

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
1634 NUUANU
1634 Nuuanu Avenue
Honolulu, Hawaii

REGISTRATION NO. 930

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 : September 14, 1977

Expires: October 14, 1978

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:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED AUGUST 10, 1977 AND INFORMATION SUBSEQUENTLY FILED AS OF SEPTEMBER 8, 1977. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514, HAWAII REVISED STATUTES.

1. 1634 NUUANU is a proposed leasehold condominium project consisting of seventy-eight (78) residential condominium apartments contained in a four (4) story building. There shall be a total of 98 parking stalls, 73 of which are regular stalls and 25 compact stalls.

2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of a condominium and issuance of this Preliminary Public Report.
3. The basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owners and a copy of the approved floor plans) have not been filed in the office of the recording officer.
4. No advertising or promotional matter has 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, and the condominium Rules and Regulations which relate to Horizontal Property Regimes.
6. This Preliminary Public Report automatically expires thirteen months after date of issuance, September 14, 1977, unless a Final or Supplementary Public Report is issued 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 1634 NUUANU 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: 1634 NUUANU

LOCATION: The 51,421 square feet of leasehold land (four lots) and improvements thereon to be submitted to the Horizontal Property Regime is located at 1634 Nuuanu Avenue, Honolulu, City and County of Honolulu, State of Hawaii.

TAX KEY: FIRST DIVISION: 1-7-09-13 and 14

ZONING: A-2, Apartment District

DEVELOPER: The Developer is Budget Realty, Ltd., a Hawaii corporation. The principal place of business and post office address of the Developer is 1405 North King Street, Honolulu, Hawaii, Telephone: 847-6531.

The officers of Budget Realty, Ltd. are as follows:

RICHARD Y. H. MEW	1405 N. King St. Honolulu, HI 96817	President/ Treasurer and Director
STELLA NG MEW	1405 N. King St. Honolulu, HI 96817	Secretary and Director

ATTORNEY REPRESENTING DEVELOPER: Kaito & Ishida (Attention: Lincoln J. Ishida) PH, 888 Mililani Street, Honolulu, Hawaii Telephone 521-4576.

DESCRIPTION: The proposed Declaration of Horizontal Property Regime reflects that seventy-eight (78) apartments are contained in a four (4) story building, consisting of four (4) apartment floors and one (1) basement parking level, constructed principally of reinforced concrete, hollow tile blocks, glass, structural steel, aluminum and allied building materials which spaces together with appurtenant lanai air spaces referred to as "apartments" and are described as follows:

- (a) There are eighteen (18) apartment units on the first floor and the apartment numbers are 101 through 105; and 107 through 119. There are twenty (20) apartment units on each floor, from the second through the fourth floors, and the apartment numbers for each floor are as follows: Apartments 200 through 219, second floor; apartments 300 through 319, third floor, and apartments 400 through 419, fourth floor.
- (b) The apartments are constructed according to different floor plans.
 - (1) Plans A, AR, AR1, A1, A2, A2R, A3, A3R, B, C and C1 - Each apartment has six (6) rooms and a lanai, including two (2) bedrooms, two (2) bathrooms, kitchen and living/dining room.

Plans A and AR - The floor area for each apartment is approximately 1083 square feet, including a lanai area of approximately 246 square feet.

Plan AR1 - The floor area for each apartment is approximately 996 square feet, including a lanai area of approximately 159 square feet.

Plan A1 - The floor area for each apartment is approximately 940 square feet, including a lanai area of approximately 103 square feet.

Plan A2 and A2R - The floor area for each apartment is approximately 912 square feet, including a lanai area of approximately 75 square feet.

Plan A3 and A3R - The floor area for each apartment is approximately 924 square feet, including a lanai area of approximately 87 square feet.

Plan B - The floor area for each apartment is approximately 812 square feet, including a lanai area of approximately 70 square feet.

- Plan C - The floor area of each apartment is approximately 1041 square feet, including a lanai area of approximately 179 square feet.
- Plan C1 - The floor area of each apartment is approximately 1087 square feet, including a lanai area of 225 square feet.

- (c) Each apartment has immediate access to a common area which leads to four (4) stairways and two (2) elevators, both stairways and elevators leading to the grounds of the project.
- (d) The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter or party walls or interior loadbearing walls, the floor and ceilings surrounding each apartment, or any pipes, wires, conduits, or other utilities or service lines running through such apartments which are utilized for or serve more than one apartment, the same being deemed common elements are hereinafter provided. Each apartment shall be deemed to include all the walls and partitions which are not loadbearing 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 adjacent lanai shown on said condominium map and all fixtures originally installed therein.

COMMON ELEMENTS. The proposed Declaration reflects that one freehold estate is hereby designated in all of the remaining portions of the project herein 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 loadbearing walls, roofs, entries, stairways, walkways, entrances and exits of said building;
- (c) All yards, swimming pool, elevators, balconies, lobbies, interior court, trashroom, trash chutes, grounds and landscaping;
- (d) All roads, driveways, loading zones, refuse collection area and parking areas, as designated on said condominium map;
- (e) All pipes, cables, conduits, ducts, electrical meter room, 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.

LIMITED COMMON ELEMENTS. The proposed Declaration reflects that certain parts of the common elements, herein called the "limited common elements", are hereby 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:

(a) One (1) parking space, as designated on said condominium map by number, which number is also set forth opposite to the number of each respective apartment in Exhibit "B" of the Declaration shall be appurtenant to and for the exclusive use of such apartment.

