

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 GRAND
747 Amana Street
Honolulu, Hawaii

REGISTRATION NO. 913

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: August 29, 1977
Expires: September 29, 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 FILED MAY 18, 1977, AND INFORMATION SUBSEQUENTLY FILED AS OF AUGUST 24, 1977. 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. Since the issuance of the Commission's Preliminary Public Report on Registration No. 913, dated June 8, 1977, the Developer has forwarded additional information reflecting material changes that have been made in the documents for the project.

2. The Developer of the project has filed all documents and materials deemed necessary by the Commission for the registration of this condominium project and the issuance of this Final 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 Plans) have been filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii.

The Declaration of Horizontal Property Regime dated July 26, 1977, with By-Laws attached was filed as aforesaid as Document No. 830288.

The approved Floor Plans showing the layout, location, apartment numbers, etc., have been designated Condominium Map No. 311.

4. 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 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, August 29, 1977, 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 registration on PACIFIC GRAND condominium project. The Developer has the responsibility of placing a true copy of this Final Public Report (white paper stock) and a copy of the Preliminary Public Report (yellow paper stock) in the hands of all purchasers. Securing a signed copy of the Receipt for both Horizontal Property Regime Public Reports from each purchaser is also the responsibility of the Developer.

The information in the topical headings DESCRIPTION, INTEREST TO BE CONVEYED TO PURCHASERS, PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE, ENCUMBRANCES AGAINST TITLE, PURCHASE MONEY HANDLING, MANAGEMENT OF THE PROJECT and STATUS OF PROJECT has been altered as follows. All other topical headings have not been disturbed.

DESCRIPTION: The Developer advises that due to changes in the rooms constituting Apartment H that commercial apartments designated as the Shop Apartment and the Barber Shop Apartment have been added to the project and that the project now consists of three hundred seventy-four (374) apartments. There are three classifications of apartments in the project consisting of: 360 non-commercial apartments, 13 commercial apartments and Apartment H (consisting of 8 rooms).

Developer further advises that the location and description of the various apartments in the project as set forth in the Exhibit attached to said Preliminary Public Report have been revised to reflect the addition of said Shop Apartment and Barber Shop Apartment as well as the changes to Apartment H and that reference should now be made to the Exhibit attached to this Final Public Report.

INTEREST TO BE CONVEYED TO PURCHASERS: The Developer advises that because of the addition of the Shop Apartment and Barber Shop Apartment as commercial apartments in the project and the changes in Apartment H, the individual percentage interest in the common elements appurtenant to Apartment H has been reduced and that the Shop Apartment and Barber Shop Apartment have been assigned common interests as follows:

<u>Apartment</u>	<u>Undivided Percentage Interest</u>
Apartment H	1.0903%
Shop Apartment	.0661%
Barber Shop Apartment	.0661%

In addition, the Declaration submitted by the Developer indicates that the Note in this topical heading should be revised as follows:

NOTE: The Declaration provides that the expenses for maintenance, repair, replacement, additions and improvements to limited common elements shall be charged to the apartment owner to which the limited common element is appurtenant; and that the common expenses of the central airconditioning equipment of the project, and all charges for utilities which are not separately metered (including electricity, water, gas, fuel, oil, sewerage, drainage, or any other facility or service) which supply or serve both residential and commercial apartments, shall be apportioned between (1) the apartments designated as "Commercial" in said Exhibit "B" and said Apartment H, and (2) the other apartments of the project by the Board of Directors of the Association (herein called the "Board") in a fair and equitable manner, with the assistance of a mechanical or electrical engineer.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The Declaration submitted by the Developer indicates that the following Note should be added. The other information in the topical heading has not been disturbed.

NOTE: The Declaration provides that the Association shall have the right, to be exercised by its Board of Directors, to charge reasonable rentals for the use of the parking stalls of the project, except, however, any parking stalls that are limited common elements appurtenant to any apartment.

ENCUMBRANCES AGAINST TITLE: A preliminary title report dated August 12, 1977, issued by Title Guaranty of Hawaii Incorporated, and other documents submitted to the Commission, provide that the following are encumbrances against title to the property:

1. For any taxes that may be due and owing and a lien on the land, reference is hereby made to the Office of the Tax Assessor of the First Division, City and County of Honolulu, Hawaii.

2. The lien of and unpaid balance of assessment under Improvement District No. 153 (Pawaa-Kai), Assessment Lot No. 18-01.

