

# 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  
KUPONO HALE  
2671 A-Q Anuu Place, Honolulu, Hawaii  
REGISTRATION NO. 848

### 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 25, 1976  
Expires: April 25, 1977

#### 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 the prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED MARCH 4, 1976, AND ADDITIONAL MATERIAL SUBSEQUENTLY FILED AS OF MARCH 24, 1976.

THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT (CHAPTER 514, HAWAII REVISED STATUTES)

1. Kupono Hale is a proposed fee simple condominium project consisting of seventeen (17) apartment units in seventeen (17) free-standing buildings. Parking is available for each unit either adjacent to, in basement areas or in adjacent garages.
2. The proposed Declaration and other information submitted by Developer indicates that purchasers will receive a fee simple interest by way of an apartment deed issued directly by the fee owner.
3. The Developer of the Project has filed all documents and materials deemed necessary by the Commission for the registration of this proposed condominium project and the issuance of the Preliminary Public Report.
4. The basic documents (Declaration of Horizontal Property Regime, By-Laws of the Association of Apartment Owners and a copy of Approved Floor Plans) have not yet been filed in the office of the recording officer.
5. The Developer has advised the Commission that advertising and promotional matter required to be filed pursuant to the rules and regulations promulgated by the Commission will be submitted prior to public exposure.
6. 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 Horizontal Property Regimes.
7. This Preliminary Public Report is made a part of the registration of the KUPONO HALE condominium project. The Developer has the responsibility of placing a true copy of this Preliminary Public Report (yellow paper stock) in the hands of all purchasers and prospective purchasers. Securing a signed copy of the receipt for this Preliminary Public Report from each purchaser and prospective purchaser is also the responsibility of the Developer.
8. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance, March 25, 1976 unless a Final or Supplementary Public Report issues or the Commission upon review of registration issues an order extending the effective period of this report.

NAME OF PROJECT: KUPONO HALE

LOCATION: The site, consisting of approximately 86,202 square feet, is located at 2671 A-Q Anuu Place, Honolulu, Hawaii.

TAX MAP KEY: FIRST DIVISION 1-4-5-2

ZONING: R-6

SPECIAL NOTE: The project is a non-conforming use under the Comprehensive Zoning Code.

DEVELOPER: ANUU ASSOCIATES, a Joint Venture (consisting of Braco, Limited, a Hawaii corporation and William R. Farley Associates PTY., Ltd., a Hawaii corporation), whose principal place of business is Suite 818, 745 Fort Street, Honolulu, Hawaii. The names of the principal officers of said corporations are as follows:

BRACO, LIMITED:

Cornelis Kool - President and Treasurer

Patrick W. Murphy - Vice President and Secretary

Bram Kool - Vice President

WILLIAM R. FARLEY ASSOCIATES, PTY., LTD.:

William R. Farley - President and Treasurer

Dorothy Farley - Vice President

Richard MacMillan - Secretary

ATTORNEY REPRESENTING OWNER: Patrick W. Murphy, Suite 818, 745 Fort Street, Honolulu, Hawaii 96813, Telephone 524-0533.

DESCRIPTION OF PROJECT:

1. The proposed Declaration reflects that the Project consists of seventeen (17) apartments (hereinafter called "dwellings"), constructed on approximately 86,202 square feet of land, which dwellings are hereinafter described and designated on said Condominium Map as Buildings "A" through "Q", inclusive. Each of the buildings is constructed principally of wood, glass and allied building materials on concrete footings, with asbestos shingle roof.

