

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

SUN HALA
754 Ekela Avenue
Honolulu, Hawaii

REGISTRATION NO. 879

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: October 28, 1976

Expires: November 28, 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 FILED WITH THE REAL ESTATE COMMISSION ON SEPTEMBER 22, 1976, AND INFORMATION SUBSEQUENTLY FILED AS OF OCTOBER 25, 1976. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF HORIZONTAL PROPERTY ACT, CHAPTER 514, HAWAII REVISED STATUTES.

1. SUN HALA is a proposed leasehold condominium project consisting of fifty-two (52) residential apartments arranged throughout one 9-story building. There will be fifty-two (52) parking stalls (48 covered stalls and 4 open stalls).
2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of a condominium project and issuance of this Preliminary Public Report.
3. The basic documents (Declaration of Horizontal Property Regime, By-Laws of the Association of Apartment Owners, and a copy of the approved floor plan) have been submitted to the Commission and will be recorded in executed form in the Office of the Recording Officer prior to sales.
4. No advertising or promotional matter has been submitted pursuant to rules and regulations promulgated by the Commission; however, it is anticipated that such material will be submitted prior to any sales.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of the Horizontal Property Act, Chapter 514, Hawaii Revised Statutes, and the Rules and Regulations promulgated pursuant thereto.
6. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance, October 28, 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 Preliminary Public Report is made a part of the registration of the SUN HALA 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 and securing a signed copy of the receipt for this report.

NAME OF PROJECT: SUN HALA

LOCATION: The project is located at 754 Ekela Avenue, Honolulu, Hawaii and contains approximately 15,778 square feet of land,

in leasehold, which is comprised of one parcel of real property.

TAX KEY: First Division 2-7-35-15

ZONING: A-4 (Apartment District)

DEVELOPER: The Developer of the project is THE ASSOCIATES OF SUN HALA, a Hawaii limited partnership, whose principal place of business and post office address is c/o Ian L. Mattoch, Suite 1401, Davies Pacific Center, 841 Bishop Street, Honolulu, Hawaii 96813, Telephone 523-2451. The General Partner is EYF DEVELOPMENTS, INC., which maintains its offices at 23 South Vineyard Boulevard, Suite 301, Honolulu, Hawaii 96813, Telephone 537-4977. Its officers are: Edwin Y. Fujinaga, President/Treasurer, Andrea S. Fujinaga, Vice President/Secretary.

ATTORNEY REPRESENTING DEVELOPER: LAW OFFICES OF IAN L. MATTOCH, ESQ., Suite 1401, Davies Pacific Center, 841 Bishop Street, Honolulu, Hawaii 96813, Telephone 523-2451.

DESCRIPTION: The proposed Declaration of Horizontal Property Regime reflects that the project is to consist of fifty-two (52) residential apartments contained within a nine (9) story building, starting on floors three (3) through nine (9), constructed principally of reinforced concrete, glass, monopole roofing and appropriate trim. There will be fifty-two (52) parking spaces of which forty-eight (48) are covered stalls, and of which four (4) are open stalls, arranged throughout the first two (2) floors of the building.

The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter or interior load-bearing walls, the 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 include an adjacent balcony. Each apartment shall be deemed to include all walls and partitions which are not load-bearing within its perimeter walls, the inner decorated or finished surfaces of all walls, floors and fixtures originally installed therein.

(a) Location of Apartments. There are eight (8) apartment units on each of the third through eighth floors. There are four (4) additional units on the ninth floor. The apartments on floors three (3) through eight (8) will be numbered "01", "02", "03", "04", "05", "06", "07" and "08". Each such apartment number will be preceded by a number denoting the floor on which such apartment is located, e.g., Apartment 601 is the corner apartment on the northeast end of the building on the sixth floor. The "02" units are to the west opposite of the "01" units with each subsequent unit following in a

staggered pattern and concluding with the "08" units which are the corner units on the opposite end of the "01" units. The four (4) apartments located on the ninth floor of the building are designated by the numbers 901 through 904. The pattern of designation of numbers is consistent with the designation of the other apartments located on the lower floors.

