

# 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  
AIEA MEDICAL BUILDING  
(formerly registered as "Aiea Medical-Dental Center")  
99-128 Aiea Heights Drive  
Aiea, Hawaii

REGISTRATION NO. 818

### 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: August 29, 1977  
Expires: September 29, 1978

#### 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 is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED OCTOBER 29, 1975 AND INFORMATION SUBSEQUENTLY FILED AS OF AUGUST 2, 1977. 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 Report of December 5, 1975 (the effective date of which has been extended through January 5, 1978), the Developer reports that certain changes have been made in the development plan as presented in the Notice of Intention to Sell dated October 29, 1975. Said changes include the following: a) the name of the project has been changed from "Aiea Medical-Dental Center" to "Aiea Medical Building"; b) the number of Commercial Units has been increased from thirty-four (34) to forty-three (43); and c) none of the parking stalls are separate condominium units and the total number of on-site parking stalls has been decreased from one hundred forty-three (143) to one hundred twenty-five (125).

2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of this condominium project and the issuance of this Final Public Report.

3. The basic documents (Declaration of Horizontal Property Regime, By-Laws of the Association of Unit Owners, and a copy of the approved floor plans) have been recorded in the Bureau of Conveyances of the State of Hawaii. The Declaration of Horizontal Property Regime for the Project, together with the By-Laws of the Association of Unit Owners, was recorded as aforesaid in Liber 12324 at Page 572. The floor plans have been designated as Condominium File Plan No. 507.

4. The Developer has advised the Commission that advertising and promotional materials required to be filed pursuant to the rules and regulations promulgated by the Commission will be submitted prior to public exposure.

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 regime.

6. This Final Public Report is made a part of the registration of the AIEA MEDICAL BUILDING condominium project. The Developer is responsible for placing a true copy of this Final Public Report (white paper stock) together with a copy of the Preliminary Public Report (yellow paper stock) in the hands of all purchasers and prospective purchasers and securing a signed receipt for both reports from all purchasers and prospective purchasers.

7. This Final Public Report automatically expires thirteen (13) months after date of issuance, August 29, 1977, unless a Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the effective period of this report.

Except for the topical headings hereinbelow, the information under all other headings as recited in the Preliminary Public Report of December 5, 1975, remains unchanged.

NAME OF PROJECT: AIEA MEDICAL BUILDING

DESCRIPTION OF PROJECT: The Declaration of Horizontal Property Regimes describes the project as follows:

1. Description of Building. The project shall consist of one building with two basement levels, which building shall be comprised of a seven (7) story wing and a two (2) story wing which are connected on the first and second levels. The project shall contain forty-three (43) commercial apartments (hereinafter called "Commercial Units" or "Units") and one hundred twenty-five (125) parking stalls of which twenty-eight (28) are compact stalls.

The first level of the project, designated in the Declaration and on said Condominium File Plan as Basement Level "B", shall contain thirty-eight (38) parking stalls, vehicular driveways, exit and entrance ramps, an equipment room, a storage room, an elevator lobby and two (2) stairways.

The second level of the project, designated in the Declaration and on said Condominium File Plan as Basement Level "A", shall contain thirty-eight (38) parking stalls, vehicular driveways, exit and entrance ramps, two (2) storage rooms, an elevator lobby and two (2) stairways.

The first floor or entry level of the project shall contain ten (10) Commercial Units, forty-nine (49) parking stalls located in the uncovered parking area adjoining the building, vehicular driveways, exit and entrance ramps, the main building entry and lobby, restrooms, interior access corridors and three (3) stairways.

The second floor of the project shall contain twelve (12) Commercial Units, elevator lobby, restrooms, interior access corridors, electrical and telephone rooms and (3) three stairways.

Each of the third through the sixth floors of the project shall contain five (5) Commercial Units, an elevator lobby, restrooms, interior access corridors, electrical and telephone rooms and two (2) stairways.

The seventh floor of the project shall contain one (1) Commercial Unit, which shall include the elevator lobby and restrooms contained therein, and the lanai adjacent thereto; provided, however, that the owner of the Commercial Unit on the seventh floor shall have the right to subdivide said Unit into two or more Commercial Units as more particularly described hereinbelow.