DESCRIPTION OF DWELLINGS:

1. Seventeen (17) freehold estates are designated in the spaces enclosed by and within the outside surfaces of the exterior walls and roof and the bottom surfaces of the footings and foundations of each of the seventeen (17) dwellings of the Project. The letter designation of each dwelling, its type, number of rooms and location are as follows:

<u>DWELLING</u>	<u>TYPE OF UNIT</u>	<u>NO. OF ROOMS</u>	<u>DWELLING ADDRESS NO.</u>
A	(A)	9	2671 A Anuu Place
B	(B)	7	2671 B Anuu Place
C	(B)	7	2671 C Anuu Place
D	(B)	7	2671 D Anuu Place
E	(B)	7	2671 E Anuu Place
F	(B)	7	2671 F Anuu Place
G	(C)	10	2671 G Anuu Place
H	(B)	7	2671 H Anuu Place
I	(D)	12	2671 I Anuu Place
J	(E)	7	2671 J Anuu Place
K	(E)	7	2671 K Anuu Place
L	(F)	11	2671 L Anuu Place
M	(F)	11	2671 M Anuu Place
N	(G)	8	2671 N Anuu Place
O	(B)	7	2671 O Anuu Place
P	(B)	7	2671 P Anuu Place
Q	(H)	11	2671 Q Anuu Place

The foregoing building addresses are the street number and addresses assigned to the respective buildings.

2. Type (A) Dwelling. Dwelling A, designated hereinabove as Type (A) is two (2) stories, containing nine (9) rooms, consisting specifically of four (4) bedrooms, one and one-half (1½) bathrooms, a living room, kitchen and a multi-purpose room. Type (A) dwelling has a floor area of approximately 1,536 square feet and a concrete basement for parking.

3. Type (B) Dwellings. Those dwellings (dwellings B,C,D,E,F,H,O,P) designated hereinabove as Type (B) each contain seven (7) rooms, consisting specifically of three (3) bedrooms, one and one-half (1½) bathrooms, a living room and kitchen, with a floor area of approximately 1,008 square feet. Each Type (B) dwelling is above grade and has open space between the footings and the living area. Parking for dwelling B is an adjacent garage; parking for dwellings C,D,& E is in a concrete basement. Parking for F,H,O & P is adjacent thereto.

4. Type (C) Dwelling. Dwelling G designated hereinabove as Type (C) is two (2) stories, containing ten (10) rooms consisting specifically of five (5) bedrooms, two and one-half (2½) bathrooms, a living room and a kitchen, and has a floor

area of approximately 1,328 square feet and a concrete basement for parking.

5. Type (D) Dwelling. Dwelling I designated hereinabove as Type (D) is two (2) stories containing twelve (12) rooms, consisting specifically of five (5) bedrooms, two and one-half (2½) bathrooms, living room, kitchen, laundry room and a multi-purpose room. The dwelling has floor area of approximately 1,524 square feet. Parking is adjacent thereto.

6. Type (E) Dwellings. Those dwellings (dwellings J,K) designated hereinabove as Type (E) each contain seven (7) rooms, consisting specifically of three (3) bedrooms, one and one-half (1½) bathrooms, a living room and kitchen, with a floor area of approximately 1,008 square feet, and parking adjacent thereto. Each of these dwellings has a partially enclosed laundry room below the main floor. Each Type (E) dwelling is above grade and has open space between the footings and the living area.

7. Type (F) Dwellings. Those dwellings (dwellings L,M) designated hereinabove as Type (F) are two (2) stories each containing eleven (11) rooms, consisting specifically of five (5) bedrooms, two and one-half (2½) bathrooms, a living room, kitchen and a multi-purpose room. Each Type (F) dwelling has a floor area of approximately 1,560 square feet with parking adjacent thereto.

8. Type (G) Dwelling. Dwelling N designated hereinabove as Type (G) is two (2) stories and contains eight (8) rooms, consisting specifically of three (3) bedrooms, one and one-half (1½) bathrooms, a living room, kitchen and laundry room. The dwelling has a concrete basement for parking. The dwelling has a floor area of approximately 1,152 square feet.

9. Type (H) Dwelling. Dwelling Q, designated hereinabove as Type (H) is two (2) stories containing eleven (11) rooms consisting specifically of five (5) bedrooms, two and one-half (2½) bathrooms, a living room, kitchen and laundry room. Dwelling Q has a floor area of approximately 1,440 square feet and parking adjacent thereto.

Each dwelling shall be deemed to include the footings on which it is constructed, the exterior walls and roof, all interior walls, ceilings, floors and partitions and the finished surfaces thereto, the basement parking and patio areas, if any, and all fixtures originally installed therein. However, the respective dwellings shall not be deemed to include any structural or service elements which are utilized or serve more than one dwelling, the same being deemed common elements as hereinafter provided.

