

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
ALEXANDER GARDENS
1427 Alexander Street
Honolulu, Hawaii

REGISTRATION NO. 858

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: June 8, 1976
Expires: July 8, 1977

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 MAY 14, 1976, AND INFORMATION SUBSEQUENTLY FILED AS OF MAY 25, 1976. DEVELOPER IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES ACT, CHAPTER 514, HAWAII REVISED STATUTES, AS AMENDED.

1. Alexander Gardens is a proposed leasehold condominium project consisting of thirty (30) residential apartments located in one building having three (3) stories and a partial basement. There will be twenty-two (22) parking stalls, so eight apartments will not have parking stalls.
2. The Developer 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.

3. The Developer advises that the Declaration of Horizontal Property Regime and attached By-laws are filed in the Bureau of Conveyances of the State of Hawaii in Liber 11423, Page 240. The Condominium Map has been filed with the said Bureau of Conveyances as Map No. 459.
4. No advertising and promotional materials have 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, as amended, 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, June 8, 1976, unless a Supplementary Public Report issues or the Commission upon review of the registration issues an order extending the effective period of this report.
7. This Final Public Report is made a part of the registration of ALEXANDER GARDENS. The Developer is responsible for placing a true copy of this Final Public Report in the hands of all purchasers and prospective purchasers and securing from each purchaser or prospective purchaser a signed receipt, signifying that he has had an opportunity to read the report.

NAME OF PROJECT: ALEXANDER GARDENS

LOCATION: The project is located at 1427 Alexander Street, Honolulu, Hawaii, on a parcel of 19,980 square feet.

TAX KEY: 2-8-13-29 (1st Division)

ZONING: The property is presently zoned A-4 Apartment.

DEVELOPER: The Developer is Smith Development Corp. whose business address is Suite 1625, 841 Bishop Street, Honolulu, Hawaii 96813, telephone 524-5414. The officers of Smith Development Corp. are Peter S. Smith, President and Treasurer; Robert H. Gerell, Vice President; and J. Thomas Van Winkle, Secretary.

ATTORNEY REPRESENTING DEVELOPER: Izumi & Tanaka (Attention: Tamotsu Tanaka) 888 Mililani Street, Suite 701, Honolulu, Hawaii, 96813, telephone: 536-9307.

DESCRIPTION OF PROJECT: The project consists of one "L-shaped" three (3) story building with partial basement constructed of concrete and hollow tile.

The apartments are constructed according to six different floor plans and each floor plan contains the number of rooms and the approximate floor area, according to its respective floor plan as follows:

1. Apartments 101, 201 and 301 are located on the makai leg of the "L" closest to Alexander Street and consist of a living room, kitchen-dining area, two bedrooms, and bathroom and contain a total area of approximately 717.2 square feet.
2. Apartments 102, 103, 104, 105, 202, 203, 204, 205, 302, 303, 304 and 305 are located on the makai leg of the "L" and consist of a living room, kitchen-dining area, one bedroom, and bathroom, and contain a total area of approximately 457.4 square feet.
3. Apartments 106, 206 and 306 are located on the makai leg of the "L" near the connection of the two legs of the "L" and consist of a living-sleeping room, kitchen-dining room, and bathroom and contain a total area of approximately 336 square feet.
4. Apartments 107, 207, and 307 are located at the connection of the two legs of the "L" and consist of a living room, kitchen-dining room, two bedrooms, and bathroom and contain a total area of approximately 716 square feet.
5. Apartments 108, 109, 208, 209, 308 and 309 are located on the leg running from the connection in a mauka direction ("mauka leg") and consist of a living room, kitchen-dining room, one bedroom, and bathroom and contain a total area of approximately 446.6 square feet.
6. Apartments 110, 210 and 310 are located on the mauka leg of the "L" and consist of a living room, kitchen-dining room, two bedrooms, and bathroom and contain a total area of approximately 712.4 square feet.

The floor area of each unit is measured from the exterior of any end unit to the centerline of any interior unit wall or centerline to centerline in the case of an interior apartment.

Each apartment will have a stove, refrigerator and water heater. In addition, some apartments will be renovated to include new light fixtures, carpets and drapes, bath fixtures (portion), kitchen improvements (portion) but no new appliances.

Each apartment has access to a walkway which leads to two stairways, one at each end of the building.

The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or interior load-bearing walls, floors and ceilings surrounding each apartment or any pipes, wires, conduits, or other utility lines running through such apartment 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 walls, windows and window frames, door and door frames, floor and ceilings, and the built-in fixtures within the apartment.

The project also includes parking area for 22 cars, a swimming pool, barbecue area and equipment, storage lockers for each apartment and a laundry room.