2. Description of Commercial Units. The project is divided into forty-three (43) separately designated Commercial Units, as more particularly described hereinbelow and on said Condominium File Plan. The numbering, approximate area in square feet, number of rooms, if any, and the percentage interest of each unit in the common elements are as follows:

<u>Unit Number</u>	<u>Approximate Area in Square Feet</u>	<u>Percentage Common Interest</u>	<u>Number of Rooms</u>
<u>First Floor</u>			
101	2,997	6.627	1
102	582	1.287	1
103	690	1.526	1
104	688	1.521	1
105	688	1.521	1
106	698	1.543	1
107	929	2.054	1
108	688	1.521	1
109	693	1.532	1
110	528	1.168	1
<u>Second Floor</u>			
201	1,061	2.346	1
202	665	1.470	1
203	636	1.406	1
204	688	1.521	1
205	688	1.521	1
206	698	1.543	1
207	1,216	2.689	1
208	688	1.521	1
209	693	1.532	1
210	949	2.098	1
211	1,260	2.786	1
212	920	2.034	1
<u>Third Floor</u>			
301	1,061	2.346	1
302	787	1.740	1
303	958	2.118	1
304	1,233	2.726	1
305	920	2.034	1
<u>Fourth Floor</u>			
401	1,061	2.346	1
402	787	1.740	1
403	958	2.118	1
404	1,233	2.726	1
405	920	2.034	1
<u>Fifth Floor</u>			
501	1,061	2.346	1
502	787	1.740	1
503	958	2.118	1
504	1,233	2.726	1
505	920	2.034	1

<u>Unit Number</u>	<u>Approximate Area in Square Feet</u>	<u>Percentage Common Interest</u>	<u>Number of Rooms</u>
<u>Sixth Floor</u>			
601	1,061	2.346	1
602	787	1.740	1
603	958	2.118	1
604	1,233	2.726	1
605	920	2.034	1
<u>Seventh Floor</u>			
701	6,044	13.377	1

The areas of the units are the approximate net floor areas of the respective units and were computed by measuring from the interior finished surfaces of the perimeter walls without reduction for interior walls, ducts, vent shafts and the like located within the perimeter walls.

3. Limits of Commercial Units. Each Commercial Unit consists of: (i) the volumes or cubicles of space enclosed by and measured horizontally and vertically from the unfinished inner surfaces of the perimeter and interior walls, ceilings and floors of the unit, including any doors, windows and vents along its perimeter walls; (ii) all interior dividing walls and partitions located within the unit (including the space occupied by such walls and partitions) excepting load-bearing walls and pillars; and (iii) the decorated inner surfaces of said perimeter walls (including any load-bearing interior walls located within the unit) and of any walls enclosing the common pipe chases; and (iv) any fixtures or equipment originally installed therein, including suspended ceiling and vinyl asbestos floor covering; provided, however, that a unit shall not be deemed to include any pipes, wires, conduits, vents and other service and utility lines running through such unit which are utilized for or serve more than one Commercial Unit, the same being deemed limited common elements as hereinafter provided. Where any unit consists in whole or in part of unenclosed space, the boundaries defining such space shall be as shown on said Condominium File Plan. Commercial Unit No. 701 shall also be deemed to include the lobby and restroom facilities on the seventh floor and the lanai adjacent thereto, and Commercial Unit 101 shall include any entrances and exits which exclusively serve such unit.

4. Access. The Commercial Units on the first floor have immediate access to the grounds of the project and each Commercial Unit above the first floor has immediate access to a corridor which leads to stairways and two (2) elevators connecting such floor with the grounds and parking areas of the project.

COMMON ELEMENTS: The Declaration states that the common elements shall include, but shall not be limited to:

(a) All of the land described in the Declaration.

(b) All foundations, columns, bearing walls, girders, beams, floor slabs, supports, unfinished perimeter and loadbearing walls (except for the inner decorated surface within each unit), roof, fire exit corridors, stairways, walkways, entrances and exits of said building, except for any entrances and exits which exclusively serve the Commercial Unit No. 101 which shall be deemed part of such unit.

(c) All yards, grounds, landscaping, refuse facilities, parking stalls and areas, driveway and vehicular entry and exit ramps.

(d) All electrical and mechanical rooms, the elevators and their appurtenant housings and equipment, the main lobby located on the first floor, the restrooms located on the second through the sixth floors, inclusive, and all storage rooms and premises for the use of janitors and maintenance personnel.

