

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
SHERRY WAIKIKI II
324 Lewers Street
Honolulu, Hawaii

REGISTRATION NO. 870

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 28, 1977
Expires: July 28, 1978

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 JULY 23, 1976, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF JUNE 17, 1977. THE DEVELOPER, BY SUBMITTING ADDITIONAL INFORMATION TO THE COMMISSION, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIME ACT, CHAPTER 514, HAWAII REVISED STATUTES.

1. Since the issuance of the Commission's Preliminary Public Report dated September 8, 1976, the Developer has submitted additional information and has requested the issuance of a Final Public Report.
2. This Final Public Report is made a part of the registration of SHERRY WAIKIKI II. 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, along with a true copy of the Preliminary Public Report (yellow paper stock). Securing a signed copy of the Receipt of this Final Public Report as well as receipts for public reports previously issued, is the responsibility of the Developer.
3. The Developer advises that the Declaration of Horizontal Property Regime and attached By-Laws are filed in the Office of the Assistant Registrar of the Land Court, State of Hawaii, as Document No. 810029, and recorded in the Bureau of Conveyances, State of Hawaii, in Liber 12091, page 1. The Condominium Map has been filed with the Assistant Registrar as Map No. 303, and has been recorded as aforesaid as Condominium File Plan No. 494.
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 154 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 from the date of issuance, June 28, 1977, unless a Supplementary Public Report is issued or the Commission, upon review of the registration, issues an order extending the effective period of this report.

The information in the topical headings of the Preliminary Public Report dated September 8, 1976 has not changed except for ATTORNEY REPRESENTING DEVELOPER, DESCRIPTION, LIMITED COMMON ELEMENTS, EASEMENTS, INTEREST TO BE CONVEYED TO PURCHASERS, ENCUMBRANCES AGAINST TITLE and MANAGEMENT OF PROJECT.

ATTORNEY REPRESENTING DEVELOPER. The attorney representing the developer is Allen I. Marutani, Attorney at Law, A Law Corporation, Suite 602 Capital Investment Building, 850 Richards Street, Honolulu, Hawaii 96813, Telephone 537-6575, who has replaced Ashford and Wriston.

DESCRIPTION:

1. The Project. The Declaration of Horizontal Property Regime reflects that the project consists of an existing eleven-story building constructed principally of reinforced concrete, concrete block, steel and glass, with no basement. The first floor contains an entrance court, lobby area, elevator lobby, manager's office, trash room and twelve parking stalls. On the second floor are located Apartment 26 and a commercial apartment designated as Commercial Apartment 204. On the third through eleventh floors are located fifty-two residential apartments.

2. Residential Apartments. Fifty-three (53) estates are designated as residential apartments in the spaces within the perimeter walls, floors and ceilings of each of the fifty-three residential apartments of the project contained in said eleven-story building. Each residential apartment is numbered and located as shown on said plans and contains the number of rooms and approximate gross floor area according to the plan of such residential apartment as described below and as shown on said plans. Beginning with the first floor, the floors are numbered in ascending order with the numbers 1 through 11. The residential apartments on the second through tenth floors are designated by either a two or four digit number; the first digit of a two digit number and the first two digits of a four digit number indicate the number of the floor. The second digit of a two digit number and the fourth digit of a four digit number indicate the position of the residential apartment on the floor as shown on said plans. All four digit numbered apartments have a zero as the third digit. Apartment numbers on the eleventh floor are further identified by "PH-" preceding the apartment number.

(a) Said apartments are built according to plans designated as Unit A, Unit B, Unit B-1 and Unit C and are further described as follows:

(1) A Unit A apartment is a studio apartment with 2 rooms (the larger room contains the kitchen and the living-dining-sleeping area and the smaller room is the bathroom) with an approximate gross floor area of 380 square feet, plus a lanai of approximately 91 square feet. Apartment No. 26 on the second floor is of this type and there are 2 apartments of this type on each floor from the third floor to the eleventh (Apartment Nos. 35, 36, 45, 46, 55, 56, 65, 66, 75, 76, 85, 86, 95, 96, 1005, 1006, PH-1103 and PH-1104), making a total of 19.