3. That certain mortgage dated February 4, 1972, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 569852.

4. Declaration of Horizontal Property Regime dated July 26, 1977, with By-Laws attached, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 830288. Project covered by Condominium Map No. 311.

5. Various unrecorded commercial space leases and agreements covering certain of the Commercial apartments of the project, copies of which have been supplied to the Commission.

6. That certain unrecorded joint venture agreement dated April 22, 1977, by and between Marshall F. Goldman and the Developer, a copy of which agreement has been supplied to the Commission.

7. That certain unrecorded option agreement dated April 28, 1977, in favor of Capital Investment of Hawaii, Inc., a copy of which has been supplied to the Commission.

PURCHASE MONEY HANDLING: An executed copy of the first amendment of Escrow Agreement dated June 16, 1977, between Title Guaranty Escrow Services, Inc., as Escrow, and Developer has been filed with the Commission.

The amendment adds the following paragraph to the Escrow Agreement:

"17. In the event Seller shall draw upon any funds made available by Bank of Hawaii pursuant to that certain commitment letter dated April 28, 1977 to Amana Towers Joint Venture, of which Seller is the managing partner, all funds received by Escrow hereunder shall, notwithstanding any provision set forth in paragraphs 4 and 5 hereof to the contrary, be applied only as permitted under the terms of said commitment letter."

An executed copy of said commitment letter of April 28, 1977 has been provided to the Commission.

MANAGEMENT OF THE PROJECT: The Developer advises that contrary to the information contained in the Preliminary Public Report it has not appointed Menefee Management Corporation as the initial managing agent for the project. The Developer further advises that it has reserved the right to appoint the initial managing agent for the project.

STATUS OF PROJECT: The Developer advises the project was completed by the current Fee Owner in 1968. The building has heretofore been operating as a hotel with commercial units and parking spaces in the basement and on the first three floors.

NOTE: The existing building is a nonconforming structure, meaning a structure which does not now comply with the present bulk, yard, setback or height regulations established by the Comprehensive Zoning Code (CZC) and applicable to the district in which it is located. Section 21-107(d) of the CZC provides in part:

"Nonconforming structure. A nonconforming structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) Enlargement or alteration. No nonconforming structure may be enlarged or altered in any way which increases its nonconformity.
- (2) Damage or destruction. If a nonconforming structure is destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Chapter."

NOTE: The property is currently zoned B-2 (Community Business District), and therefore certain current uses of the building are nonconforming uses under new CZC regulations. Section 21-107 (c)(4) of the CZC provides:

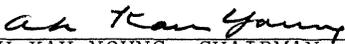
"Repairs and maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 10% of the current replacement value of the building, provided that the cubic content of the building as it existed at the time of the effective date of the provisions of this Chapter shall not be increased.

"Nothing contained in this Chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official."

NOTE: The Developer advises that the architect for the project is only involved in the remodeling work of the lobby area of the building and is not in charge of any other remodeling work in the building of the project.

The purchaser or prospective purchaser should be cognizant of the fact that this Report represents information disclosed by the Seller in the required Notice of Intention submitted May 18, 1977 and information subsequently filed as of August 24, 1977.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 913 filed with the Commission on May 18, 1977. 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.



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. 913

August 29, 1977

EXHIBIT

The project consists of one building, with a basement, three hundred seventy-four (374) apartments and two hundred twenty-five (225) parking stalls.

A.

1. One (1) room of Apartment No. H and sixty-one (61) parking stalls are located in the basement.

2. Three (3) rooms of Apartment No. H (being an office, a storage room and Reception/ Registration area), the Restaurant Apartment (Room 111), the Shop Apartment, Barber Shop Apartment, Florist Apartment, Gourmet Shop Apartment, and thirty-eight (38) parking stalls are located on the first floor.

3. One (1) room of Apartment No. H (being Room 201), the upper portions of various apartments, as shown on the Condominium Map, and forty-three (43) parking stalls are located on the mezzanine floor.

4. Two (2) rooms of Apartment No. H (being the Men's Locker and Women's Locker), Apartment Nos. C-201, C-202, C-203, C-204, C-205, C-206, and C-207 and forty-one (41) parking stalls are located on the second floor.