(e) All existing and future ducts and air-conditioning equipment, sewer lines, electrical equipment, pipes, wiring and other central and appurtenant transmission facilities, installations which serve more than one unit for services such as power, light, water, refuse, telephone, radio and television signal distributions, and passenger elevators.

(f) Any and all other apparatus and installations of common use and all other parts of the property necessary or convenient to its existence, maintenance or safety, and normally in common use.

LIMITED COMMON ELEMENTS: The Declaration provides that certain parts of the common elements, designated as "limited common elements", are set aside and reserved for the exclusive use of certain units, and such units 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) At least one (1) parking space shall be appurtenant to and for the exclusive use of each unit. The particular parking space assigned to each unit is more particularly set forth below:

<u>Unit No.</u>	<u>Parking Stall No.</u>
101	A-18, A-19
102	B-1
103	B-2
104	B-3
105	B-4
106	B-5
107	B-6
108	B-7
109	B-8
110	B-9

<u>Unit No.</u>	<u>Parking Stall No.</u>
201	B-10
202	B-11
203	B-12
204	*B-13
205	B-14
206	B-15
207	*B-16
208	*B-17
209	B-18
210	B-19
211	B-20
212	*B-21
301	B-22
302	B-23
303	B-24
304	A-20
305	B-25
401	B-26
402	B-27
403	B-28
404	B-29
405	*B-30
501	B-31
502	B-32
503	B-33
504	B-34
505	B-35
601	B-36
602	B-37
603	B-38
604	A-23
605	A-24
701	*A-21, A-22

\*Compact Stalls

(b) All ducts, water lines, electrical equipment pipes, wiring and other facilities and installations serving less than all of the units, or serving any limited common elements appurtenant to less than all of the units, shall be limited common elements appurtenant to the unit or units served thereby.

Unless otherwise specified in the Declaration, all costs of every kind pertaining to each limited common element, including but not limited to the costs of security, maintenance, repair, replacement, additions and improvements shall be borne entirely by the unit or units to which they are appurtenant. If any limited common element is appurtenant to more than one unit, each such unit shall bear a portion of the total costs for that limited common element equal to the ratio which its common interest bears to the total common interests of all units responsible for such costs.

INTEREST TO BE CONVEYED TO PURCHASERS: The percentage interest in all common elements of the project which is appurtenant to each unit and the same proportionate share in all common profits and expenses of the project and for all other purposes including voting, is set forth in the table under "Description of Project" above.

In the event the Board of Directors has reason to believe that a Commercial Unit is consuming common metered utilities in excess of its percentage common interests, then and in such event, the Board may assess and charge the cost of the excess consumption against the Commercial Unit in question and the same shall be deemed a common expenses of said Commercial Unit.

RESTRICTIONS AS TO USE: The building and each of the units are intended and restricted as to use, and shall be used only for purposes which are consistent with and appropriate to the design of the building and for which adequate elevators, stairs, ventilation, plumbing and similar facilities exists, and in accordance with all applicable laws, ordinances and regulations. In addition to and without limiting the generality of the foregoing, the Declaration states in part:

(a) The Commercial Units shall be used and occupied only as professional office space for physicians, dentists and other persons in the medical and health professions, and for laboratories, pharmacies, optical dispensers and other service businesses related to the medical and health fields; provided, however, that the Commercial Units on the first floor may also be used for the purpose of operating a bank, savings and loan or other lending institution, or for general office purposes; the Commercial Units on the sixth floor may also be used for general office purposes; and the Commercial Units on the seventh floor may also be used for general office purposes or for the purpose of operating therein a restaurant or cocktail lounge or otherwise for the sale and consumption of food and drinks. The foregoing limitations to the contrary notwithstanding, any Commercial Unit owned by Developer on June 1, 1979 may thereafter be sold or leased by Developer for use as general offices.

(b) No unit shall be rented for transient purposes, which is defined as a rental for less than thirty (30) days.