(b) Five (5) additional parking spaces designated as Parking Space Nos. 45, 46, 48, 49 and 50 (compact stalls) shall be and are hereby declared to be used for guest parking. Fifteen (15) additional parking spaces designated as Parking Space Nos. 42, 43, 44, 47, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73 and 74 (compact stalls) are reserved in favor of the purchaser of exclusive easements therein for parking purposes, together with the right, power and authority to sell, lease, assign or otherwise transfer easements for exclusive use of such parking spaces.

(c) The mailboxes belonging to each apartment shall be for the exclusive use of the apartment to which they belong.

(d) Storage lockers located in the basement and the first floor as designated on said condominium map as "Storage", shall be appurtenant to and for the exclusive use of all apartment owners and shall be managed by the Managing Agent.

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, 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 apartments are as follows:

<u>Type</u>	<u>Percentage Interest</u>
A	1.4507%
AR	1.4507%
AR1	1.3342%
A1	1.2592%
A2	1.2216%
A2R	1.2216%
A3	1.2378%
A3R	1.2378%
B	1.0876%
C	1.3944%
C1	1.4561%

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The apartments shall be occupied and used as lodging by the respective owners thereof, their tenants, families, domestic servants and guests.

Except for the above expressed restrictions, the owners of the respective apartments shall have the absolute right to lease such apartments subject to all provisions of the proposed Declaration.

OWNERSHIP TO TITLE: A Preliminary Report dated July 6, 1977 issued by First Land Title Corporation, certifies that the leasehold title to the land to be submitted to the horizontal property regime is vested in Robert Tamio Goto and Miyoko Goto. Said land is subject to a Lease Agreement dated August 9, 1977, effective December 31, 1977, to Developer, as Lessee, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 12368 at Page 21.

ENCUMBRANCES AGAINST TITLE: The Preliminary Report dated July 6, 1977 reflects the following:

1. Title to all minerals and metallic mines reserved to the State of Hawaii.
2. A Master Lease affecting the premises therein stated, upon the terms, covenants and conditions therein provided, dated January 1, 1974, recorded January 8, 1974 in the Bureau of Conveyances of the State of Hawaii in Liber 9682 at Page 379, with Robert Tamio Goto and Miyoko Goto, husband and wife, as Lessor, and Richard Mew and Stella N. Mew, husband and wife, Budget Realty, Ltd., a Hawaii corporation, and R. Y. M. Inc., a Hawaii corporation, as Lessee, for a term of 65 years commencing on January 1, 1974.

NOTE: The Developer has advised the Real Estate Commission that this lease will be cancelled when the lease under the section OWNERSHIP TO TITLE, above, becomes effective.

3. That certain Mortgage dated January 1, 1974, recorded January 8, 1974 in said Bureau of Conveyances in Liber 9682 at Page 402 executed by Richard Mew and Stella N. Mew, husband and wife, Budget Realty, Ltd., a Hawaii corporation, and R. Y. M. Inc., a Hawaii corporation, as Mortgagor, in favor of Robert Tamio Goto and Miyoko Goto, husband and wife, as Mortgagee.
4. Taxes which may become due and owing, reference is hereby made to the County Tax Assessor of the First Division.

PURCHASE MONEY HANDLING: A copy of the Escrow Agreement dated August 5, 1977, by and between First Escrow Corporation, a Hawaii corporation, as Depositary, and Budget Realty, Ltd., as Seller, has been submitted to the Commission as part of this registration. On examination the Escrow Agreement and specimen Sales Contract are found to be in compliance with Chapter 514, Hawaii Revised Statutes, specifically Sections 514-35 thru 514-40, Hawaii Revised Statutes.

Among other provisions the executed Escrow Agreement provides that a purchaser shall be entitled to a refund of his funds, and Depositary shall pay said funds to said purchaser, with interest and less Depositary's cancellation fee, in the following instances:

1. Seller has requested Depositary in writing to return to purchaser the funds of such purchaser then held by Depositary; or
2. Prior to the time the Final Report is issued, the purchaser shall request in writing the return of his funds so deposited; or
3. If a purchaser's funds were obtained prior to the issuance of a final public report and if there is any change in the condominium building plans, subsequent to the execution of purchaser's sales contract, requiring the approval of a county officer having jurisdiction over the issuance of permits for construction of buildings, unless the purchaser has given written approval.

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 Purchaser. 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.

Among other provisions the specimen Sales Contract provides: (1) that in the event that less than 39 of the 78 residential apartments are sold by December 31, 1977, Seller, at its option, may cancel the contract upon written notice to purchaser, in which event all sums paid by purchaser thereunder shall be refunded to purchaser, with interest, and the contract shall be deemed to have been cancelled and both parties shall be released from all obligations and liability thereunder; and (2) the construction mortgage 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 and prospective purchaser that he read with care the specimen Sales Contract and executed Escrow Agreement. The Escrow Agreement establishes how the proceeds and the sale of the apartments and all sums of any source are placed in trust as well as the retention, disbursement and refund of said funds.

MANAGEMENT AND OPERATION: The proposed Declaration of Horizontal Property Regime provides that the operation of the project shall be conducted for the Association of Apartment Owners by a responsible corporate Managing Agent. The initial Managing Agent shall be Urban Management Corp.

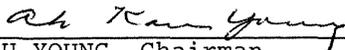
STATUS OF THE PROJECT: The Developer reports that the construction of the building shall commence on or about December 31, 1977, or sooner if 39 of the 78 apartments are sold prior to said date.

The purchaser or prospective purchaser shall be cognizant of the fact that this published report represents information disclosed

by the Developer in the required Notice of Intention submitted August 10, 1977 and information subsequently filed as of September 8, 1977.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 930 filed with the Commission on August 10, 1977.

The report, when reproduced, shall be a true copy of the Commission's public report. The paper stock must be yellow 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 ADMINISTRATION
ESCROW AGENT

Registration No. 930

September 14, 1977
(Date)