

# 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 HAWAIIAN PRINCESS AT MAKAHA BEACH  
84-1021 Lahilahi Street  
Waianae, Oahu, Hawaii

REGISTRATION NO. 1072

### 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: July 2, 1979

Expires: August 2, 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 DECEMBER 28, 1978 AND INFORMATION SUBSEQUENTLY FILED AS OF JUNE 28, 1979. 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 Report on January 30, 1979 on THE HAWAIIAN PRINCESS AT MAKAHA BEACH, Registration No. 1072, the Developer reports that certain material changes have been made in the project.
2. The Developer has submitted to the Commission for examination all documents deemed necessary for the registration of the condominium project and the issuance of this Final Public Report.

3. The basic documents (Declaration of Horizontal Property Regimes, By-Laws of the Association of Apartment Owners) were executed on March 14, 1979 and filed in the Office of the Assistant Registrar, Land Court, as Document No. 938672. An amendment thereof dated May 24, 1978, a copy of which has been provided the Commission, was filed as Document No. 942737. A copy of the floor plans has been filed as Condominium Map No. 369 in the Office of the Assistant Registrar.
4. Advertising and 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 Chapter 514A, Hawaii Revised Statutes, as amended, and the Condominium Rules and Regulations which relate to the Horizontal Property Regimes.
6. This Final Public Report automatically expires thirteen (13) months after date of issuance, July 2, 1979, 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 (white paper stock) amends the Preliminary Public Report (yellow paper stock), becoming a part of THE HAWAIIAN PRINCESS AT MAKAHA BEACH registration. The Developer is responsible for placing a true copy of this Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers along with a copy of the Preliminary Public Report (yellow paper stock). The Developer is also responsible for securing from each purchaser or prospective purchaser a signed receipt, signifying that he has had an opportunity to read all reports.

The information in the Preliminary Report of January 30, 1979, under the topical headings DESCRIPTION OF THE PROJECT, COMMON ELEMENTS, LIMITED COMMON ELEMENTS, INTEREST TO BE LEASED TO PURCHASER, EASEMENTS, USE, OWNERSHIP OF TITLE, ENCUMBRANCES, PURCHASE MONEY HANDLING, MANAGEMENT AND OPERATION and STATUS OF PROJECT has been changed. The Developer reports that all other information in the Preliminary Report remains the same.

DESCRIPTION OF PROJECT. The description of the project and apartments have been changed as follows:

The Project shall consist of a 16 story, 124 unit building of reinforced concrete construction. The building will have a flat roof and two elevators. There are parking spaces for 122 cars in the parking area. A swimming pool is also provided. A portion of the property will be available for the construction of two tennis courts and additional parking spaces for which approval by the Shoreline Management Agency and other governmental authorities are necessary. Approvals of these improvements

as well as a volleyball court are currently being sought by Developer. If such approvals cannot be obtained on a timely basis after reasonable efforts, then in place of the construction of the additional parking, tennis courts and volleyball court, Developer agrees to pay to the Association the sum of \$250,000.00 in full settlement of any obligation that Developer might otherwise have to provide such improvements. The foregoing sum may be used by the Association for any purpose or purposes that the Association desires.

There shall be 121 residential apartments and 3 commercial apartments making a total of 124 apartments in the Project. The residential apartments shall have no wall coverings except in the bathrooms. The walls will be painted with a prime coat of white by owner. Luminous ceilings will be provided in bathrooms and kitchen. All concrete ceilings will be painted white. Lanai floors will be ceramic tile. Parquet floors will be provided in entry and kitchen areas. Bathrooms will have marble floors, tub surrounds and vanity tops. Carpeting and draperies will also be included.

The ground floor has seven residential apartments and three commercial apartments numbered from left to right 102 through 111. The second through the fourteenth floors each have 8 residential apartments numbered left to right with the first digit denoting the floor and the last two digits, "01" through "08", denoting the units. The numbering of the apartments is as follows:

Ground Floor - 102 through 111 inclusive  
Second Floor - 201 through 208 inclusive  
Third Floor - 301 through 308 inclusive  
Fourth Floor - 401 through 408 inclusive  
Fifth Floor - 501 through 508 inclusive  
Sixth Floor - 601 through 608 inclusive  
Seventh Floor - 701 through 708 inclusive  
Eighth Floor - 801 through 808 inclusive  
Ninth Floor - 901 through 908 inclusive  
Tenth Floor - 1001 through 1008 inclusive  
Eleventh Floor - 1101 through 1108 inclusive  
Twelfth Floor - 1201 through 1208 inclusive  
Thirteenth Floor - 1301 through 1308 inclusive  
Fourteenth Floor - 1401 through 1408 inclusive