(b) Area of Apartments. Each of the fifty-two (52) apartments is a one-bedroom unit containing three (3) rooms and a floor area of 546 square feet excluding the adjacent lanai, which contains an area of 90 square feet. Each apartment has immediate access to a common hallway which leads to the elevator. The apartments located on the ninth floor have access to the eighth floor elevator landing by a common hallway and stairway connecting the ninth floor and eighth floors. Appurtenant individual percentage interest in the common elements and the designated parking spaces of each such apartment are as follows:

<u>Apartment Number</u>	<u>Parking Stall Number</u> (as shown on condominium map)	<u>Percentage Interest Common Elements</u>
301	52 Standard Open	1.927%
302	49 Standard Open	1.923%
303	50 Standard Open	1.923%
304	51 Standard Open	1.923%
305	12 Standard Covered	1.923%
306	11 Standard Covered	1.923%
307	13 Standard Covered	1.923%
308	14 Standard Covered	1.923%
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401	10 Standard Covered	1.923%
402	9 Standard Covered	1.923%
403	8 Standard Covered	1.923%
404	7 Standard Covered	1.923%
405	6 Standard Covered	1.923%
406	5 Standard Covered	1.923%
407	4 Standard Covered	1.923%
408	3 Standard Covered	1.923%
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501	15 Standard Covered	1.923%
502	16 Standard Covered	1.923%
503	17 Standard Covered	1.923%
504	18 Standard Covered	1.923%
505	19 Standard Covered	1.923%
506	20 Standard Covered	1.923%
507	21 Standard Covered	1.923%
508	22 Standard Covered	1.923%
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601	23 Standard Covered	1.923%
602	24 Standard Covered	1.923%
603	2 Standard Covered	1.923%

<u>Apartment Number</u>	<u>Parking Stall Number</u>		<u>Percentage Interest Common Elements</u>
604	1	Standard Covered	1.923%
605	38	Standard Covered	1.923%
606	37	Standard Covered	1.923%
607	36	Standard Covered	1.923%
608	35	Standard Covered	1.923%
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701	34	Standard Covered	1.923%
702	33	Standard Covered	1.923%
703	32	Standard Covered	1.923%
704	31	Standard Covered	1.923%
705	30	Standard Covered	1.923%
706	29	Standard Covered	1.923%
707	28	Standard Covered	1.923%
708	27	Standard Covered	1.923%
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801	39	Standard Covered	1.923%
802	40	Standard Covered	1.923%
803	41	Standard Covered	1.923%
804	42	Standard Covered	1.923%
805	43	Standard Covered	1.923%
806	44	Standard Covered	1.923%
807	45	Standard Covered	1.923%
808	46	Standard Covered	1.923%
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901	25	Standard Covered	1.923%
902	26	Standard Covered	1.923%
903	47	Standard Covered	1.923%
904	48	Standard Covered	1.923%

COMMON ELEMENTS: The proposed Declaration reflects that the common elements shall include all of the land and all of the improvements other than the apartments, specifically including but not limited to:

1. Said land in leasehold;
2. All foundations, columns, beams, supports, load-bearing walls, roofs, chases, entry halls, lobbies, stairs, walkways, entrances and exits of said building;
3. All yards, grounds, landscaping, access decks, refuse areas, Manager's office, utility rooms, recreation areas and lobby area.
4. All driveways, loading areas and parking areas;

5. All pipes, cables, conduits, ducts, electrical equipment, trash chutes, wiring and other central and pertinent transmission facilities and installations over, under and across the project which serve more than one apartment for services such as power, lights, gas, water, sewer, telephone, and television signal distribution, if any;
6. Any and all other apparatus and installations of common use and all other parts of the project necessary or convenient to its existence, maintenance and safety, or normally in common use;
7. The automatic electric passenger elevator with elevator housing and appurtenant equipment.

LIMITED COMMON ELEMENTS: The proposed Declaration states that certain common elements shall be limited common elements and shall be 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:

1. One (1) automobile parking space designated according to the respective apartment number, all as set out in the "DESCRIPTION" section set forth above.
2. All other common elements of the project which are rationally related to less than all of said apartments shall be limited to the use of such apartments.

The proposed Declaration also states that each apartment shall have appurtenant to it a non-exclusive easement for the purpose of ingress and egress.

COMMON INTEREST TO BE CONVEYED TO PURCHASER: The proposed Declaration states that each apartment shall have appurtenant thereto an undivided percentage interest in all the common elements of the project (referred to as the "common interest"), and the same proportionate share in all common profits and expenses of the project and for all other purposes, including voting. The various percentages for the respective apartment units are as follows:

Unit #301	1.927%
All other Units	1.923%

The purchaser will receive a Condominium Conveyance Document, demising an apartment together with its aforementioned share of the common interest.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The Declaration

provides that all apartments shall at all times be occupied and used only as private dwellings by the respective owners thereof, their tenants, families, domestic servants and guests and for no other purpose. The apartments shall not be rented for transient or hotel purposes which is defined as rental for any period less than thirty (30) days or any rental in which the occupants of the apartment are provided customary hotel services. Except for the prohibition against use of the apartments for transient or hotel purposes, the owners of the respective apartments shall have the absolute right to lease or rent their apartment subject to all provisions of the Declaration and By-Laws.

The House Rules state, among other things, that occupancy is limited to no more than two persons per bedroom contained in each apartment, except that this occupancy may be exceeded by members of the immediate family of the owner, tenant or lessee, provided that in no event shall the number of occupants be more than four per bedroom.