Each dwelling has immediate access to its entries and to the walkways and driveways appurtenant thereto connecting its building to Anuu Place or to the roadway of the Project which intersects with Anuu Place.

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

1. All land in fee simple;

2. All yards, grounds, landscaped areas and walkways around and between said buildings;

3. All roadways, sidewalks, walkways and driveways of the Project;

4. All ducts, sewer lines, electrical equipment, pipes wiring and other central and appurtenant transmission facilities, installations which serve more than one dwelling for services, including power, lights, water, gas, air conditioning, refuse, telephone and radio and television signal distribution; and

5. 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 proposed Declaration provides that certain parts of the common elements, herein called the "limited common elements" are designated and set aside for the exclusive use of certain dwellings, and such dwellings shall have appurtenant thereto exclusive easements for the use of said limited common elements. The limited common elements so set aside and reserved are as follows:

1. The site of each dwelling, consisting of the land beneath and immediately adjacent thereto, as shown and delineated on said Condominium Map, shall be limited common elements for the exclusive use of the dwelling to which it is appurtenant.

2. The walkways and driveways connecting the dwellings to Anuu Place or to the roadway of the Project shall be a limited common element for the exclusive use of the dwelling or dwellings to which said walkways and driveways are appurtenant;

3. All other common elements of the Project which are rationally related to less than all of said dwellings shall be appurtenant to and for the exclusive use of the dwelling or dwellings served thereby.

INTEREST TO BE CONVEYED TO PURCHASERS. Each dwelling shall have appurtenant thereto an undivided percentage interest in the 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 follows:

<u>UNIT TYPE</u>	<u>DWELLING</u>	<u>NUMBER OF UNITS</u>	<u>COMMON INTEREST</u>
A	A	1	7.6%
B	B,C,D,E,F,H,O,P	8	5.0%
C	G	1	6.6%
D	I	1	7.6%

<u>UNIT TYPE</u>	<u>DWELLING</u>	<u>NUMBER OF UNITS</u>	<u>COMMON INTEREST</u>
E	J,K	2	5.0%
F	L,M	2	7.7%
G	N	1	5.7%
H	Q	1	7.1%

RESTRICTIONS AS TO USE. The apartments shall be occupied and used only for residential purpose and for no other purpose. Except as aforesaid, the owners of the respective apartments shall have the absolute right to lease such apartment subject to all of the provisions of the Declaration and By-Laws.

OWNERSHIP OF TITLE. The Certificate of Title dated February 18, 1976 by Hawaii Escrow & Title, Inc. indicates that title to the land is vested in the Manoa Finance Company, Inc., a Hawaii corporation and that an Agreement of Sale was executed by Manoa Finance Company, Inc. to William R. Farley Associates, Pty., Ltd. and Cornelis Kool, as Trustee for Braco, Limited, a Hawaii Corporation, as Tenants in Common, dated December 31, 1975. The vendees under the aforesaid Agreement of Sale have formed a Joint Venture for the development of the Project and they have represented to the Real Estate Commission that prior to obtaining a Final Public Report they will have recorded a Master Deed. They have further represented that simultaneously with recording of the Master Deed the property will be encumbered by a mortgage in the amount of \$416,000.00 in favor of State Savings & Loan Association, a Utah corporation, doing business in Hawaii and a mortgage in the amount of \$50,000.00 in favor of Imperial Finance Corporation, a Hawaii corporation. However, title will be conveyed to the Joint Venture free and clear of that mortgage herein enumerated, in favor of International Savings and Loan Association, Limited, a Hawaii corporation described under the topical heading "Encumbrances Against Title" hereinbelow.

