

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
THE ADMIRAL THOMAS APARTMENTS
1221 Victoria Street
Honolulu, Oahu, Hawaii

REGISTRATION NO. 996

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: December 28, 1978

Expires: January 28, 1980

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 SUBMITTED APRIL 18, 1978, AND INFORMATION DISCLOSED SUBSEQUENTLY AS OF DECEMBER 26, 1978. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514A, HAWAII REVISED STATUTES.

1. Since the issuance of the Commission's Preliminary Public Report dated June 5, 1978, on THE ADMIRAL THOMAS APARTMENTS, Registration No. 996, the Developer

has prepared and forwarded additional information to that filed in its April 18, 1978 submittal.

2. The Developer has submitted to the Commission for examination all documents necessary for the issuance of this Final Public Report.
3. No advertising or promotional matter has been submitted pursuant to Chapter 514A of the Hawaii Revised Statutes and the rules and regulations promulgated by the Commission.
4. The basic documents and a copy of the approved Floor Plans have been recorded in the office of the recording officer. The Declaration of Horizontal Property Regime, together with the By-Laws of Association of Apartment Owners attached thereto was recorded in the Bureau of Conveyances of the State of Hawaii in Liber 13324, Page 399, and filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 911910 and noted on Transfer Certificate of Title No. 11,161, and the approved Floor Plans have been recorded in said Bureau as Condominium Map No. 582 and filed in said Office as Condominium Map No. 349.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A of the Hawaii Revised Statutes, the Horizontal Property Act 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, December 28, 1978, 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 Final Public Report is made a part of the registration on "THE ADMIRAL THOMAS APARTMENTS" condominium project. The Developer is responsible for placing a true copy of this Final Public Report (white paper stock) and the Preliminary Public Report (yellow paper stock) in the hands of all purchasers and prospective purchasers and for securing a signed copy of the Receipt for each of such Horizontal Property Regime Public Reports from such persons.

The information in the following topical headings of the Preliminary Public Report has changed to the extent noted in this Final Public Report: DESCRIPTION, COMMON ELEMENTS, LIMITED COMMON ELEMENTS, USE, OWNERSHIP TO TITLE, ENCUMBRANCES AGAINST TITLE, PURCHASE MONEY HANDLING, MANAGEMENT OF THE PROJECT, DECLARATION OF PRIVATE PARK and STATUS OF PROJECT.

Also a new topical heading entitled PROGRAM OF FINANCING has been added. Finally, the information in the Exhibit attached to the Preliminary Public Report showing parking stall assignments has changed as reflected in Exhibit "A" attached hereto. Except as noted, the information in the Preliminary Public Report has not changed.

ATTORNEY FOR DEVELOPER: Carlsmith, Carlsmith, Wichman and Case, 190 South King Street, Honolulu, Hawaii 96813 (Attention: David L. Irons, J. Michael Hiatt or Raymond S. Iwamoto), telephone 523-2500.

DESCRIPTION:

1. Subparagraphs 1(b) and 1(d) (entitled "Access" and "Construction Materials") in the Preliminary Public Report are deleted and the following substituted therefor:

(b) Access. Each condominium unit has immediate access to stairways, elevators and/or walkways and other common elements including the common land area. The stairways, elevators and/or walkways provide immediate access to the parking areas and public streets.

(d) Construction Materials. The Residential Tower will be constructed principally of concrete floor slabs, reinforced concrete bearing walls, concrete roof slabs, concrete masonry, lumber, steel, aluminum and allied building materials. The New Church Facilities will be constructed principally of concrete floor slabs, concrete, wood and plaster bearing walls, wood, pitch and gravel roof materials, concrete masonry, lumber, steel, aluminum and allied building materials. The Existing Sanctuary was constructed primarily of concrete and lava rock with a concrete floor slab, paneled steel roof supports and a wood and asphalt shingle roof.

2. In Subparagraph 3(a) (entitled "The Residential Tower") the references to Apartment types D-1, C, D, F, G, L and P are deleted and the following substituted therefor:

(c) Unit type D-1 has two entrances and contains 6 rooms consisting of two bedrooms, two full bathrooms (one of which contains an additional area with a lavatory and toilet), kitchen/dining area and a sunken living room, in addition to a lanai. The apartment floor area excluding the lanai is approximately 1,586 square feet. There is one type D-1 unit in the project.

(g) Apartment type C contains 4 rooms, consisting of one bedroom, one full bathroom, kitchen/dining area and a sunken living room, in addition to two lanais. The apartment floor area excluding the lanais is approximately 850 square feet. There are 26 type C units in the project.