(2) A Unit B apartment is a studio lodging apartment with 2 rooms (the larger room contains a wet bar and the living-sleeping area and the smaller room is the bathroom) with an approximate gross floor area of 295 square feet, plus a lanai of approximately 53 square feet. There are 16 apartments of this type, two on each floor from the third to the tenth, said apartments being designated by the number of the floor followed by the digits 2 or 3 (for example, the Unit B apartments on the third floor are numbered 32 and 33).

(3) A Unit B-1 apartment is a studio lodging apartment with 2 rooms (the larger room contains a wet bar and the living-sleeping area and the smaller room is the bathroom) with an approximate gross floor area of 295 square feet, plus a lanai of approximately 53 square feet. There are 16 apartments of this type, two on each floor from the third to the tenth, said apartments being designated by the number of the floor followed by the digits 1 or 4 (for example, the Unit B-1 apartments on the third floor are numbered 31 and 34).

(4) A Unit C apartment is a one-bedroom apartment with 3 room (a bedroom with adjoining dressing area, a bathroom and a room containing the living room and kitchen) with an approximate gross floor area of 608 square feet, plus a lanai of approximately 200 square feet. Apartment Nos. PH-1101 and PH-1102 are of this plan.

(b) Each residential apartment has immediate access to the hallways and elevators permitting ingress and egress to and from the residential floors and to the lobby, stairway, ramps, sidewalks, parking areas and driveways connecting it to the public streets.

(c) Each residential apartment shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls, floors and ceilings surrounding the apartment or of interior load-bearing walls, nor shall said apartment be deemed to include the pipes, wires, conduits or other utility or service lines running through the apartment which are utilized for or serve more than one apartment, the same being deemed common elements as hereinafter provided. Each residential apartment shall be deemed to include all of the areas or spaces enclosed by the walls, floors and ceilings surrounding the apartment, the lanai, all the walls and partitions which are not load-bearing within the perimeter walls of the apartment, the inner decorated or finished surfaces of all walls, floors and ceilings of the apartment, all doors, window frames, windows and glass walls, and all fixtures and appliances originally installed therein.

3. Commercial Apartment. One (1) estate is designated as Commercial Apartment 204 within the perimeter walls, floors and ceiling of the spaces on the second floor of the building which are shown on said plans as Commercial Apartment 204. Said apartment consists of seven rooms with an approximate gross floor area of 1722 square feet, a corridor of approximately 261 square feet, and a lanai of approximately 91 square feet.

(a) Commercial Apartment 204 has immediate access to the corridors, stairways, walkways, ramps, sidewalks and driveways connecting it to the adjacent public streets.

(b) Commercial Apartment 204 shall not be deemed to

to include the undecorated or unfinished surfaces of the perimeter walls, floors and ceilings surrounding the apartment or of interior load-bearing walls, nor shall said apartment be deemed to include any pipes, wires, conduits or other utility or service lines running through said apartment which are utilized for or serve more than one apartment in the project, the same being deemed common elements as hereinafter provided. Said apartment shall be deemed to include all of the areas or spaces enclosed by the walls, floors and ceilings surrounding the apartment, all the walls and partitions which are not load-bearing within the perimeter walls of the apartment and the interior decorated or finished surfaces of all walls, floors and ceilings of the apartment. All doors, windows and glass walls immediately adjacent to said apartment and exclusively serving said apartment shall be considered a part of such apartment.

LIMITED COMMON ELEMENTS: The Declaration states that certain parts of the common elements, designated as "limited common elements", are designated and set aside for the use of certain apartments, and such apartments shall have appurtenant thereto exclusive easements for the use of such limited common elements, as follows:

1. The perimeter walls, floors and ceilings surrounding Commercial Apartment 204 and the interior walls thereof shall be deemed to be limited common elements reserved for the exclusive use of and appurtenant to Commercial Apartment 204, subject to easements of necessity for support, and all expenses in connection therewith, including alteration thereof, shall be borne by such apartment.
2. The twelve parking stalls of the project shall be limited common elements appurtenant to Commercial Apartment 204. The expenses which are incurred in connection with the maintenance of said parking stalls shall be borne by such apartment.
3. The area, which is located directly in front of the entrance to Apartment No. 26, containing an area of 24.75 square feet, more or less, shall be deemed to be a limited common element reserved for the exclusive use of, and appurtenant to, said Apartment No. 26, and all expenses in connection therewith, shall be borne by said Apartment.