5. Apartment No. C-301 and forty-two (42) parking stalls are located on the third floor.

6. Apartment Nos. 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, and 420 are located on the fourth floor.

7. Apartment Nos. 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, and 520 are located on the fifth floor.

8. Apartment Nos. 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, and 620 are located on the sixth floor.

9. Apartment Nos. 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, and 720 are located on the seventh floor.

10. Apartment Nos. 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, and 820 are located on the eighth floor.

11. Apartment Nos. 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, and 920 are located on the ninth floor.

12. Apartment Nos. 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, and 1020 are located on the tenth floor.

13. Apartment Nos. 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, and 1120 are located on the eleventh floor.

14. Apartment Nos. 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, and 1220 are located on the twelfth floor.

15. There is no floor numbered "13".

16. Apartment Nos. 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, and 1420 are located on the fourteenth floor.

17. Apartment Nos. 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, and 1520 are located on the fifteenth floor.

18. Apartment Nos. 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, and 1620 are located on the sixteenth floor.

19. Apartment Nos. 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, and 1720 are located on the seventeenth floor.

20. Apartment Nos. 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, and 1820 are located on the eighteenth floor.

21. Apartment Nos. 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, and 1920 are located on the nineteenth floor.

22. Apartment Nos. 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, and 2020 are located on the twentieth floor.

23. Apartment Nos. 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, and 2120 are located on the twenty-first floor.

24. Apartment Nos. 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, and 2220 are located on the twenty-second floor.

B. The noncommercial apartments are built according to four (4) different floor plans, as follows:

UNIT "A": Ninety (90) apartments, being Nos. 405, 407, 409, 416, 418, 505, 507, 509, 516, 518, 605, 607, 609, 616, 618, 705, 707, 709, 716, 718, 805, 807, 809, 816, 818, 905, 907, 909, 916, 918, 1005, 1007, 1009, 1016, 1018, 1105, 1107, 1109, 1116, 1118, 1205, 1207, 1209, 1216, 1218, 1405, 1407, 1409, 1416, 1418, 1505, 1507, 1509, 1516, 1518, 1605, 1607, 1609, 1616, 1618, 1705, 1707, 1709, 1716, 1718, 1805, 1807, 1809, 1816, 1818, 1905, 1907, 1909, 1916, 1918, 2005, 2007, 2009, 2016, 2018, 2105, 2107, 2109, 2116, 2118, 2205, 2207, 2209, 2216, and 2218, are built according to this floor plan, each consisting of two (2) rooms and a lanai; each of these apartments contains a floor area of approximately 448 square feet, including the lanai of approximately 47 square feet.

UNIT "A Rev.": One hundred-eight (108) apartments being Nos. 402, 404, 411, 413, 415, 420, 502, 504, 511, 513, 515, 520, 602, 604, 611, 613, 615, 620, 702, 704, 711, 713, 715, 720, 802, 804, 811, 813, 815, 820, 902, 904, 911, 913, 915, 920, 1002, 1004, 1011, 1013, 1015, 1020, 1102, 1104, 1111, 1113, 1115, 1120, 1202, 1204, 1211, 1213, 1215, 1220, 1402, 1404, 1411, 1413, 1415, 1420, 1502, 1504, 1511, 1513, 1515, 1520, 1602, 1604, 1611, 1613, 1615, 1620, 1702, 1704, 1711, 1713, 1715, 1720, 1802, 1804, 1811, 1813, 1815, 1820, 1902, 1904, 1911, 1913, 1915, 1920, 2002, 2004, 2011, 2013, 2015, 2020, 2102, 2104, 2111, 2113, 2115, 2120, 2202, 2204, 2211, 2213, 2215, and 2220, are built according to this floor plan, which is the mirror image of the Unit "A" floor plan.

UNIT "B": Seventy-two (72) apartments, being Nos. 406, 408, 417, 419, 506, 508, 517, 519, 606, 608, 617, 619, 706, 708, 717, 719, 806, 808, 817, 819, 906, 908, 917, 919, 1006, 1008, 1017, 1019, 1106, 1108, 1117, 1119, 1206, 1208, 1217, 1219, 1406, 1408, 1417, 1419, 1506, 1508, 1517, 1519, 1606, 1608, 1617, 1619, 1706, 1708, 1717, 1719, 1806, 1808, 1817, 1819, 1906, 1908, 1917, 1919, 2006, 2008, 2017, 2019, 2106, 2108, 2117, 2119, 2206, 2208, 2217, and 2219, are built according to floor plan, each consisting of two (2) rooms; each of these contains a floor area of approximately 448 square feet.