(c) No owner of a unit shall, without the written approval and consent of the Board of Directors, place or suffer to be placed or maintained (i) on any exterior door, wall or window of the unit, or upon any door, wall or window of the common elements, any sign, awning or canopy, or advertising matter or other thing of any kind, or (ii) any decoration, lettering or advertising matter on the glass of any window or door of the unit or (iii) any advertising matter within the unit which shall be visible from the exterior thereof; provided, that the Board of Directors shall establish reasonable and uniform regulations permitting the placement and maintenance by each owner of identifying signs and insignia of such sizes and materials and in such locations as shall be architecturally suitable and appropriate to the design and function of the Property.

(d) Except as otherwise permitted in the Declaration or the By-Laws, no owner will suffer anything to be done or kept in his unit or elsewhere which will jeopardize the soundness of the building, or which will interfere with or unreasonably disturb the rights of other owners, or which will obstruct the lobbies, corridors or stairways, or walkways of the project or which will increase the rate of fire insurance on the improvements of the project, or the contents thereof, or which will reduce the value of any of such improvements.

(e) Except as otherwise provided in the Declaration or the By-Laws, no unit owner will, without the prior written consent of the Board of Directors, make any structural alterations within his unit or make any alterations in or additions to the exterior of the building or to any other portion or portions of the common elements.

(f) No owner of a Commercial Unit may sell, lease or sub-lease his unit, or any part thereof or interest therein except in accordance with the provisions of Article VI of the By-Laws.

COMMERCIAL PARKING GARAGE: As the parking stalls are now part of the common elements of the project rather than separate condominium units as was originally contemplated, all references to the operation of the parking stalls as a commercial parking garage have been deleted from the Declaration.

ADDITIONAL PARKING: Developer has, on behalf of the Association of Unit Owners, entered into a Parking License Agreement (a copy of which is on file with the Real Estate Commission) whereby forty-two (42) additional parking stalls located at the intersection of Kauhale Avenue and Moanalua Road, Aiea, are available for use by the owners, lessees and tenants of the project.

CREATION OF ADDITIONAL COMMERCIAL UNITS: The Declaration gives the owner of the Commercial Unit on the seventh floor (Unit No. 701) the right, at any time and from time to time, with the prior written consent of the Fee Owners and any mortgagee of said unit, to require alteration of the project at his sole cost and expense by dividing said unit into two or more commercial units (the "Subdivided Units"), with appurtenant common elements, upon the following terms and conditions:

(a) Any such division, and any alterations to Unit No. 701 which are made as a consequence thereof, shall not require the alteration or demolition of any other unit or of any portion of the common elements, except as otherwise permitted in the Declaration, and such alteration and demolition shall be limited to that necessary to subdivide Unit No. 701 into two or more units, including, but not limited to, installing or removing fixtures and partitions and making changes in finish.

(b) The owner of Unit No. 701 shall have the right, in connection with any such division of said unit, to execute and file an amendment to the Declaration and said Condominium

File Plan: (1) to create the Subdivided Units; (2) to describe the common interest and common elements appurtenant to the Subdivided Units; (3) to decrease the common interest appurtenant to Unit No. 701, as provided hereinbelow; and (4) when applicable, to add, delete, relocate, realign, reserve and grant all easements and rights of way over, under and on the common elements necessary or desirable to service all of the Subdivided Units; provided that such easements and rights of way shall not, without the written consent of the owners affected thereby, impair the access to or the use of any other unit or its appurtenant interests in the common elements.

(c) The common interest appurtenant to each of the other units, as set forth hereinabove, shall not be altered as a result of the subdivision of Unit No. 701, and said amendment to the Declaration and the Condominium File Plan, but the allocation of common interests to the Subdivided Units shall cause a pro rata reduction in the common interest appurtenant to Unit No. 701 only. Said common interest shall be allocated between and among the Subdivided Units in any equitable manner as shall be determined by the owner of Unit No. 701; provided, that following such subdivision, the aggregate common interests appurtenant to all of the Subdivided Units shall be equal to the common interest appurtenant to Unit No. 701 as established in the Declaration.

(d) Any alterations required in connection with the creation of the Subdivided Units shall be undertaken only in accordance with plans and specifications therefor first approved by the Fee Owners, and prior to commencing such work, the owner of Unit No. 701 shall obtain and deposit with the Fee Owners a performance and payment bond naming the Fee Owners and collectively the owners of all of the other units as their interests may appear, as obligees, in a penal sum of not less than 100% of the cost of construction, guaranteeing completion of such construction free and clear of all mechanics' and materialmen's liens. The owner of Unit No. 701, its employees, agents, contractors and subcontractors shall thereafter have the right to enter upon the project and the common elements thereof and to do all things reasonably necessary or useful to construct and complete all improvements and appurtenant limited common elements which shall be required in connection with the creation of any Subdivided Units.