EASEMENTS: Commercial Apartment No. 204 shall have an easement to construct, build, install, maintain, repair, replace, and substitute pipes, vents, ducts, or other similar things, along side the exterior of the subject building, or through the utility rooms on each floor of the subject building, or through the roof and rooftops of the subject building, with the right to drill or make hole or holes to the subject building, the floors of each level in said building, and the roof and rooftops of the said building, for the purpose of the construction, building, installation, maintenance, repair, replacement, and substitution, as aforesaid.

Except as noted above, all other information under this heading remains unchanged.

INTEREST TO BE CONVEYED TO PURCHASERS: Each apartment shall have appurtenant thereto an undivided percentage interest in all common elements of the project and the same proportionate share in all common expenses of the project as set forth in "Exhibit A" attached hereto and for all other purposes, including voting.

ENCUMBRANCES AGAINST TITLE: The Preliminary Title Report dated May 18, 1977 issued by Title Guaranty of Hawaii shows the encumbrances listed below:

1. Delineation of easement for sanitary sewer purposes over and across Lots 22-A and 22-B, as shown on Map 78, as set forth by Land Court Order No. 27002, filed April 25, 1967.

2. Grant of easement for sewer in favor of the City and County of Honolulu across Lots 22-A and 22-B, dated February 9, 1967, and filed as Land Court Document No. 414763.

3. Delineation of walkway easement over and across Lots 22-A and 22-B, as shown on Map 96, as set forth by Land Court Order No. 28601, filed June 3, 1968.

4. Grant of easement for right-of-way in favor of the City and County of Honolulu, over Lots 22-A and 22-B, dated March 28, 1968, and filed as Document No. 445678.

5. Reservation in favor of the State of Hawaii of all mineral and metallic mines.

6. Grant dated February 9, 1967, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 5666, page 259, in favor of the City and County of Honolulu, granting easement for sewer purposes.

7. That certain mortgage dated January 19, 1966 made by Edward You Hui Leong, as Mortgagor, in favor of Victoria Homer Edison, as Mortgagee, and filed in the Office of the Assistant Registrar of the Land Court, State of Hawaii, as Document No. 41077 and also recorded in the Bureau of Conveyances, in Liber 5586, page 136.

8. Lease dated April 3, 1967, filed as Document No. 630747 and recorded in Liber 9162, at page 81; as amended, presently held by Kenneth Kum Kui Wong, filed as Document No. 630748 and also recorded in Liber 9162 at page 95. Amendment filed as Document No. 634465 and also recorded in Liber 9246 at page 221;

9. Terms and conditions of unrecorded sublease dated October 15, 1972, between Kenneth Kui Wong and A & H Inc., filed as a memorandum of Sublease as Document No. 630711 and recorded in Liber 9162 at page 101. Sublease filed as Document No. 630747 and also recorded in Liber 9162 at page 81. Amendment filed as Document No. 708550, recorded in Liber 10386 at page 171;

10. Mortgage dated February 21, 1973, filed as Document 630752 and recorded in Liber 9162 at page 110 in favor of Liberty Bank. Consent of mortgage filed as Document No. 630753, and recorded in Liber 9162 at page 120;

11. Agreement of Sale dated November 29, 1974 between A & H, Inc. and B.J.R.'s, Inc., recorded in Liber 10386 at page 107. Consent to sale filed as Document No. 708552 and recorded in Liber 10386 at page 212;

12. District Court judgment (Civil No. H75-5437), dated January 20, 1976, recorded in Liber 112301, page 479. Defendant: B.J.R.'s, Inc. and Betty J. Robinson. Plaintiff: Elwood Y. Phillips.

13. Notice of State of Hawaii Tax Lien (Department of Taxation) against B.J.R.'s, Inc. dba BJ's Cocktail Lounge dated October 12, 1976, recorded in Liber 11732, page 581, in the amount of \$440.31. (Not noted on Transfer Certificate of Title No. 163,597)

14. Order For Summary Judgment dated October 8, 1976 filed by A & H, Inc., Plaintiff against B.J.R.'s, Inc. and Betty Jane Robinson, Defendants, in the Circuit Court of the First Circuit, State of Hawaii, Civil No. 48231, recorded in the Bureau of Conveyances, State of Hawaii, in Liber 11833, page 57 on November 29, 1976. (Not noted on Transfer Certificate of Title No. 163,597)