(h) Apartment type D contains 6 rooms consisting of two bedrooms, two full bathrooms (one of which contains an additional area with a lavatory and toilet), kitchen/dining area and a sunken living room, in addition to two lanais. The apartment floor area excluding the lanais is approximately 1,586 square feet. There are 24 type D units in the project.

(j) Apartment type F contains 8 rooms consisting of three bedrooms, three full bathrooms, kitchen/sunken dining area and a sunken living room, in addition to a bar area and two lanais. The apartment floor area excluding the lanais is approximately 2,472 square feet. There are 2 type F units in the project.

(k) Apartment type G has two entrances and contains 4 rooms, consisting of one bedroom, one full bathroom (which contains an additional area with a lavatory and toilet), kitchen/dining area and a sunken living room, in addition to two lanais. The apartment floor area excluding the lanais is approximately 1,243 square feet. There are 3 type G units in the project.

(o) Apartment type L contains four rooms, consisting of one bedroom, one full bathroom (which contains an additional area with a lavatory and toilet), kitchen/dining area and a sunken living room, in addition to a lanai. The apartment floor area excluding the lanai is approximately 1,638 square feet. There are 3 type L units in the project.

(p) Apartment type P is an unfurnished penthouse area with three lanais on the 35th floor and will be sold as unfinished loft space. The apartment floor area excluding the lanai is 4,366 square feet. There will be one type P unit in the project.

3. Subparagraph 3(b) (entitled "The Church Facilities") is deleted and the following is substituted therefor:

(b) The Church Facilities. The church apartment, Apartment Q, shall be deemed to include the entirety of the structures of both The New Church Facility and the Existing Sanctuary so long as no part of such structure is a part of the Residential Tower including to the extent not inconsistent with the foregoing: (a) the entirety of all foundations, floor slabs, beams, columns, support girders, perimeter and load-bearing walls, walkways, ramps, fences, railings and roofs, the interior load-bearing walls and the interior party walls, the floors and ceilings and (b) any pipes, shafts, wires, conduits, ducts or other utility or service lines or appurtenant transmission facilities on the premises of Apartment Q which are utilized for or serve only the structures or facilities in said apartment, for services such as power, light, water, sewer,

telephone, radio and television signal distribution, (c) all driveways, roadways, pavements, refuse facilities and mail boxes within, appurtenant to, and along Apartment Q, (d) all parking areas, ramps and parking stalls within, appurtenant to, under and along said Apartment Q, (e) all laundry facilities and storage facilities within, appurtenant to and along said Apartment Q. Apartment Q shall also be deemed to include: (i) any adjacent lanais to which such apartment has direct, exclusive access, (ii) any doors, windows or panels along the perimeters, and (iii) all fixtures originally installed therein.

The church apartment is further described as follows:

Apartment type Q, the Church Facilities, consists of the Existing Sanctuary and the New Church Facilities. The Existing Sanctuary has four entrances. In addition, the sides of the sanctuary are lined with sliding glass doors which can be opened to the outside. The Existing Sanctuary contains 9 rooms consisting of one large worship area with a chancel and a balcony, a pastor's office, a second office, one storage room, one bride's room, a sexton room, one choir practice room, one and one-half bathrooms and, in addition, a patio area. The floor area of the sanctuary excluding the patio is 9,953 square feet.

The New Church Facilities have two floors in addition to a basement for parking purposes. A portion of the parking area extends under the Residential Tower. The New Church Facilities have seven hinged door and six sliding door entrances, each on the ground floor. The first floor of the New Church Facilities contains 24 rooms consisting of one lobby, one multi-purpose dining room, one kitchen, one dishwashing room, three storage rooms located as follows: one kitchen storage room in 3 sections adjacent to the kitchen, one storage room adjacent to the secretary's office and one storage room between classrooms 3 and 4, one secretary's office, one chapel, one bride's room, five classrooms, two custodian's rooms and seven restrooms (two men's rooms and two women's rooms with lavatories and toilets (one set designed to service the handicapped), one bride's bath containing a lavatory and toilet and one boys' room and one girls' room designed for children containing lavatories, toilets and locker areas and shower facilities).

The second floor contains 30 rooms. These consist of one electrical room, four storage rooms (two adjacent to the electrical room and designated Nos. 1 and 2, one opposite the secretary's office and the last opposite the elevator), one secretary's office, one assistant pastor's office, one pastor's office, one file and equipment room, one work area and secretary's office, one superintendent's office, one regional office, one assistant superintendent's office, one conference room, four restrooms (two for each sex containing

lavatory and toilet facilities but not bathing facilities), one custodian's room (opposite the pastor's office), one snack bar, four multi-purpose rooms designated by the numbers 2, 3, 5 and 6, two wardrobe closet rooms and a residential area for Church use of 4 rooms containing one bedroom, one kitchen, one living room/dining area and one full bathroom.