ENCUMBRANCES AGAINST TITLE. The certificate of Title dated February 18, 1976 prepared by Hawaii Escrow and Title, Inc., lists the following encumbrances:

1. The reservation in favor of the State of Hawaii of all mineral or metallic mines of every description.
2. GRANT in favor of THE CITY AND COUNTY OF HONOLULU, granting an easement for the construction, operation and maintenance of a water supply system and its appurtenances, through, under over and across a portion of land as set forth in that certain Grant dated July 19, 1934 and recorded July 23, 1934 in Liber 1248, Page 43.
3. GRANT in favor of the HAWAIIAN ELECTRIC COMPANY, LIMITED (NOW KNOWN AS HAWAIIAN ELECTRIC COMPANY, INC.) and HAWAIIAN TELEPHONE COMPANY, granting an easement for utility purposes over and across a portion of land as set forth in that certain Grant dated November 2, 1955 and recorded November 15, 1955 in Liber 3036, Page 442.

4. MORTGAGE executed by MANOA INVESTMENT COMPANY, INC., a Hawaii corporation, in favor of INTERNATIONAL SAVINGS AND LOAN ASSOCIATION, LIMITED, a Hawaii corporation, in the amount of \$175,000.00, dated June 5, 1963 and recorded June 5, 1963 in Liber 4526, Page 588.

5. AGREEMENT OF SALE executed by MANOA FINANCE COMPANY, INC., a Hawaii corporation, to WILLIAM R. FARLEY ASSOCIATES, PTY., LIMITED, a Hawaii corporation, and CORNELIS KOOL, as Trustee for Braco, Limited, a Hawaii corporation, as Tenants in Common, dated December 31, 1975 and recorded December 31, 1975 in Liber 11147, Page 512.  
CONSIDERATION: \$575,000.00

6. For any taxes that may be due and owing, reference is made to the Office of the Tax Assessor, first division.

PURCHASE MONEY HANDLING. An executed Escrow Agreement, dated February 25, 1976, identifies Hawaii Escrow & Title, Inc., as the Escrow Agent. Upon examination of the Escrow Agreement it is found to be in consonance with Chapter 514, Hawaii Revised Statutes, and particularly Section 514-34 through Section 514-40.

The specimen Deposit Receipt and Sales Contract provides that in the event that less than ten (10) dwellings are sold prior to February 1, 1977, developer may, at its option, cancel the contract and cause the Escrow Agent to refund to buyer all monies paid without interest and less a cancellation fee of \$15.00.

NOTE: Buyer agrees that all of the rights of Buyer are and shall be subject and subordinate to the lien of any mortgages given to secure the interim loan, made to finance the cost of acquisition and other costs during development and to any and all advances made thereon, and to any and all sums which may become a lien pursuant to the terms of such mortgage or any other agreement relating to such mortgage.

It is incumbent upon the purchaser and prospective purchaser to read and understand the executed Escrow Agreement before executing the Deposit Receipt and Sales Contract since the Escrow Agreement describes the procedure for receiving and disbursing purchaser's funds and the Deposit Receipt and Sales Contract specifically provides that the purchaser approves said Escrow Agreement and assumes the benefits and obligations therein provided.

MANAGEMENT OF PROJECT. The proposed Declaration and By-Laws provide that the operation of the project shall be conducted for the Association under the direction of its Board of Directors by a responsible corporate managing agent. The initial Managing Agent named in the Declaration is Wilson, Gray & Associates, Inc., 4747 Kilauea Avenue, Honolulu, Hawaii.

STATUS OF PROJECT. The Developer has advised the Commission that the Project was completed in 1963 and has been used since such time for single family residential purposes.

NOTE: The building is a non-conforming structure as defined under Section 21-110 Revised Ordinances. The term non-conforming is defined as any structure which was previously lawful but which does not comply with the bulk, yard, set-back or height regulations of the district in which it is located either on the effective date of Chapter 21 Revised Ordinance or as a result of any subsequent amendment thereto.

The purchaser or prospective purchaser should be cognizant of the fact that this published report represents information disclosed by the Owner in the required Notice of Intention submitted March 4, 1976, and additional material subsequently filed as of March 24, 1976.

This is a PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT which is made a part of REGISTRATION NO. 848, filed with the Commission on March 4, 1976. This report, when reproduced, shall be a true copy of the Commission's Public Report. The paper stock used in making facsimiles must be yellow.

  
MEMBER, 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. 848  
March 25, 1976.