15. Notice of State of Hawaii Tax Lien (Department of Labor & Industrial Relations) against B.J.R.'s, Inc. dated December 7, 1976, recorded in Liber 11867, page 381 in the amount of \$136.80. (Not noted on Transfer Certificate of Title No. 163,597)

16. Notice of Federal Tax Lien against B.J.R.'s, Inc., a corporation, T/A BJ's Cocktail Lounge, dated January 5, 1977 and recorded in Liber 11945, page 105, in the amount of \$1,743.59. (Not noted on Transfer Certificate of Title No. 163,597)

17. Application For Mechanic's and Materialman's Lien, being Mechanic's Lien No. 3312 dated February 22, 1977 filed by Zambrano Bros. Drywall, Inc. against Lee Martin, Incorporated and filed in the Circuit Court of the First Circuit, State of Hawaii, on March 3, 1977, in the amount of \$4,822.27 plus interest.

Order authorizing attachment of mechanic's lien dated March 30, 1977 filed in the Circuit Court of the First Circuit on March 31, 1977 and also recorded in Liber 12130 Page 355 in the Bureau of Conveyances on April 15, 1977.

18. Application For Mechanic's and Materialman's Lien, being Mechanic's Lien No. 3315, dated March 3, 1977, by Sarita Goldstein dba Sarita Interiors against Lee Martin and Lee Martin Inc., filed in the Circuit Court of the First Circuit, State of Hawaii, on March 4, 1977, in the amount of \$1,500.00 plus interest.

Order granting application for attachment of mechanic's and materialman's lien dated April 22, 1977 and filed in said Circuit Court of the First Circuit on April 22, 1977.

19. Application For Mechanic's and Materialman's Lien, being Mechanic's Lien No. 3316, filed by Calvin Miyashiro dba Carpet Installers Hawaii against Lee Martin and Lee Martin Inc., filed in the Circuit Court of the First Circuit, State of Hawaii, on March 4, 1977, in the amount of \$1,499.11 plus interest.

Order granting application for attachment of mechanic's and materialman's lien dated April 22, 1977 and filed in the Circuit Court, First Circuit, State of Hawaii, on April 22, 1977.

20. Application For Mechanic's and Materialman's Lien, being Mechanic's Lien No. 3317, filed by I V B, Inc. dba Trends of Hawaii against Lee Martin and Lee Martin, Inc., filed in the Circuit Court of the First Circuit, State of Hawaii, on March 4, 1977, in the amount of \$1,282.27 plus interest.

Order granting application for attachment of mechanic's and materialman's lien dated April 22, 1977 and filed in said Circuit Court, First Circuit, on April 22, 1977.

21. Application For Mechanic's and Materialman's Lien, being Mechanic's Lien No. 3318, filed by Doug's Floorcovering, Inc. against Lee Martin and Lee Martin, Inc., filed in the Circuit Court of the First Circuit, State of Hawaii, on March 4, 1977, in the amount of \$7,133.97 plus interest.

Order granting application for attachment of mechanic's and materialman's lien dated April 22, 1977 filed in said Circuit Court, First Circuit, on April 22, 1977.

22. Application For Mechanic's and Materialman's Lien, being Mechanic's Lien No. 3319, filed by William Daily dba Daily and Associates against Lee Martin and Lee Martin, Inc., filed in the Circuit Court of the First Circuit, State of Hawaii, on March 4, 1977 in the amount of \$9,000.00 plus interest.

Order granting application for attachment of mechanic's and materialman's lien dated April 22, 1977 filed in said Circuit Court, First Circuit, on April 22, 1977.

23. Application For Mechanic's and Materialman's Lien, being Mechanic's Lien No. 3320, filed by Irving Kam dba I. K. Interiors against Lee Martin and Lee Martin, Inc., filed in the Circuit Court of the First Circuit, State of Hawaii, on March 4, 1977, in the amount of \$1,942.30 plus interest.

Order granting application for attachment of mechanic's and materialman's lien dated April 22, 1977 filed in said Circuit Court, First Circuit on April 22, 1977.

24. Application For Mechanic's and Materialman's Lien, being Mechanic's Lien No. 3329, filed by Marquette Bailey and James Anglin dba M & J Manufacturers against Lee Martin, Incorporated and Lee Martin, filed in the Circuit Court of the First Circuit, State of Hawaii, on March 16, 1977, in the amount of \$15,300.00 plus interest.

