

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

PACIFIC INTERNATIONAL HOTEL
2509 Ala Wai Boulevard
Honolulu, Hawaii

REGISTRATION NO. 871

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: September 9, 1976
Expires: October 9, 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 purchaser or prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION FILED AUGUST 5, 1976 and ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF SEPTEMBER 8, 1976. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514, HAWAII REVISED STATUTES.

1. PACIFIC INTERNATIONAL HOTEL is a leasehold condominium project to consist of a ten (10) story building with a basement, containing a total of fifty-four (54) residential-commercial apartment units. There shall be fourteen (14) parking stalls on the site of the project.

2. 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 this Final Public Report.

3. No advertising matter has been filed pursuant to the rules and regulations promulgated by the Commission.

4. The basic condominium documents (Declaration of Horizontal Property Regime, By-Laws of the Association of Apartment Owners and a copy of the approved Floor Plans) have been filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 776938. The Floor Plans, showing the layout, location, apartment numbers, etc., of the apartments of the Project, have been designated Condominium Map No. 287 in said Office of the Assistant Registrar.

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, September 9, 1976, unless a Supplementary Public Report issues or 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 PACIFIC INTERNATIONAL HOTEL Condominium project. The Developer has the responsibility of placing a true copy of this Final Report (white paper stock) in the hands of all purchasers and prospective purchasers and securing a signed copy of the receipt for the Final Public Report from each purchaser.

THE DEVELOPER HAS ADVISED THE COMMISSION THAT THE APARTMENT UNITS WILL BE SOLD IN CANADA AND IN THE STATE OF HAWAII, BUT THAT NO DISCRIMINATION WILL BE MADE AGAINST RESIDENTS OF THE STATE OF HAWAII, WHO WILL BE FREE TO PURCHASE APARTMENT UNITS AT THE SAME PRICES AND UPON THE SAME TERMS AND CONDITIONS AS MAY BE OFFERED TO THE CANADIAN PURCHASERS. INASMUCH AS THERE WILL BE NO COMMON RENTAL PROGRAM, THERE WILL BE NO RESTRICTION ON THE RE-SALE OF APARTMENT UNITS TO RESIDENTS OR NON-RESIDENTS OF THE STATE OF HAWAII.

NAME OF PROJECT: PACIFIC INTERNATIONAL HOTEL

LOCATION: The Project is located at 2509 Ala Wai Boulevard, Honolulu, Hawaii, with approximately 7,476 square feet committed to the regime.

TAX MAP KEY: 2-6-25:40

ZONING: H-2

DEVELOPER: INCOME BUILDERS, INC., a Hawaii corporation, the principal place of business and post office address of which is Suite 202, 415 Nahua Street, Honolulu, Hawaii.

ATTORNEY REPRESENTING DEVELOPER: Hamilton, Gibson, Nickelsen, Rush & Moore (Attention: Ken Harimoto), 20th Floor Hawaii Building, 745 Fort Street, Honolulu, Hawaii 96813, Phone: 521-2611.

DESCRIPTION: The Declaration of Horizontal Property Regime and plans submitted by the Developer indicate a leasehold condominium project consisting of fifty-four (54) freehold estates designated in the spaces within the perimeter and party walls, floors and ceilings of each of the 54 apartment units contained in one (1) ten-story building, with a basement, constructed principally of concrete, which spaces together with appurtenant lanai air spaces, if any, are designated on said condominium file plan and described as follows:

(a) Six (6) apartments are located on each of the second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth floors of the building.

(b) Apartments 201, 202, 203, 204, 205 and 206 are located on the second floor of the building; Apartments 301, 302, 303, 304, 305 and 306 are located on the third floor of the building; Apartments 401, 402, 403, 404, 405 and 406 are located on the fourth floor of the building; Apartments 501, 502, 503, 504, 505 and 506 are located on the fifth floor of the building; Apartments 601, 602, 603, 604, 605 and 606 are located on the sixth floor of the building; Apartments 701, 702, 703, 704, 705 and 706 are located on the seventh floor of the building; Apartments 801, 802, 803, 804, 805 and 806 are located on the eighth floor of the building; Apartments 901, 902, 903, 904, 905 and 906 are located on the ninth floor of the building; and Apartments 1001, 1002, 1003, 1004, 1005 and 1006 are located on the tenth floor of the building.