(e) Each Subdivided Unit shall contain not less than 500 square feet, measured from the interior finished surface of the perimeter walls.

(f) The offering and sale of any Subdivided Unit shall be made in compliance with the applicable provisions of the Horizontal Property Act (Chapter 514, Hawaii Revised Statutes).

(g) The owner of Unit No. 701 shall be liable to the Association for any breach or failure to observe the terms and conditions of the Declaration governing said subdivision for

the actual damages caused thereby including reasonable attorney's fees incurred by the Association.

(h) Any subdivision of Unit No. 701 shall be deemed effective upon the recordation of an amendment to this Declaration and said Condominium File Plan in the Bureau of Conveyances, which amendment shall be executed and acknowledged only by the owner of Unit No. 701, the Fee Owners and the mortgagee of said Unit, if any.

(i) To the extent that the joinder of any or all unit owners may be required in order to validate any amendment of the Declaration as contemplated under paragraph (h) hereinabove, such joinder shall be accomplished by power of attorney from each of the owners to the owner of Unit No. 701 and the acceptance of ownership of a unit in the Project shall constitute a grant of such power and such grant, being coupled with the interest of the owner of Unit No. 701 as reserved in the Declaration to divide said Unit, shall be irrevocable so long as the rights reserved to the owner of Unit No. 701 shall remain in existence pursuant to the terms hereof.

OWNERSHIP OF TITLE: A Preliminary Public Report, dated July 1, 1977, issued by Title Guaranty of Hawaii, Inc. indicates that title to the land is vested in Katsumi Kazama and Haruko Kazama, husband and wife, as tenants by the entirety.

ENCUMBRANCES AGAINST TITLE: The Preliminary Public Report, dated July 1, 1977, issued by Title Guaranty of Hawaii, Inc. identifies the following encumbrances on the land:

1. For any real property taxes which may be due and owing, reference is made to the Office of the Tax Assessor, First Division.
2. The reservation in favor of the State of Hawaii of all mineral and metallic mines.
3. Easement "G" in favor of the City and County of Honolulu for sewer lines, storm drain and underground drainage structure, as shown on File Plan 494, granted in instruments dated August 24, 1954, and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 2931 at Pages 56 and 176.
4. Minor encroachments (3) as delineated in that certain certification plan for Lot "A" prepared by Kenneth J. Toshi, registered professional land surveyor, of Sunn, Low, Tom and Hara, Inc., dated January 26, 1977, revised January 27, 1977.
5. That certain lease dated November 10, 1975 recorded as aforesaid in Liber 11033 at Page 499, entered into by and between Katsumi Kazama and Haruko Kazama, husband and wife, as lessor, and Developer herein, as lessee, leasing and demising the land of the project for a term of fifty-seven (57) years commencing July 1, 1975. Said lease was amended by instrument dated January 10, 1977, recorded as aforesaid in Liber 11969 at Page 481.

6. That certain mortgage and security statement dated January 25, 1977, recorded as aforesaid in Liber 11982 at Page 6, made by Developer herein to American Savings & Loan Association, a Utah corporation, to secure the repayment of the sum of \$3,700.00 together with interest thereon, all according to the terms of that certain promissory note of the mortgagor of even date.

MANAGEMENT OF PROJECT: The By-Laws, which are incorporated in the Declaration, provide that the operation of the project shall be conducted for the Association by a responsible corporate Managing Agent who shall be appointed by the Association in accordance with the By-Laws. The initial Managing Agent shall be Aiea Realty, Inc., Room 7, 99-128 Aiea Heights Drive, Aiea, Hawaii, and which is authorized by the Declaration to receive service of legal process in all cases provided in the Horizontal Property Act.

STATUS OF PROJECT: Construction of the project has commenced and is expected to be completed on or about January 15, 1978.

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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 October 29, 1975, and additional information subsequently filed as of August 2, 1977.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 818, filed with the Commission on October 29, 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.



AH KAU YOUNG, 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. 818

August 29, 1977