OWNERSHIP OF LAND AND ENCUMBRANCES AGAINST TITLE: A preliminary report issued on June 28, 1976 and up-dated by confirmation report dated October 7, 1976, by Title Guaranty of Hawaii, Incorporated, certifies that title to the three parcels of land on which the condominium is situate is vested in YM&M Inc., a Hawaii Corporation by reason of a Deed dated September 10, 1975, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 10927 at Page 441. Lease to the property is held by James Henry Pflueger, husband of Nancy D. Pflueger, as lessee. The preliminary report describes the above state of title for said parcels to be subject to the following encumbrances:

1. A reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. The terms, agreements, reservations, covenants, conditions and provisions contained in a lease dated December 1, 1971, as amended this lease being recorded at the Bureau of Conveyances in Liber 8014 at Page 170.
3. Mortgage in favor of Honolulu Federal Savings and Loan Association dated June 28, 1973, recorded at the Bureau of Conveyances in Liber 9270 at Page 311.
4. By instrument dated September 4, 1973 and recorded at the Bureau of Conveyances in Liber 9510 at Page 210, Yuk Moon Wong and Marion Sheu Wong, husband and wife, assigned to Honolulu Federal Savings and Loan, a Hawaii corporation, all of their right, title and interest in and to the premises.

5. Real property taxes which may be a lien upon the property. Reference is hereby made to the Office of the Tax Assessor of the First Division.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated September 15, 1976, identifies TITLE GUARANTY ESCROW SERVICES, INC., a Hawaii corporation, as escrow agent. On examination, the Specimen Sales Contract and the executed Escrow Agreement are found to be in compliance with Chapter 514, and particularly Section 514-35 through Section 514-40. Among other provisions, the executed Escrow Agreement provides that a Purchaser under contract of sale shall be entitled to refund of all monies deposited with escrow, without interest and less Escrow's cancellation, if Purchaser shall in writing request refund of his funds and any one of the following shall have occurred:

1. If Developer shall have requested in writing that Escrow return to purchaser the funds of purchaser;
2. If funds were obtained from an apartment purchaser prior to the issuance of a final Public Report upon the project by the Real Estate Commission, and there is a change in the plans for the said building requiring the approval of the Official of the City and County of Honolulu having jurisdiction over the issuance of permits for the construction of buildings, unless Developer obtains the written approval or acceptance of such specific change in building plans by such apartment purchaser;
3. If the final Public Report differs in any material respect from the preliminary Public Report, unless the purchaser has given written approval or acceptance of the difference; or
4. If the final Public Report is not issued within one year from the date of issuance of the preliminary Public Report.

The Escrow Agreement also provides that the escrow agent shall deposit all funds received in a bank or savings and loan institution selected by the Developer and that any interest earned thereon shall be the sole asset of the Developer. The Developer has advised the Commission that, pursuant to the terms of the Escrow Agreement, purchasers' escrowed downpayments may, under certain circumstances, be used to defray construction and other costs of the project after the issuance of a Final Report.

The Specimen Sales Contract states that certain of its terms are subject to the terms of the Escrow Agreement.

The Sales Contract authorizes the Developer from time to time prior to closing, for and on behalf of purchaser, at his proportionate common expense, to enter into contracts, licenses and concessions as are generally necessary or desirable for the management, operation and maintenance of the project.

The renovation mortgage (interim, renewals and extension), if any, shall be and remain at all times a lien or charge on the project prior to and superior to any and all liens or charges on the project arising under the Sales Contract or any prior reservation agreement.

It is incumbent upon the purchaser or prospective purchaser to read with care the Specimen Sales Contract and the executed Escrow Agreement. The Escrow Agreement establishes how the proceeds paid into escrow will be retained and may be disbursed, in some circumstances disbursement being prior to the completion of the project.

MANAGEMENT AND OPERATIONS: The Developer has entered into an agreement dated August 30, 1976, with URBAN MANAGEMENT CORP., a Hawaii corporation, for the employment of its services relating to the maintenance and management of the project, the term of this contract to be for one year. A copy of the Management Agreement has been delivered to the Real Estate Commission and is on file for the purchaser or prospective purchaser to review.

STATUS OF THE PROJECT: The construction on the project is completed and the apartment units, after renovation, will be ready for immediate occupancy. Certificate of Occupancy was issued by the City and County of Honolulu on September 29, 1972.

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 September 22, 1976, and information subsequently filed as of October 25, 1976.

This PRELIMINARY HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 879, filed with the Commission on September 22, 1976.

The Report, when reproduced shall be a true copy of the Commission's Public Report. In making facsimiles, the paper stock shall be yellow in color.

Ah Kau Young

AU 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. 879

Date: October 28, 1976