The Fifteenth and Sixteenth Floors are numbered as follows:  
Fifteenth Floor - 1501, 1503, 1505, 1507, 1508  
Sixteenth Floor - 1601, 1603, 1605, 1607, 1608

#### Layout and Area of Units.

(i) There are 83 one bedroom apartments numbered 103 to 107 (inclusive of the ground floor) and 202 through 207 (inclusive of the second floor) which repeat themselves on each floor up through the fourteenth floor, each consisting of the following: Living room, one bedroom, bathroom, kitchen and storage of 535 square feet and a lanai of 100 square feet.

(ii) There are 14 one bedroom apartments numbered 301 to 1601 which repeat themselves each floor up through the sixteenth floor, each consisting of the

following: Living room, one bedroom, kitchen, one and one half bathrooms, walk-in closet and storage of 850 square feet and a lanai of 370 square feet.

(iii) There are 14 one bedroom apartments numbered 308 to 1608 and which repeat themselves each floor up through the sixteenth floor, each consisting of the following: Living room, one bedroom, kitchen, one and one-half bathrooms, walk-in closet and storage of 850 square feet and a lanai of 400 square feet.

(iv) There is a one bedroom apartment number 201 on the second floor which has a living room, one bedroom, kitchen, one and one-half bathrooms, walk-in closet and storage of 850 square feet, lanai of 370 square feet and a roof deck lanai of 730 square feet.

(v) There is a one bedroom apartment number 208 on the second floor which has a living room, one bedroom, kitchen, one and one-half bathrooms, walk-in closet and storage of 850 square feet, lanai of 400 square feet and a roof deck lanai of 1000 square feet.

(vi) There is a one bedroom apartment number 108 on the ground floor which has a living room, one bedroom, one bathroom, kitchen, storage and room of 880 square feet and a lanai of 330 square feet.

(vii) There are six two bedroom apartments numbered 1503, 1505, 1507, 1603, 1605 and 1607 on the fifteenth and sixteenth floors which has a living room, two bedrooms, kitchen, two bathrooms and closets of 1,224 square feet and a lanai of 120 square feet.

(viii) There is a three bedroom apartment number 102 on the ground floor which has a living room, three bedrooms, kitchen, two bathrooms, and closets of 1,245 square feet and a lanai of 245 square feet.

(ix) There is a commercial apartment number 109 consisting of two rooms totaling 455 square feet.

(x) There is a commercial apartment number 110 consisting of ground floor utility room of 460 square feet, a semi-basement storage room of 1,270 square feet and 15 laundry chute areas from the second through the sixteenth floors of 85 square feet each.

(xi) There is a commercial apartment number 111 consisting of a lobby area of 585 square feet.

Each apartment has immediate access to the concrete walkways running across the face of the building and connected to the lobbies and stairway on each floor and the elevators. The building is serviced by two elevators and two stairways and a utility room on each floor. The apartment owners shall have an easement for passage through the commercial apartment number 111 for ingress and egress to the apartments.

The respective apartments shall not be deemed to include the

undecorated or unfinished surfaces of the perimeter walls or interior load bearing walls, the floor and ceilings surrounding each apartment or any pipes, wires, conduits, or other utility or service lines running through such apartment which are utilized 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 walls, the inner decorated or finished surfaces of all walls, floors and ceilings. Each residential apartment shall be deemed to include the adjacent lanai.

There is a parking area of 122 parking stalls which includes traffic island, borders and driveways. The owner or owners of each of the 13 apartments on the fourteenth and fifteenth floors shall have assigned to such apartments one of 13 parking stalls numbered 13-25 as set forth in the Condominium Map for the exclusive use of each apartment. All other apartment owners shall have the right to use one parking stall each on an unassigned basis in the parking area, exclusive of parking stalls numbered 13-25 as set forth on the Condominium Map.

COMMON ELEMENTS: Paragraph (c) has been amended to read as follows:

"Swimming pool, recreational facilities, and restrooms on the ground floor."

A note has been added to this topical heading as follows:

"NOTE." The Developer for the first two years (and thereafter the Association) may enter into joint use and management agreements of the common elements of this project with the common elements of any adjacent project or projects.