(c) A description of each of the apartments designating the layout, number of rooms and approximate floor area thereof is as follows:

(i) Apartment 201 contains one bedroom, a living room, kitchenette, two bathrooms and two lanais, and a total area of approximately 659 square feet, including the lanais, and shall have appurtenant thereto a common interest of 2.98757%.

(ii) Apartments 202 and 205 each contains a living area, one bathroom and a lanai and a total area of approximately 309 square feet, including the lanai, and each shall have appurtenant thereto a common interest of 1.40085%.

(iii) Apartments 203 and 204 each contains a living area, one bathroom and a lanai, and a total area of approximately 339 square feet, including the lanai, and each shall have appurtenant thereto a common interest of 1.53685%.

(iv) Apartment 206 contains one bedroom, a living room, kitchenette, two bathrooms and two lanais and a total area of approximately 1,015 square feet, including the lanais, and shall have appurtenant thereto a common interest of 4.60167%.

(v) Apartments 301, 306, 401, 406, 501, 506, 601, 606, 701, 706, 801, 806, 901, 906, 1001 and 1006 each contains one bedroom, a living room, kitchenette, two bathrooms, and two lanais and a total area of approximately 691 square feet, including the lanais, and each shall have appurtenant thereto a common interest of 3.13265%.

(vi) Apartments 302, 305, 402, 405, 502, 505, 602, 605, 702, 705, 802, 805, 902, 905, 1002 and 1005 each contains a living area, one bathroom and a lanai and a total area of approximately 236 square feet, including the lanai and each shall have appurtenant thereto a common interest of 1.0699%.

(vii) Apartments 303, 304, 403, 404, 503, 504, 603, 604, 703, 704, 803, 804, 903, 904, 1003 and 1004 each contains a living area, one bathroom and a lanai and a total area of approximately 266 square feet, including the lanai, and each shall have appurtenant thereto a common interest of 1.20591%.

(d) The apartments have immediate access to a corridor and foyer on the floor on which it is located leading to an elevator and stairway in the center of the building leading to the grounds of the Project.

(e) The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter or party walls or interior load-bearing walls, the floors and ceilings surrounding each apartment or any pipes, wires, conduits or other utility or service 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 or party walls, the inner decorated or finished surfaces of all walls, floors and ceilings, doors and door frames, windows and window frames, the lanai air space (if any), and all fixtures originally installed therein.

COMMON ELEMENTS: The Declaration provides that one (1) freehold estate is thereby designated in all of the remaining portions of the Project therein called "common elements", including specifically but not limited to:

(a) Said land in fee simple;

(b) All foundations, floor slabs, columns, girders, beams, supports, unfinished perimeter, party and load-bearing walls, roofs, entries, stairways, elevators, walkways, entrances and exits of said building;

(c) All lobbies, foyers, yards, grounds and landscaping;

(d) All parking areas;

(e) All elevators, 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) 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.

(g) The roof recreation area.

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

The corridor and foyer located on each of the second to tenth floors, inclusive of the building of the Project shall be reserved for the exclusive use of the apartments served by them, respectively.

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 (therein called the "common interest"), as set forth in said Declaration, and the same proportionate share in all common profits and expenses of the Project and for all other purposes, including voting. Each purchaser will secure a Condominium Conveyance Document conveying an apartment together with said undivided percentage interest in the common elements of the buildings of the Project and demising the same undivided percentage interest in the lands of the Project.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The Declaration states that the apartments shall be occupied and used only for purposes permitted from time to time by applicable zoning ordinances, rules and regulations. The owners of the respective apartments shall have the absolute right to lease such apartments subject to all provisions of the Declaration and By-Laws.

NOTE: Purchasers and prospective purchasers should be aware that the property of this Project is designated apartment precinct according to the Waikiki Special Design District and although hotel use is not a permitted use, this particular

structure, which has been used as a hotel, is therefore a non-conforming use. The Commission, however, has been informed by the Land Utilization Department of the City and County of Honolulu, State of Hawaii, as long as the structure is operated as a hotel, a change to condominium ownership does not violate its non-conforming status. Each purchaser or prospective purchaser is advised that they should read with care the applicable zoning ordinance, rules and regulations.

OWNERSHIP OF TITLE: The Developer in its Notice of Intention represents that it is the owner of the fee simple title to the property committed to the Project.

ENCUMBRANCES AGAINST TITLE: A Preliminary Report issued by Security Title Corporation, dated August 27, 1976, as submitted to the Commission, provides that the following are encumbrances against title to the property:

1. Mortgage dated March 2, 1973, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii in Document No. 620814, made by Income Builders, Inc., a Hawaii corporation, as Mortgagor, to Pacific Savings and Loan Association, a Hawaii corporation, as Mortgagee.

