited to the use of such apartment.

(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 PURCHASER: Each apartment shall have appurtenant thereto an undivided percentage 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, as set forth in said Exhibit "A."

PURPOSE AND USE OF THE APARTMENT SPACES: 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 or transient purposes, which are defined as (a) rental for any period less than thirty (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 apartments subject to all provisions of the Declaration.

OWNERSHIP: Title to the land committed to the project is vested in the Trustees of the Estate of Bernice Pauahi Bishop. The developer, by virtue of that certain Lease dated November 28, 1973, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 667993, has the right to develop the land committed to the project.

ENCUMBRANCES AGAINST TITLE: The following easements encumber the land and buildings:

(a) Restriction of access rights and Easement 99 for storm drain purposes along Kahekili Highway, shown on Maps 37 and 103 of Application No. 1100, as set forth by Land Court Order No. 21891, filed November 4, 1963.

(b) Easement 100 for slope purposes along Kahekili Highway, as shown on Map 37 of Application No. 1100, designated by Land Court Order No. 21891, filed November 4, 1963. Said easement is not noted on Transfer Certificate of Title No. 142,849.

(c) Abutter's rights of vehicle access into and from Kahekili Highway, which may accrue and become appurtenant to Lot 1212, as conveyed to the City and County of Honolulu, by Deed dated August 1, 1963, filed as Land Court Document No. 318993.

(d) Grant of Easement for pole and wire lines in favor of Hawaiian Electric Company, Inc., along the entire southerly boundary of Lot 1212, as shown on Map 103, and designated as Easement 451 on Map 120 of Application No. 1100, as granted by instrument dated June 16, 1972, filed as Document No. 597975.

(e) Master Lease No. 20,810 dated October 1, 1973, made by and between Trustees of the Estate of Bernice Pauahi Bishop, as Lessor, and Kihalani Investment, Inc., as Lessee, filed in said Office of the Assistant Registrar as Document No. 653375 and noted on Transfer Certificate of Title No. 142,849.

(f) Lease No. 20,810-A dated November 28, 1973, made by and between Trustees of the Estate of Bernice Pauahi Bishop and Kihalani Investment, Inc., as Lessors, and C and I Associates, a joint venture consisting of Chitom Associates, a Hawaii limited partnership, of which Clarence T. C. Ching and Wallace S. J. Ching are Managing Partners, Philip Ing and Toshiko Ing, husband and wife, as Lessee, filed as aforesaid as Document No. 667993 and noted on said Transfer Certificate of Title No. 142,849.

(g) Mortgage and Financing Statement dated July 19, 1974, made by and between C and I Associates, a registered Hawaii joint venture, as Mortgagor, and First Hawaiian Bank, as Mortgagee, filed as aforesaid as Document No. 690268.

(h) Taxes for the fiscal year July 1, 1974 to June 30, 1975. First installment of such taxes has been paid.

(i) Declaration of Horizontal Property Regime for Hale Kупono and the By-Laws attached thereto filed as aforesaid as Document No. 715415, as amended by Amendment dated April 15, 1975, filed as aforesaid as Document No. 718105, and the floor plans therefor filed as Condominium Map No. 245, as amended.

In addition, the apartments and common elements shall also have and be subject to the following easements:

(a) Each apartment shall have appurtenant thereto non-exclusive easements in the common elements designed for such purposes for ingress to, egress from, utility services for and support of such apartment; in the other common elements for use according to their respective purposes, subject always to the exclusive use of the limited common elements as provided herein; and in all other apartments of the buildings for support.

(b) If any part of the common elements now or hereafter encroaches upon any apartment or limited common element, a valid easement for such encroachment and the maintenance thereof, so long as it continues, shall exist. In the event any building of the project shall be partially or totally destroyed and then rebuilt, minor encroachments of any parts of the common elements due to construction shall be permitted, and valid easements for such encroachments and the maintenance thereof shall exist.

(c) Each apartment shall be subject to an easement in favor of the Association of Apartment Owners of the project for access to any common elements located in such apartment.

PURCHASE MONEY HANDLING: An Escrow Agreement dated March 6, 1975, has been executed and a copy of same has been filed with the Commission. The Escrow Agent is FIRST AMERICAN TITLE COMPANY OF HAWAII, INC. Upon examination, the Specimen Reservation and Contract and the executed Escrow Agreement are found to be consonant with Chapter 514, Hawaii Revised Statutes, and particularly Sections 514-15(6) and 514-36 through 514-40.

Among other provisions the specimen Reservation and Contract provides that the Seller shall have the right and option to cancel this contract by giving written notice to Purchaser if (a) Seller is prevented by law from completing the construction of the project, or (b) if less than seventy-nine (79) apartments in the project are sold by November 23, 1975.

It is incumbent upon the prospective purchaser that he reads with care the Reservation and 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.

MANAGEMENT AND OPERATIONS: The By-Laws of the Association of Owners vest the Board of Directors with the powers and duties necessary for the administration of the affairs of the project. An initial managing agent has been identified as Loyalty Enterprises, Limited, doing business as Loyalty Property Management, in the specimen Reservation and Contract and Management Agreement submitted as part of the registration.