LIMITED COMMON ELEMENTS: The description of Limited Common Elements has been changed to read as follows:

"The parking stalls numbered 13-25 which are assigned on an exclusive basis to the owners of apartments on the fourteenth and fifteenth floors will be limited common elements to said apartments on a one parking stall to one apartment basis. The parking stalls other than those numbered 13-25, will be limited common elements for the exclusive use on an unassigned basis to the apartments other than those apartments located on the fourteenth and fifteenth floors, on a one parking stall to one apartment basis. The storage room of 95 square feet located at the end of each floor will be a limited common element for the exclusive use of the apartments that are located on that particular floor."

INTEREST TO BE LEASED TO PURCHASER: The common interest has been changed to read as follows:

Common Interest. The common interest, the proportionate share in the profit and common expenses, common elements and for all other purposes including voting for each of the apartments in the Project are as follows:

(a) The 83 one bedroom apartments numbered 103 through 107 inclusive, 202 through 207 inclusive and repeated for each floor up through the sixteenth floor shall each have a .673 percentage interest.

(b) The 31 one bedroom apartments on each end of the building ending in "01" and "08" starting from the second through the sixteenth floors shall each have a 1.069 percentage interest, except apartment 108 on the ground floor which shall have a 1.107 percentage interest.

(c) The 6 two bedroom apartments numbered 1503, 1505, 1507, 1603, 1605 and 1607 on the fifteenth and sixteenth floors shall each have a 1.346 percentage interest.

(d) The three bedroom apartment numbered 102 on the ground floor shall have a 1.55 percentage interest.

(e) Commercial apartment number 109 on the ground floor shall have a .286 percentage interest.

(f) Commercial apartment number 110 on the ground floor, in the basements and laundry chute shall have a .609 percentage interest.

(g) Commercial apartment number 111 on the ground floor shall have a .443 percentage interest.

EASEMENTS: Paragraph (e) has been amended by deleting the words "access and" on line 11.

USE: Paragraphs (a) and (d) have been changed to read as follows:

a. All residential apartments can be used for residential apartment-hotel use or time sharing ownership, and can be sold, leased, rented or used for any time period or periods, including any annually recurring period on a fixed or floating basis.

d. Parking stalls numbered 13-25, for any time sharing program, can be used for car pool, rental car services and other services for transportation of occupants of all apartments on the 14th and 15th floors.

NOTE: The Developer has retained the 14th and 15th floors for the time sharing ownership and/or use of the apartments and all apartments can be utilized likewise by their owners thereof for time sharing of their apartments.

The Developer has submitted to the Commission a set of House Rules dated April 19, 1979 that prohibits the use of waterbeds and also, among other things, establishes stringent controls on pets.

OWNERSHIP OF TITLE: At the time of the closing of the interim

construction loan the ownership of both Parcel First (Hawaiian Resorts, Limited) and Parcel Second (Ezekiel Lima Carvalho and Ida Mattos Carvalho) was in the name of Hawaiian Resorts, Limited. The latter then issued a direct lease in favor of Arena Construction Corporation. Hawaiian Resorts, Limited will then issue apartment leases on a partial surrender of the master lease.

ENCUMBRANCES: The Preliminary Report of Hawaii Escrow & Title, Inc. dated May 16, 1979 and issued on June 15, 1979 reflects that Hawaiian Resorts, Limited, a Hawaii corporation, is the fee owner of Lots 209 through 212 and Ezekiel Lima Carvalho and Ida Mattos Carvalho are the fee owners of Lots 213 and 214 and that the following are the encumbrances on said lots:

1. For any and all real property taxes that may be due and owing, reference is made to the Tax Assessor, First Division.

2. Assessments or charges levied by Municipal or Governmental Authority or imposed by any other lawfully constituted body authorized by Statute to assess, levy and collect the same, if any.

3. Title to all minerals and metallic mines reserved to the State of Hawaii.

4. The property borders on the ocean and is subject to the provisions of the State of Hawaii regarding shoreline setback and prohibitions on use. (As to Lots 209 thru 211)

5. A building set back line ten (10) feet from the roadway, as shown on Map 6, as set forth by Land Court Order No. 7577, filed July 17, 1947, and mentioned in Transfer Certificate of Title No. 56,651 to which reference is hereby made. (As to Lots 209, 210, 211 and 212)

6. A building set back line ten (10) feet from the roadway, as shown on Map 6, as set forth by Land Court Order No. 7577, filed July 17, 1947, and mentioned in Transfer Certificate of Title No. 62,757 to which reference is hereby made. (As to Lots 213 and 214 only)