By instrument dated December 7, 1973, recorded on December 7, 1973 in the Bureau of Conveyances of the State of Hawaii in Book 9635, Page 208, Income Builders, Inc., a Hawaii corporation, granted to Pacific Savings and Loan Association, a Hawaii corporation, a security interest in all of the contract rights, accounts receivable, chattel papers, notes, drafts, acceptances, instruments and other forms of receivables, and all of the inventory, furniture, equipment, fixtures and personal property now owned by Income Builders, Inc., located on the land herein described, to secure the repayment of the foregoing mortgage.

By instrument dated December 11, 1974, filed in said Office of the Assistant Registrar as Document No. 704880, and also recorded on December 13, 1974 in said Bureau of Conveyances in Book 10301, Page 460, the foregoing mortgage was amended.

2. Undated Financing Statement recorded on December 7, 1973 in said Bureau of Conveyances in Book 9635, Page 215.

3. Undated Financing Statement recorded on September 3, 1974 in said Bureau of Conveyances in Book 10118, Page 469.

4. Mortgage dated July 17, 1974, filed in said Office of the Assistant Registrar as Document No. 695065, made by Income Builders, Inc., a Hawaii corporation, as Mortgagor, to THC Financial Corp., a Hawaii corporation, as Mortgagee.

5. Additional Charge Mortgage dated December 11, 1974, filed in said Office of the Assistant Registrar as Document No. 704880, and also recorded on December 13, 1974 in said Bureau of Conveyances in Book 10301, Page 460, made by Income Builders, Inc., a Hawaii corporation, as Mortgagor, to Pacific Savings and Loan Association, a Hawaii corporation, as Mortgagee.

By instrument dated December 12, 1974, filed in said Office of the Assistant Registrar as Document No. 704881, and also recorded on December 13, 1974 in said Bureau of Conveyances in Book 10301, Page 466, that certain mortgage referred to in encumbrance no. 4 was subordinate to the lien of the foregoing Additional Charge Mortgage.

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

7. The covenants, agreements, obligations and conditions set forth in that certain Declaration of Horizontal Property Regime dated August 11, 1976, filed in said Office of the Assistant Registrar as Document No. 776938 and the By-Laws attached thereto.

By instrument dated August 27, 1976, filed in said Office of the Assistant Registrar as Document No. 778945 the foregoing Declaration and By-Laws were amended.

8. Condominium Map No. 287 filed in said Office of the Assistant Registrar on August 12, 1976.

PURCHASE MONEY HANDLING: No formal Escrow Agreement is necessary since construction of the Project has been completed.

The Sales Contract provides, among others, that (1) the apartment will be conveyed to Buyer AS IS and that THERE ARE NO EXPRESS OR IMPLIED WARRANTIES, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS OF THE APARTMENT FOR A PARTICULAR PURPOSE; (2) Buyer agrees that all of the rights of a Buyer are and shall be subject and subordinate to the lien of any mortgage securing the repayment of the interim loans made to finance the cost of construction 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 interim loans or any other agreement relating thereto; (3) Buyer agrees that until Seller has closed out the sale of all the apartments in the Project or until December 31, 1979, whichever shall first occur, that Buyer will not enter into an agreement with any purchaser, lessee or owner of another apartment in the Project and/or any third party under which Buyer agrees to share expenses and/or rentals of apartments in the Project; and (4) the Developer has reserved the right to cancel the sales agreement if it shall have sold less than forty-five (45) Units on or before July 31, 1977, or in any event, if it is prevented by law from proceeding with the Project.

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. South Seas Management Corporation has been identified as the initial managing agent.

NOTE: The prospective purchaser is advised that the Developer of the Project is not offering to provide services relating to the sale or rental of apartments of the Project and no representation or reference to that effect has been made by or on behalf of the Developer. Rental of the apartments and the provision of management services in connection therewith is and shall be the sole responsibility of the purchaser.

STATUS OF PROJECT: Construction of the Project was completed on December 10, 1973.

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 5, 1976, and additional information subsequently filed as of September 8, 1976.

This is a FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT which is made a part of REGISTRATION NO. 871 filed with the Commission on August 5, 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 white.


(for) AH KAU YOUNG, CHAIRMAN
REAL ESTATE COMMISSION
STATE OF HAWAII

Distribution:

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

REGISTRATION NO. 871
September 9, 1976