FINANCING OF PROJECT: Developer has filed an estimated total project cost of \$4,696,400.00. Developer has advised the Commission that it intends to finance part of the total project costs through an existing building construction loan of \$3,632,800.00 from First Hawaiian Bank. The balance of the total project cost will be financed by the Developer and from the funds received from the purchasers of condominium apartments. The Developer has advised the Commission that the order of application in which the foregoing funds will be used for payment of the project costs will be determined by the Developer.

STATUS OF PROJECT: A Building Contract has been executed on July 2, 1974, between Developer and Dynamic Industries Corporation, as Contractor. The Developer advised the Commission that construction of the project began on July 15,

<u>FLOOR NO.</u>	<u>APARTMENT NO.</u>	<u>TYPE OF UNIT</u>	<u>COMMON INTEREST</u>
<u>BUILDING A</u>			
1 and 2	A100	A	1.44494%
	A101	A-1	1.44494
	A102	A-1 (reverse)	1.44494
	A103	A (reverse)	1.44494
	A104	A	1.44494
	A105	A (reverse)	1.44494
	A106	A	1.44494
	A107	A (reverse)	1.44494
	A108	A (reverse)	1.44494
	A109	A	1.44494
	A110	A (reverse)	1.44494
2 and 3	A300	B	1.26720
	A301	B (reverse)	1.26720
	A302	B	1.26720
	A303	B (reverse)	1.26720
	A304	B	1.26720
	A305	C-1	0.87476
	A306	C-1 (reverse)	0.87476
	A308	B (reverse)	1.26720
	A309	B	1.26720
	A310	B (reverse)	1.26720
	A311	B (reverse)	1.26720
	A312	B	1.26720
	A313	B (reverse)	1.26720
3	A307	D	1.02257
4 and 5	A400	C	0.87476
	A401	C (reverse)	0.87476
	A402	C	0.87476
	A403	C (reverse)	0.87476
	A404	C	0.87476
	A405	C (reverse)	0.87476
	A406	C	0.87476
	A407	C (reverse)	0.87476
	A408	C	0.87476
	A409	C (reverse)	0.87476
	A410	C	0.87476
	A411	C (reverse)	0.87476
	A412	C	0.87476
	A413	C (reverse)	0.87476
	A414	C	0.87476
	A415	C (reverse)	0.87476
	A416	C	0.87476
	A417	C (reverse)	0.87476
	A418	C	0.87476
	A419	C (reverse)	0.87476
	A420	C (reverse)	0.87476
	A421	C	0.87476
	A422	C (reverse)	0.87476
	A423	C	0.87476
	A424	C (reverse)	0.87476
	A425	C	0.87476
6 and 7	A600	C	0.87476
	A601	C (reverse)	0.87476
	A602	C	0.87476
	A603	C (reverse)	0.87476
	A604	C	0.87476
	A605	C (reverse)	0.87476

<u>FLOOR NO.</u>	<u>APARTMENT NO.</u>	<u>TYPE OF UNIT</u>	<u>COMMON INTEREST</u>
	A606	C	0.87476%
	A607	C (reverse)	0.87476
	A608	C	0.87476
	A609	C (reverse)	0.87476
	A610	C	0.87476
	A611	C (reverse)	0.87476
	A612	C	0.87476
	A613	C (reverse)	0.87476
	A614	C	0.87476
	A615	C (reverse)	0.87476
	A616	C	0.87476
	A617	C (reverse)	0.87476
	A618	C	0.87476
	A619	C (reverse)	0.87476
	A620	C (reverse)	0.87476
	A621	C	0.87476
	A622	C (reverse)	0.87476
	A623	C	0.87476
	A624	C (reverse)	0.87476
	A625	C	0.87476
<u>BUILDING B</u>			
1	B100	E	1.26221
	B101	E (reverse)	1.26221
	B102	E	1.26221
2 and 3	B200	F	0.93367
	B201	F (reverse)	0.93367
	B202	F	0.93367
	B203	F (reverse)	0.93367
	B204	F	0.93367
	B205	F (reverse)	0.93367
<u>BUILDING C</u>			
1	C100	E	1.26221
	C101	E (reverse)	1.26221
	C102	E	1.26221
	C103	E (reverse)	1.26221
2 and 3	C200	F	0.93367
	C201	F (reverse)	0.93367
	C202	F	0.93367
	C203	F (reverse)	0.93367
	C204	F	0.93367
	C205	F (reverse)	0.93367
	C206	F	0.93367
	C207	F (reverse)	0.93367

1974, and that the estimated date of completion is August, 1975.

The purchaser or prospective purchaser should be cognizant of the fact that this Public Report represents information disclosed by the Developer in the required Notice of Intention submitted March 31, 1975, and information subsequently filed as of April 30, 1975.

THIS FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 768 filed with the Commission on March 31, 1975.

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



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

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BUREAU OF CONVEYANCES
PLANNING DEPARTMENT, CITY
AND COUNTY OF HONOLULU
FEDERAL HOUSING ADMINISTRATION
ESCROW AGENT

REGISTRATION NO. 768
Date: May 5, 1975