The floor areas were arrived at by taking the measurements from the center line of common walls to the exterior surface of exterior walls and to the exterior surface of the lanai railings, without exclusions for ducts, columns, stairs, elevators, walls, or other interior construction or equipment within such areas. The floor area for Apartment Q is the sum of the floor areas for the first and second floor of the New Church Facility and the parking areas within Apartment Q added to the floor area of the Existing Sanctuary.

COMMON ELEMENTS: The information contained under paragraph (d) of this topical heading in the Preliminary Public Report has been deleted and the following is substituted therefor:

(d) All parking areas, ramps and parking stalls, except any such areas, ramps or stalls which are a part of Apartment Q as noted in Paragraph 4B of the Declaration;

LIMITED COMMON ELEMENTS: The information contained under this topical heading in the Preliminary Public Report has been deleted and the following is substituted therefor:

Certain parts of the common elements (the "limited common elements") are designated and set aside for the exclusive use of certain classes of apartments, and of certain apartments individually. The costs and expenses of every description pertaining to the limited common elements, including but not limited to the costs of maintenance, repair, replacement, improvement or additions to the limited common elements shall be charged to the owner or class of owners of the apartment or apartments to which the limited common element is appurtenant as set forth in the Declaration.

A. The New Church Facilities and Existing Sanctuary ("Apartment Q").

(a) The land appurtenant to, under and along said apartment and between the New Church Facilities and the Existing Sanctuary (excepting any such land as shall be reserved for private park purposes) shown as Lot B on Exhibit "B" attached to the Declaration.

(b) Any and all other apparatus and installations of limited common use only to said Apartment Q.

B. All Owners of Apartments in the Residential Tower as a Class.

(a) The land appurtenant to, under and along the Residential Tower (excepting any such land as shall be reserved for private park purposes) shown as Lot B on Exhibit "B" attached to the Declaration.

(b) All foundations, floor slabs, beams, columns, support girders, unfinished perimeter and load-bearing walls, walkways, ramps, fences, railings, and roofs which are a part of said Residential Tower and which are intended only for the use of its occupants.

(c) All driveways, roadways, pavements and walkways and all planted areas, grounds, landscaping and other recreational areas (excepting any such areas reserved for private park purposes) including the swimming pool, jacuzzi, paddle tennis court and recreational deck, refuse facilities and mail boxes appurtenant to and along the Residential Tower and which are intended only for the use of its occupants.

(d) All parking areas, ramps and parking stalls appurtenant to, under and along said Residential Tower (subject to assignment to individual apartments as limited common elements pursuant to Paragraph 6C of the Declaration).

(e) All common laundry facilities and storage facilities appurtenant to and along said Residential Tower (if any).

(f) Such ducts, electrical equipment, wiring, pipes and other central and appurtenant transmission facilities and installations as are over, under and across the Project which serve only the Residential Tower for services such as power, light, water, sewer, telephone, radio and television signal distribution.

(g) The Resident Manager's apartment on the fourth floor which is in all respects identical to a type B apartment as described in Exhibit "C" to the Declaration and which includes all fixtures, interior finished surfaces, walls and partitions contained therein and the Resident Manager's parking stall designated in Exhibit "E" to the Declaration as set forth in Paragraph 6C thereof.

(h) Any and all other apparatus and installations of limited common use only to occupants of the Residential Tower.

C. Individual Owners of Apartments in the Residential Tower. Each apartment shall have appurtenant to it at least one parking stall located in the parking garages as designated on Exhibit "A" attached hereto. Extra stalls may be sold by the Developer as limited common elements only. The assignment of stalls may be changed from time to time by

the Developer by amendment to the Declaration as provided in paragraph 15 thereof.

USE: In addition to information provided in the Preliminary Public Report, the attention of purchasers is invited to the proposed House Rules, a copy of which has recently been furnished the Commission. Certain provisions, particularly those relating to registration of pets, designation of a local agent by absentee owners, and prohibition of open-flame cooking on lanais, should be noted.