UNIT "B Rev.": Ninety (90) apartments, being Nos. 401, 403, 410, 412, 414, 501, 503, 510, 512, 514, 601, 603, 610, 612, 614, 701, 703, 710, 712, 714, 801, 803, 810, 812, 814, 901, 903, 910, 912, 914, 1001, 1003, 1010, 1012, 1014, 1101, 1103, 1110, 1112, 1114, 1201, 1203, 1210, 1212, 1214, 1401, 1403, 1410, 1412, 1414, 1501, 1503, 1510, 1512, 1514, 1601, 1603, 1610, 1612, 1614, 1701, 1703, 1710, 1712, 1714, 1801, 1803, 1810, 1812, 1814, 1901, 1903, 1910, 1912, 1914, 2001, 2003, 2010, 2012, 2014, 2101, 2103, 2110, 2112, 2114, 2201, 2203, 2210, 2212, and 2214, are built according to floor plan, which is the mirror image of the Unit "B" floor plan.

All three hundred sixty (360) of the noncommercial apartments shall each have an appurtenant common interest of 0.2530%.

NOTE: IN ACCORDANCE WITH LOCAL PRACTICE, THE APPROXIMATE GROSS FLOOR AREA OF EACH APARTMENT AS SET FORTH ABOVE INCLUDES ALL OF THE WALLS AND PARTITIONS WITHIN ITS PERIMETER WALLS, THE ENTIRETY OF ITS PERIMETER NON-PARTY WALLS AND THE INTERIOR HALF OF ITS PERIMETER PARTY WALLS, WHETHER LOAD BEARING OR NON-LOAD BEARING.

C. Apartment No. H consists of eight (8) rooms, including one room in the basement, an office, a storage room and the Reception/Registration area on the first floor, Room 201 on the mezzanine floor, and the Men's Locker and Women's Locker on the second floor; this apartment contains a floor area of approximately 1972 square feet. This apartment shall have an appurtenant common interest of 1.0903%.

D. Commercial Apartments

1. Restaurant Apartment: This apartment consists of three (3) rooms, including a dining room, a kitchen and a cocktail lounge; this apartment contains a floor area of approximately 4,414 square feet. This apartment shall have an appurtenant common interest of 2.4931%.

2. Florist Apartment: This apartment consists of one (1) room and contains a floor area of approximately 234 square feet. This apartment shall have an appurtenant common interest of 0.1322%.

3. Gourmet Shop Apartment: This apartment consists of one (1) room and contains a floor area of approximately 1,388 square feet. This apartment shall have an appurtenant common interest of 0.7841%.

4. The Shop Apartment: This apartment consists of one (1) room and contains a floor area of approximately 92 square feet. This apartment shall have an appurtenant common interest of .0661%.

5. Barber Shop Apartment: This apartment consists of one (1) room and contains a floor area of approximately 100 square feet. This apartment shall have an appurtenant common interest of .0661%.

6. Apartment No. C-201 consists of one (1) room and contains a floor area of approximately 420 square feet. This apartment shall have an appurtenant common interest of 0.2372%.

7. Apartment No. C-202 consists of one (1) room and contains a floor area of approximately 651 square feet. This apartment shall have an appurtenant common interest of 0.3679%.

8. Apartment No. C-203 consists of ten (10) rooms and contains a floor area of approximately 2,523 square feet. This apartment shall have an appurtenant common interest of 1.4249%.

9. Apartment No. C-204 consists of four (4) rooms and contains a floor area of approximately 652 square feet. This apartment shall have an appurtenant common interest of 0.3685%.

10. Apartment No. C-205 consists of seven (7) rooms and contains a floor area of approximately 882 square feet. This apartment shall have an appurtenant common interest of 0.4981%.

11. Apartment No. C-206 consists of four (4) rooms and contains a floor area of approximately 621 square feet. This apartment shall have an appurtenant common interest of 0.3510%.

12. Apartment No. C-207 consists of one (1) room and contains a floor area of approximately 342 square feet. This apartment shall have an appurtenant common interest of 0.1931%.

13. Apartment No. C-301 consists of one (1) room and contains a floor area of approximately 1,500 square feet. This apartment shall have an appurtenant common interest of 0.8474%.