7. A Lease affecting the premises therein stated, upon the terms, covenants and conditions therein provided, dated November 27, 1963, by and between Hawaiian Resorts, Limited, a Hawaii corporation, as Lessor, and Benjamin Masao Hayashi, husband of Florence Saeko Hayashi, as Lessee, for a term of 75 years from August 1, 1961 to July 31, 2036, filed on February 28, 1964, as Document No. 325892, in the Office of the Assistant Registrar of the Land Court, and recorded in the Bureau of Conveyances, State of Hawaii, in Liber 4695, Page 557. (As to Lots 209 thru 212)

Said Lease was amended by instrument dated February 1, 1966, filed and recorded March 21, 1966, as Document No. 385730 and in Liber 5285, Page 309.

Said Lease by Mesne assignments was assigned to Arena Construction Corporation, a Washington corporation, by Instrument dated December 14, 1978, filed and recorded December 29, 1978 in said Office as Document No. 916539, and in said Bureau in Liber 13387, Page 674.

Lessor's interest in Lease Document No. 325892 was assigned by an instrument dated March 6, 1973, filed and recorded March 8, 1973, as Document No. 621418, in said Office, and in Liber 8985, Page 398, in said Bureau, to First Hawaiian Bank, a Hawaii corporation as security for \$77,000.00. (As to Lots 209 thru 212)

Lessor's interest in Lease Document No. 325892 was assigned by an instrument dated October 9, 1973, filed and recorded October 11, 1973, as Document No. 653648, in said Office, and in Liber 9542, Page 126, in said Bureau, to First Hawaiian Bank, a Hawaii corporation. (As to Lots 209 thru 212) As security for \$160,000.00.

8. Agreement dated March 15, 1971, filed May 13, 1971, as Document No. 536997, in the Office of the Assistant Registrar of the Land Court, State of Hawaii, by and between Hawaiian Resorts, Limited, a Hawaii corporation, and Makaha Beach Cabanas, Inc., a Hawaii corporation, referred to as Makaha Beach, Ben Hayashi, Ltd., a Hawaii corporation, and Benjamin Masao Hayashi, husband of Florence Saeko Hayashi. (As to Lots 209 to 212)

9. A Mortgage, to secure an indebtedness of the amount stated herein and any other amounts payable under the terms thereof, dated December 14, 1978 in the amount of \$300,000.00 made by Arena Construction Corporation, a Washington corporation, as Mortgagor, in favor of Imperial Finance Corporation, a Hawaii corporation, as Mortgagee, filed and recorded on December 29, 1978, as Document No. 916540, in the Office of the Assistant Registrar of the Land Court, and in Liber 13387, Page 679, in the Bureau of Conveyances. (As to Lots 209 thru 212, affects leasehold interest only)

10. Matters as shown on Condominium Map No. 369, filed in the Office of the Assistant Registrar of the Land Court.

11. Covenants, conditions, restrictions, reservations, agreements, obligations, provisions, easements and by-laws set forth in the Declaration of Horizontal Property Regime, dated March 14, 1979, filed on May 16, 1979, as Document No. 938672, in the Office of the Assistant Registrar of the Land Court. An amendment thereof dated May 24, 1979, a copy of which has been furnished the Commission, contains among other things, a new paragraph in the Declaration to read as follows:

"24. Latent Defects. Lessor and Sublessor agree to take no action which would adversely affect the rights of the Association of Apartment Owners with respect to assurances against latent defects in the property or other right assigned to the Association by reason of the establishment of this horizontal property regime or the construction of the improvements herein described."

PURCHASE MONEY HANDLING: At the time of the closing of each purchaser's sale the purchaser shall receive an apartment lease directly from the fee owner, Hawaiian Resorts, Limited, rather than a Condominium Conveyance from Arena Construction Corporation.

MANAGEMENT AND OPERATION: The Developer, on behalf of the Association has entered into a two year contract with Alliance Realty & Management for proper care of the Project.

STATUS OF PROJECT: The Developer has continued the construction of the project and after the issuance of this Final Public Report First Hawaiian Bank is to close the interim construction loan for this project. The completion date is still estimated at December 4, 1979.

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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 December 28, 1978 and information subsequently filed as of June 28, 1979.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1072 filed with the Commission on December 28, 1978.

The report, when reproduced, shall be a true copy of the Commission's Public Report. The paper stock must be white in color.

  
\_\_\_\_\_. (for)  
AH KAU YOUNG, Chairman  
Real Estate Commission  
State of Hawaii

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REGISTRATION NO. 1072

July 2, 1979