Order authorizing attachment of mechanic's lien dated April 12, 1977 filed in the Circuit Court of the First Circuit on April 13, 1977 and filed as Land Court Document No. 813097, also recorded in Liber 12136, page 591.

25. Application For Mechanic's and Materialman's Lien, being Mechanic's Lien No. 3335 dated March 31, 1977 filed by

Barwick Pacific Carpet Company against Lee Martin, Inc. and Lee Martin, filed in the Circuit Court of the First Circuit, State of Hawaii, on March 31, 1977 in the amount of \$20,749.31 plus interest.

Order authorizing attachment of mechanic's lien, dated May 5, 1977, filed in the Circuit Court of the First Circuit, State of Hawaii, on May 5, 1977, and also as Land Court Document No. 816361.

26. Lease dated April 1, 1974, filed as Document No. 675726 and recorded in Liber 9831, at Page 546, in favor of Lee Martin, husband of Sherry Martin, which lease is subject to Mortgage, Assignment of Rents and Security Agreement dated April 10, 1974, filed as Document No. 675727 and recorded in Liber 9831, at Page 582, in favor of Hawaii Housing Authority.

27. Mortgage and Assignment, both dated January 20, 1976, in favor of Honolulu Mortgage Co., Ltd., filed as Document Nos. 750674 and 750675, respectively, and recorded in Liber 11179, at Page 394, and Liber 11179, at Page 403, respectively.

28. Real property taxes for first installment of the fiscal year 1976-1977 due and delinquent in the amount of \$8,378.43 plus penalty and interest. Reference is hereby made to the Office of the Tax Assessor, First Division.

* * * * *

NOTE:

CIVIL NO. 51434 (PENDING)

Plaintiff: A & H, Inc., a Hawaii corporation, Alvin K. S. Ho,
Douglas Akita

Defendants: Lee Martin, Incorporated, a Hawaii corporation, and
Lee Martin

Filed in the Circuit Court of the First Circuit, State of Hawaii, on May 3, 1977 for \$66,030.00 for specific damages, \$50,000.00 for General damages, and \$150,000.00 for punitive damages.

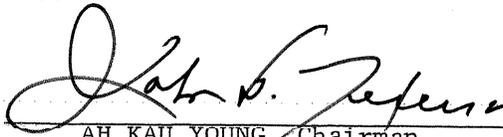
NOTE: The Developer has represented that steps will be taken to eliminate items 7 and 8 noted as encumbrances against the premises and the Developer has also represented that the claims for mechanic's and materialman's liens will be satisfied from the escrow proceeds.

MANAGEMENT OF PROJECT: The Bylaws which are incorporated in the Declaration 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 Developer has filed a Management Agreement dated January 5, 1977 and entered into with Royal Management Services, Inc., a managing agent to manage the subject apartment.

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 on July 23, 1976, and additional information subsequently filed as of June 17, 1977.

THIS FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of Registration No. 870 filed with the Commission on September 8, 1976. This Report, when reproduced, shall be a true copy of the Commission's Public Report. The paper stock used in making facsimilies must be white in color.



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 Authority
Escrow Agent

Registration No. 870
June 28, 1977

SHERRY WAIKIKI II

EXHIBIT "A"

<u>Apartment Number</u>	<u>Unit Type</u>	<u>Gross Floor Area</u>	<u>Lanai Area</u>	<u>No. of Apts.</u>	<u>Common Interest Percentage</u>
26	A	380	91	1	2.0
32, 42, 52, 62, 72, 82, 92, & 1002	B	295	53	8	1.7
34, 44, 54, 64, 74, 84, 94 & 1004	B-1	295	53	8	1.3
31, 41, 51, 61, 71, 81, 91, & 1001	B-1	295	53	8	1.3
33, 43, 53, 63, 73, 83, 93, & 1003	B	295	53	8	1.7
36, 46, 56, 66, 76, 86, 96, 1006, & PH-1104	A	380	91	9	2.0
35, 45, 55, 65, 75, 85, 95, 1005, & PH-1103	A	380	91	9	2.0
PH-1101 & PH-1102	C	608	200	2	3.0
Commercial Apartment 204		1,983	91	1	8.0