

# 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 KAULANA  
2151 10th Avenue  
Honolulu, Hawaii

REGISTRATION NO. 802

### **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: October 3, 1975  
Expires: November 3, 1976

#### SPECIAL ATTENTION

A comprehensive reading by the prospective purchaser is urged in order that personal requirements and expectations to be derived from the property can be ascertained. The attention of prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION FILED AUGUST 14, 1975, AND INFORMATION SUBSEQUENTLY FILED AS OF SEPTEMBER 30, 1975. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF THEIR INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514, HAWAII REVISED STATUTES.

1. HALE KAULANA is a fee simple condominium project situated on 16,128 square feet of land and consists of two (2) single family dwellings. The units designated 2151-A and 2151-B were completed on July 15, 1975 and have never been occupied.

2. The Developer of the project has filed all documents and materials deemed necessary by the Commission for the registration of this condominium project and issuance of this Final Public Report.

3. The basic documents (Declaration of Horizontal Property Regime, with the By-Laws of 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 and By-Laws dated June 25, 1975, have been filed in the Office of the Assistant Registrar of the Land Court as Document No. 733115. The Assistant Registrar has designated Condominium Map No. 262 to the project. Said Declaration was amended by document dated September 18, 1975 filed in the Land Court aforesaid as Document No. 735516.

4. No advertising or promotional matter has been filed 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 the Horizontal Property Act, Chapter 514 of the 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, October 3, 1975, unless, the Commission, upon review of the registration, issues an order extending the period of this report.

7. This Final Public Report is made a part of the registration on Hale Kaulana Condominium project. The Developer is responsible for placing a true copy of this Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers. Securing a signed copy of the receipt for this Final Public Report, from each purchaser and prospective purchaser is also the responsibility of the Developer.

NAME OF PROJECT: HALE KAULANA

LOCATION: The land submitted to the Regime, approximately 16,128 square feet, is located at 2151 10th Avenue, Honolulu, Hawaii.

TAX MAP KEY: 3-3-37:16

DEVELOPER: ALBERT GRIFFIN, DEE HING TENN, JR. and THEODORE ALBERT BERGOLD, all of whose address is [REDACTED]

ATTORNEY REPRESENTING DEVELOPER: Luke & O'Connor (Attention: Michael F. O'Connor), Suite 1220, 1441 Kapiolani Boulevard, Honolulu, Hawaii 96814, telephone no. 946-3151.

ZONING: R-6

DESCRIPTION: The Declaration of Horizontal Property Regime, as amended, and plans submitted by the Developer indicate a fee simple condominium project consisting of two (2) single family houses constructed principally of wood. There will be two (2) freehold estates designated in the spaces within the perimeter walls of each of the two (2) units contained in the project, including privacy areas appurtenant thereto, which spaces, referred to herein as "apartments," are designated on said plans and described as follows:

1. The apartment designated 2151-A on said plans is a single family dwelling without a basement consisting of 6 bedrooms, 4 bathrooms, 2 living rooms, kitchen, dining room and an attached carport containing a first floor foundation area of approximately 1,152 square feet, excluding the carport.

2. The apartment designated on said plans as 2151-B is a single family dwelling without basements consisting of 6 bedrooms, 4 bathrooms, a kitchen, 2 living rooms, a dining room, and an attached carport containing a first floor foundation area of 1,286.4 square feet, excluding carport.

NOTE: The Condominium Map reflects that Apartment 2151-A consists of two floors and Apartment 2151-B consists of two floors and a parking level.

3. The respective apartments shall not be deemed to include any pipes, wires, conduits or other utility or service lines running through such apartment which are utilized for or serve any other apartment, the same being deemed common elements as herein-after provided.

COMMON ELEMENTS: One freehold estate is hereby designated in all remaining portions of the project, herein called the "common elements," including specifically but not limited to:

1. Said land in fee simple;

2. Driveway, provided, however, that the single apartments shall be deemed to include the carports attached thereto;

3. 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, if any;

4. All of that land designated as Easement A over and across Lot 41-C-2, granted by instrument dated June 25, 1975 and filed as Land Court Document No. 728332.

5. All of the remainder of area within Lot 41-D-2 as shown on Map 21 filed with Land Court Application No. 610;

6. 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: The project shall contain no limited common elements.

INTEREST TO BE CONVEYED TO PURCHASERS: The Declaration states that each apartment shall have appurtenant thereto an undivided percentage interest in all common elements of the project, herein called "common interest," and the same proportionate share in all common profits and expenses of said project and for all purposes, including voting, as follows:

<u>APARTMENT</u>	<u>COMMON INTEREST</u>
2151-A	50%
2151-B	50%

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The Declaration states that the apartment 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 purposes. The apartments shall not be rented for transient or hotel purposes, which are defined as (1) rental for any period less than 30 days, or (2) 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 this Declaration and the By-Laws of the Association; subject, however, to compliance with all applicable statutes and ordinances and governmental rules and regulations.