COMMON ELEMENTS: An estate consisting of all remaining portions of the project, being described and referred to herein as "common elements", which definition includes the building, the land on which it is located and all elements mentioned in the Horizontal Property Act which are actually constructed in the project, and specifically includes, but is not limited to:

- a. Said land in fee simple;
- b. All foundations, columns, beams, supports, load-bearing walls, roofs, chases, entry halls, stairs, walkways, entrances and exits of said building;
- c. All yards, grounds, landscaping, planter boxes, refuse areas, swimming pool, and barbecue facilities;
- d. All parking areas;
- e. 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;
- f. The storage room and lockers located therein, the laundry room and mechanical equipment room, all of which are located in the basement of the building;
- 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 and designated as "limited common elements" are hereby set aside and reserved for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto an exclusive easement for the use of such limited common elements. The limited common elements so set aside and reserved are one parking stall and storage space designated in the initial conveyance of each apartment which shall be appurtenant to and for the exclusive use of such apartment, except eight apartments shall have no parking spaces appurtenant to it.

Notwithstanding the foregoing provisions of this paragraph to the contrary, the owners of the respective apartments, with the consent of the Lessor, shall have the right to change the designation of the parking spaces and storage spaces which are appurtenant to their respective apartments solely by an amendment to the Declaration, such amendment to be executed solely by the respective owners of such apartments and the Lessor, provided that such amendment shall be effective only upon the filing of the same in the Bureau of Conveyances of the State of Hawaii, and provided further that at all times at least one parking space and one storage space shall be appurtenant to each apartment in the project, except eight apartments shall have no parking spaces appurtenant to it.

PERCENTAGE OF UNDIVIDED OWNERSHIP TO BE CONVEYED BY APARTMENT LEASES. Each apartment to be leased shall have appurtenant thereto an undivided fractional interest in the common elements of the project as follows:

	<u>Apartments</u>	<u>Percentage (each apartment)</u>
1.	101, 107, 201, 207, 210, 301, 307 and 310	4.19%
2.	102, 103, 104, 105, 108, 109, 202, 203, 204, 205, 208, 209, 302, 303, 304, 305, 308 and 309	3.01%
3.	106, 206 and 306	2.70%
4.	110	4.20%

The aggregate percentage of undivided interest in the common elements of the apartments is allocated between them on the basis of their interior floor area. The Developer covenants and agrees that the undivided interest in the common areas and facilities and the title to the respective apartments to be conveyed shall not be separated or separately conveyed and each said undivided interest shall be deemed to be conveyed or encumbered with its respective apartment even though the description in the instrument of conveyance may refer only to one or other of the interests. The voting rights of apartment owners, as well as their share of the common expenses shall be in proportion to their common interest.

PURPOSE OF BUILDINGS AND USE RESTRICTIONS: The apartments shall be occupied and used as private dwellings by the respective owners thereof, their tenants, families, domestic servants and personal guests. The apartments shall not be rented for transient or hotel purposes, which are defined as (a) rental for any period less than 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 or rent the same subject to the limitations, restrictions, covenants and conditions of the Declaration.

OWNERSHIP OF TITLE: The Certificate of Title issued by Title Guaranty of Hawaii, Incorporated, dated October 6, 1975, and Continuation of Report, dated May 7, 1976, reflect that the ownership of the property is vested as follows:

1. Fee owner is Frederick M. Crockett.
2. Frederick M. Crockett issued a lease for the premises dated May 10, 1955, recorded in Liber 2970, Page 284, to Charles J. Pietsch, Jr. and Fern L. Pietsch, husband and wife; said Charles J. Pietsch, Jr. and Fern L. Pietsch, by assignment dated August 30, 1956, recorded in Liber 3227, Page 318, assigned said lease to Charles J. Pietsch, Jr. and Fern L. Pietsch, as to an undivided one-half (1/2) interest, and David T. Pietsch and Leslie M. L. Pietsch, as to the remaining undivided one-half (1/2) interest; by Assignment of Lease dated April 29, 1976, recorded in Liber 11378, Page 111, the undivided

one-half (1/2) interest of said David T. Pietsch and Leslie M. L. Pietsch was assigned to Smith Development Corp.

3. Agreement of Sale dated April 29, 1976, by and between Charles J. Pietsch, Jr. and Fern L. Pietsch, husband and wife, as Seller, and Smith Development Corp., as Purchaser, recorded in Liber 11378, Page 119, as to an undivided one-half (1/2) interest in said Lease.