OWNERSHIP TO TITLE: The information contained under this topical heading in the Preliminary Public Report has been deleted and the following is substituted therefor:

The Preliminary Title Report issued December 7, 1978, prepared by Title Guaranty of Hawaii, Inc. of Honolulu, Hawaii, states that title to the land is vested in First United Methodist Church. The Developer is the holder of development rights from the Church pursuant to that certain Development Agreement dated August 22, 1975, as amended. The First United Methodist Church through their Trustees have issued to the Developer a lease covering the land and recorded in the Bureau of Conveyances of the State of Hawaii in Liber No. 13324, Page 326, and filed with the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 911909, and noted on Transfer Certificate of Title No. 11,161. The land demised to the Developer by the lease contains approximately 90,133 sq. ft.

ENCUMBRANCES AGAINST TITLE: The Preliminary Title Report dated December 7, 1978, prepared by Title Guaranty of Hawaii, Inc. describes the following encumbrances:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. Any claims or liens arising from Civil No. 54529 or to any appeal thereof.
3. Said Declaration, Bylaws and Condominium Maps.
4. Declaration of Restrictive Covenants (Park) dated December 6, 1978, filed as Document No. 911911 and also recorded in Liber 13324 at page 502, made by First United Methodist Church; consent thereto given by The Victoria Partnership.
5. Said lease from the fee owner to Developer recorded at the Bureau in Liber No. 13324, Page 326.
6. For any taxes that may be due and owing, reference is made to the Tax Assessor, First Division.

The Developer has also informed the Commission that it will place a construction mortgage on its leasehold

interest. The lien of the construction mortgage will be released and discharged of record as to each condominium apartment prior to its being transferred to a purchaser.

PURCHASE MONEY HANDLING. Except as noted in this paragraph, the information contained in the Section entitled "PURCHASE MONEY HANDLING" of the Preliminary Public Report is accurate. The Developer has filed with the Commission a copy of a form letter by which the Developer notified each original purchaser that the Developer desired to make certain amendments to the sales contracts reflecting changes which had occurred in the Project and that the Developer was offering each of such purchasers the opportunity to execute an Amendment and Addendum to Sales Contract to acknowledge said changes and to proceed with the purchase of the apartment. A copy of the Addendum to Sales Contract has been filed with the Commission. The Addendum deletes Section D-31 (constituting the sales contract as a reservation agreement) from the Sales Contract and amends Sections A, C, D-1 and D-16.

NOTE: Paragraph 9 of the Section entitled "NOTE" is deleted and the following is substituted therefor:

9. PURCHASERS ARE ADVISED THAT LIFE OF THE LAND AND OTHERS HAVE FILED A CIVIL COMPLAINT (NO. 54529) IN THE FIRST CIRCUIT COURT OF THE STATE OF HAWAII IN AN ATTEMPT TO PREVENT THE CONSTRUCTION OF THE PROJECT AS PLANNED. THE COMPLAINT, ON NUMEROUS GROUNDS, ATTACKS THE VALIDITY OF THE APPROVAL GRANTED TO THE DEVELOPER BY THE CITY COUNCIL OF THE CITY AND COUNTY OF HONOLULU TO PROCEED WITH THE PROJECT. ALTHOUGH THE DEVELOPER WAS NOT NAMED AS A DEFENDANT IN THE COMPLAINT, THE DEVELOPER HAS INTERVENED IN THE LITIGATION AND TOGETHER WITH THE OFFICE OF THE CORPORATION COUNSEL OF THE CITY AND COUNTY OF HONOLULU HAS DEFENDED AGAINST THE LAWSUIT. ON SEPTEMBER 2, 1978, AN ORDER WAS ISSUED GRANTING THE DEFENDANTS SUMMARY JUDGMENT ON ALL COUNTS OF THE COMPLAINT. SUBSEQUENTLY AN APPEAL WAS FILED BY THE PLAINTIFFS. PURCHASERS SHOULD BE AWARE THAT THEIR RIGHTS AS PURCHASERS OF UNITS IN THE PROJECT WILL BE AFFECTED BY AND ARE SUBJECT TO THE OUTCOME OF THIS LITIGATION AND THE APPEAL THEREOF. PURCHASERS ARE ADVISED TO SEEK THE OPINION OF THEIR OWN COUNSEL REGARDING THE EFFECT, IF ANY, WHICH THE LITIGATION AND THE APPEAL THEREOF MAY HAVE ON THE PURCHASERS' RIGHTS.