OWNERSHIP OF TITLE: The Preliminary Report issued by Title Guaranty of Hawaii, Incorporated, dated July 24, 1975, states that the owners of the fee simple title to the property committed to the project are THEODORE ALBERT BERGOLD, ALBERT GRIFFIN and DEE HING TENN, JR., as joint tenants. Said property having been conveyed to them by Deed dated May 31, 1974. Title to the property by the aforesaid is also indicated by Transfer Certificate of Title Number 168,757 issued June 4, 1974 by the Assistant Registrar of the Land Court of the State of Hawaii.

ENCUMBRANCES AGAINST TITLE: The Preliminary Report dated June 24, 1975, issued by Title Guaranty of Hawaii, Incorporated, as submitted to the Commission, also provides that the following are encumbrances against the title to the property:

1. For any taxes that may be due and owing, reference is made to the Office of the Tax Assessor, First Division.

2. An Easement B, over and across the southwesternly corner of Lot 41-D-2 on Map 21, as set forth by Land Court Order No. 42412, filed July 18, 1975, in favor of David Bastan Gomes and Jalna Jeanette Gomes, husband and wife, for a right-of-way, said easement being granted on June 25, 1975, pursuant to Land Court Document No. 728482.

3. A certain Mortgage in favor of Fireside Thrift of Hawaii, Inc., a Hawaii corporation, in the principal amount of \$142,000.00, pursuant to that certain mortgage dated August 9, 1974, by and between Albert Griffin, unmarried, Dee Hing Tenn, Jr., husband of Danette Velma Tenn, and Theodore Albert Bergold, unmarried, as Mortgagors and Fireside Thrift of Hawaii, Inc., as Mortgagee as set forth in Land Court Document No. 692646.

4. A certain Mortgage in favor of World Finance Mortgage Corporation, a Hawaii corporation, in the principal amount of \$20,000.00, pursuant to that certain mortgage dated November 6, 1974 by and between Albert Griffin, unmarried, Dee Hing Tenn, Jr., husband of Danette Velma Tenn, and Theodore Albert Bergold, unmarried, as Mortgagors and World Finance Corporation, as Mortgagee as set forth in Land Court Document No. 700910.

5. A certain Mortgage in favor of Fireside Thrift of Hawaii, Inc., a Hawaii corporation, in the principal amount of \$10,000.00, pursuant to that certain Mortgage dated January 29, 1975, by and between Albert Griffin, unmarried, Dee Hing Tenn, Jr., husband of Danette Velma Tenn, and Theodore Albert Bergold, unmarried, as Mortgagors and Fireside Thrift of Hawaii, Inc., a Mortgagee as set forth in Land Court Document No. 709485.

6. A Judgment entered in the Circuit Court of the First Circuit, State of Hawaii, on June 3, 1969, in the principal amount of \$4,173.12, in favor of M.R.A., Ltd., dba Territorial Collectors against Albert Griffin dba Thrifty Builders & Construction Co. and said judgment being recorded in the Bureau of Conveyances of the State of Hawaii in Liber 10178 at Page 219 on October 8, 1974.

PURCHASE MONEY HANDLING: A copy of the specimen sales contract and the execution Escrow Agreement, dated September 3, 1975, have been submitted as part of the registration. The Escrow Agreement identifies Queens Escrow Corp. as the escrow agent. Upon examination, the specimen sales contract and the executed escrow agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes.

Among other provisions, the Escrow Agreement provides that a Purchaser shall be entitled to a refund of his funds, without interest, if Purchaser requests in writing and any one of the following has occurred:

1. Seller has requested Escrow in writing to return to Purchaser the funds of Purchaser then being held hereunder by Escrow; or

2. Purchaser's funds were obtained prior to the issuance of a final public report and there is a 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).

A prospective purchaser should carefully examine the form of sales contract and escrow agreement to determine the time for and the amount of installment payments on the purchase price, the estimated common monthly expenses and the sharing of the closing costs.

MANAGEMENT OF THE PROJECT: The By-Laws which are incorporated in the Declaration provide that the operation of the project shall be conducted for the Association of Apartment Owners under the direction of the Board of Directors by a responsible managing agent. The Developer has advised the Commission that Sylvia Luckfield has been retained as the initial managing agent.

STATUS OF PROJECT: Construction of the project was completed as to Apartment 2151-A on or about July 1, 1975, and as to Apartment 2151-B on or about July 15, 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 August 14, 1975, and information subsequently filed as of September 30, 1975.

This is a FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT which is made a part of Registration No. 802, filed with the Commission on August 14, 1975. This 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. SODEYANI, Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII

Distribution:

DEPARTMENT OF TAXATION  
BUREAU OF CONVEYANCES  
PLANNING COMMISSION, CITY AND COUNTY OF HONOLULU  
FEDERAL HOUSING AUTHORITY  
ESCROW AGENT

REGISTRATION NO. 802

October 3, 1975