ENCUMBRANCES: Said Certificate of Title dated October 6, 1975, and Continuation of Report dated May 7, 1976, by Title Guaranty of Hawaii, Incorporated, also shows title to the property to be subject to the following encumbrances:

1. The reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. Terms, agreements, reservations, covenants, conditions, and provisions contained in Lease dated May 10, 1955, recorded in Liber 2970 at Page 284.
3. Mortgage dated April 24, 1962, made by Charles J. Pietsch, Jr. and Fern L. Pietsch, husband and wife, and David T. Pietsch and Leslie M. L. Pietsch, husband and wife, in favor of Cooke Mortgage Company, Inc., a Hawaii corporation, recorded in Liber 4272, Page 261. Said mortgage was assigned to Sun Life Assurance Company of Canada, a Canadian corporation, by instrument dated May 4, 1962, recorded in Liber 4272, Page 271.
4. Mortgage dated April 29, 1976, made by Smith Development Corp. in favor of Commercial Finance, Limited, a Hawaii corporation, recorded in Liber 11378, Page 133, covering an undivided one-half (1/2) interest in and to said Lease recorded in Liber 2970, Page 284.
5. Agreement of Sale dated April 29, 1976, by and between Charles J. Pietsch, Jr. and Fern L. Pietsch, husband and wife, as Seller, and Smith Development Corp., as Purchaser, recorded in Liber 11378, Page 119, covering an undivided one-half (1/2) interest in and to said Lease recorded in Liber 2970, Page 284. By instrument dated April 29, 1976, recorded in Liber 11378, Page 140, the interest of Smith Development Corp. in and to said Agreement of Sale was assigned to Commercial Finance, Limited, as additional security.
6. Certain State and Federal tax liens totaling \$8,837.11.
7. Real property taxes due and owing.

By letter of May 25, 1976, the Developer, through its attorney, has advised the Commission that the mortgages and tax liens mentioned above will be released prior to the first conveyance of an apartment to a third party.

PURCHASE MONEY HANDLING: The executed escrow agreement dated February 12, 1976, identifies Title Guaranty Escrow Services, Inc., as the "Escrowee" and provides in part that purchasers shall be entitled to a refund of his funds, and Escrow shall pay said funds

to said purchaser, without interest and less Escrow's cancellation fee, if purchaser shall in writing request refund of his funds and if Escrow receives a written request from Seller to return to purchaser the funds of such purchaser then held hereunder by Escrow.

Upon refund of said funds to purchaser as aforesaid, Escrow shall return to Seller such purchaser's sales contract and any Apartment Lease therefore delivered to Escrow, and thereupon neither the purchaser nor Seller shall be deemed obligated thereunder.

Among other provisions, the specimen Sales Contract provides that Developer may terminate all sales contracts if by September 30, 1976, less than 18 apartments have been sold. The purchaser also agrees to purchase the apartment, including any furniture and appliances located therein, "as is".

Upon examination, the specimen sales contract and the executed escrow agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes, and particularly with Section 514-35 and Section 514-36 through 514-40, Hawaii Revised Statutes. A prospective purchaser should carefully examine the form of specimen sales contract and escrow agreement to determine the time for and the amount of the installment payments on the purchase price and the sharing of the closing costs.

BY-LAWS AND PROPOSED HOUSE RULES: The By-laws attached to the Declaration and the proposed House Rules provide in part:

1. "No livestock, poultry, rabbits or other animals whatsoever shall be allowed or kept in any part of the project except that dogs, cats and other household pets having such diminutive size and weight that they may be comfortably and easily hand-carried by any person over the common elements of the project in reasonable number may be kept by the apartment owners and occupants in their respective apartments ..."; and
2. "The maximum number of occupants to be permitted to reside in any apartment shall be: four (4) persons in a two-bedroom apartment; three (3) persons in a one-bedroom apartment; and two (2) persons in a studio apartment; provided that the Association, by majority vote of its members at a meeting duly called for such purpose, may increase the number of occupants...."

MANAGEMENT AND OPERATION: Article IV, Section 2, of the By-laws states that the Board of Directors shall at all times employ a responsible managing agent to manage and control the property subject at all times to direction by the Board of Directors. The Developer has entered into an initial property management contract with Urban Management Corp. in the form submitted with Developer's Notice of Intention.

STATEMENT OF FINANCING: The Developer has informed the Commission that it intends to cause the issuance of 65-year leases to purchasers using proceeds from its sale of 18 or more apartments to pay the \$200,000 required under the Agreement of Sale as a condition to said lease issuance.

STATUS OF PROJECT: Construction of the building and other improvements on the land were completed around 1957 by the prior owners

and has been operated as a rental apartment project by them since the date of completion. The Developer, who acquired an interest in the property in April, 1976, has continued the rental apartment use, and is prepared to deliver possession of the apartments to the new purchasers as soon as possible after binding sales for 18 apartments have been consummated.

NOTE: The building is a non-conforming structure, meaning a structure which was previously lawful but which does not now comply with the bulk, yard, setback or height regulations of the district in which it is located.

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 May 14, 1976, and information subsequently filed as of May 25, 1976.

This FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 858 filed with the Commission on May 14, 1976.

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.



AH KAU YOUNG, Chairman
REAL ESTATE COMMISSION, STATE OF HAWAII

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REGISTRATION NO. 858
June 8, 1976