DECLARATION OF PRIVATE PARK: The Section entitled "DECLARATION OF PRIVATE PARK" in the Preliminary Public Report is deleted and the following is substituted therefor: Pursuant to Ordinance 4621 of the City and County of Honolulu the Lessor and the Developer have recorded a Declaration of Restrictive Covenants for a Private Park for a portion of the land in the Project. This Declaration will constitute covenants running with the land and shall be binding on all purchasers of apartments in the Project. In accordance with the provisions thereof, certain open areas of the Project shall be preserved and perpetually maintained by the Association. The expenses of said maintenance shall be common

expenses subject to lien and in the event of the Association's failure to enforce the covenants therein and the City and County of Honolulu is required to perform any of said maintenance, the cost thereof shall also be a common expense payable by the Apartment Owners.

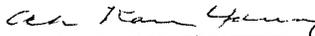
STATUS OF PROJECT: On December 7, 1978, Developer entered into a Construction Contract with Swinerton & Walberg Construction Co. to construct the Project. The Developer advises that construction is planned to commence in late December 1978 or early January 1979, and that it is estimated that construction will be completed within 19 months thereafter or by July or August 1980.

PROGRAM OF FINANCING. The statement of the Program of Financing submitted by the Developer reflects that the Developer intends to pay the cost of the Project from funds available through a Construction Loan, purchasers' funds deposited with Escrow, and Developer's equity funds.

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 April 18, 1978, and information subsequently filed as of December 26, 1978.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 996 filed with the Commission on April 18, 1978.

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 in color.



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. 996

December 28, 1978

EXHIBIT A

Assignment of Individual Parking Stalls

Each of the following assigned numbered parking stalls (except stalls 1-94 assigned to Apartment Q) is a limited common element appurtenant to and for the exclusive use of the apartment number listed below. Stalls 1-94 are contained within and are a part of Apartment Q.

<u>Apartment Number</u>	<u>Parking Stall Number</u>	<u>Apartment Number</u>	<u>Parking Stall Number</u>	<u>Apartment Number</u>	<u>Parking Stall Number</u>
301	143, 344	1103	131	2003	239
303	145	1104	101	2004	238
304	146	1105	102, 135	2005	236
305	149	1201	103, 441	2101	235, 234
401	142, 448	1202	104	2102	233
403	144	1203	106, 136	2103	232
404	148, 412	1204	107, 111	2104	230, 231
405	150	1205	109	2105	201, 202
501	152	1401	110, 411	2201	203, 204
502	154	1402	112, 256	2202	205
503	155	1403	113	2203	206
504	140	1404	115	2204	208, 207
505	137	1405	245, 246	2205	210, 209
601	157, 134	1501	118, 247	2301	211
602	147	1502	253	2302	213
603	156	1503	252	2303	214
604	153	1504	251, 250	2304	216, 215
605	241, 414	1505	249, 248	2305	217
701	114, 237	1601	268, 267	2401	219
702	117	1602	284	2402	220
703	120	1603	283	2403	221
704	138, 151	1604	266	2404	224, 223
705	139	1605	264	2405	225, 226
801	141, 440	1701	282, 265	2501	227, 222
802	121	1702	281	2502	228
803	122	1703	280	2503	229
804	123, 218	1704	278, 279	2504	415
805	126, 254	1705	277	2505	413
901	127	1801	275, 274	2601	403
902	125	1802	273	2602	416
903	119	1803	272	2603	417
904	129, 255	1804	271, 270	2604	420, 421
905	105, 269	1805	263, 261	2605	422
1001	133	1901	262, 276	2701	428, 427
1002	128	1902	260	2702	436
1003	132	1903	259	2703	418
1004	130, 212	1904	257, 258	2704	430, 429
1005	116	1905	244	2705	402, 419
1101	124	2001	242, 243	2801	401
1102	108, 404	2002	240	2802	431

<u>Apartment Number</u>	<u>Parking Stall Number</u>	<u>Apartment Number</u>	<u>Parking Stall Number</u>	<u>Apartment Number</u>	<u>Parking Stall Number</u>
2803	447	3005	405, 406	3303	339, 340
2804	446, 445	3101	337, 338	3304	319, 320
2805	444, 437	3103	341, 347	3305	311, 312
2901	407, 408	3104	345, 346	3401	309, 310
2903	443	3105	425, 426	3403	315, 316
2904	434, 435	3201	334, 335	3404	313, 314
2905	432, 433	3203	342, 343	3405	423, 424
3001	409, 410	3204	321, 322	3504	330, 331
3003	442	3205	317, 318		
3004	438, 439	3301	332, 333		

Q (Church) Stalls: 1 through 94

Guest Stalls: 301 through 308
323 through 329

NOTE:

1. There are fifteen (15) guest parking stalls.
2. There are ninety-four (94) stalls for Church use.
3. Stall No. 336 is for the use of the Manager's Unit and is a common element.