

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
KALEIKINI GARDENS
3138-3138A Esther Street
Honolulu, Hawaii

Registration No. 1101

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 19, 1979
Expires: January 19, 1981

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 MARCH 13, 1979, AND INFORMATION SUBSEQUENTLY SUBMITTED AS OF OCTOBER 17, 1979. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT SET FORTH IN CHAPTER 514A, HAWAII REVISED STATUTES.

1. KELEIKINI GARDENS is a fee simple condominium project consisting of two apartments in a single-story frame building and no parking stalls.
2. The Developer has submitted to the Commission all documents deemed necessary for the registration of this condominium project and the issuance of this Final Public Report.

3. This Final Public Report is made a part of the registration on the KALEIKINI GARDENS Condominium Project. The Developer is responsible for placing this Final Public Report (White Paper Stock) and the Disclosure Abstract in the hands of all purchasers and prospective purchasers and securing a receipt therefor.
4. Advertising and promotional matter will be submitted pursuant to the rules and regulations promulgated by the Commission prior to any use of such.
5. The basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owners, and a copy of the approved floor plans) have been filed in the Office of the Recording Officer. The Declaration of Horizontal Property Regime executed on February 12, 1979, with the By-Laws attached, was recorded in the Bureau of Conveyances of the State of Hawaii, in Liber 13779, Page 245. The Bureau of Conveyances has designated Condominium Map No. 620 to the project.
6. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A, Hawaii Revised Statutes, and the rules and regulations promulgated thereunder which relate to the Horizontal Property Regime Act.
7. This Final Public Report automatically expires thirteen (13) months after the date of issuance, December 19, 1979, unless a Supplementary Public Report is issued or the Commission, upon review of the registration, issues an order extending the effective period of this report.

NAME OF PROJECT: KALEIKINI GARDENS

LOCATION: The project is located on two lots at 3138-3138A Esther Street in Kapahulu, Honolulu, Hawaii, and has a total land area of 6,725 square feet.

TAX MAP KEY: 3-1-18-109 and 3-1-18-119

ZONING: R-7

NOTE: In a letter to the Commission dated August 30, 1979, the Developer's Attorney disclosed:

"The purpose of condominiumizing the subject property is to bring the property within the zoning requirements regarding minimum lot size. We were informed by the appraisal report on the property performed by Mr. Harold H. Ohama that the property violated the zoning ordinance regarding minimum lot size. A request for variance from the zoning requirements was found to be groundless, as there was no basis for a finding of 'hardship.'"

By issuance of this report, the Commission is not representing or implying that the purpose for which the property was submitted to the Horizontal Property Regime has necessarily been fulfilled, i.e., that the property now meets zoning requirements regarding minimum lot size.

DEVELOPER:

Jack N. Nakatsuka, Personal Representative, Estate of Esther P.
K. Kekahuna, 1040 South King Street, Suite 105, Honolulu,
Hawaii 96814, Telephone: 531-7106

Henry Camacho, Sr., [REDACTED]
[REDACTED]

Fanny P. K. Camacho, [REDACTED]
[REDACTED]

NOTE: The Developer has disclosed that all parties involved in this transaction are relatives. Mr. Jack Nakatsuka, Personal Representative of the Estate of Esther Pauline Kekahuna, represents Mrs. Pauline Souza, the sole beneficiary of the estate. Mr. and Mrs. Henry Camacho are the uncle and aunt of Mrs. Pauline Souza.

ATTORNEY REPRESENTING DEVELOPER:

Hiram K. Kamaka, 1314 South King Street, Suite 657, Honolulu,
Hawaii 96814, Telephone: 531-3588

DESCRIPTION OF PROJECT:

A. Building. The building is a single-story frame structure containing two (2) apartment units, each with 3 bedrooms, a bathroom, dining room-kitchen and lanai.

B. Apartments. There are two (2) three-bedroom apartments. The front apartment is numbered 3138 and the rear apartment is numbered 3138-A. Each apartment has immediate access to two stairways per apartment leading to the driveway and yard areas. The areas of the apartments are not identical. Measured from the center of side walls and the exterior surface of front and rear walls, the area is approximately 880 square feet for Apartment No. 3138 and 1,424 square feet for Apartment No. 3138-A. Each apartment contains six rooms: living-dining room, kitchen, bathroom, and three bedrooms.

The two apartments shall be deemed to include the undecorated or unfinished surfaces of the perimeter walls or any pipes, wires, ducts, conduits, or other utility or service lines running through such apartments which are utilized for or serve more than one apartment, all of which are common elements. Each apartment shall be deemed to include the walls and partitions which are not load bearing and which are within its perimeter walls; doors and door frames; windows and window frames; the inner decorated or finished surfaces of walls, floors, and ceilings, adjoining and connected thereto; the lanais attached thereto, and all fixtures originally installed therein.

NOTE: The Commission notes, on comparing Condominium Map No. 620 (dated May 25, 1965) and the drawing entitled "Location of Dwellings of Parcel 109" by Surveyor Gilbert Minn (dated May 9, 1979), that there are marked disparities in the area and layout of the rear apartment (3138-A) and the covered patios appurtenant to each of the apartments. The proposed open patio addition shown in the Condominium Map was evidently never constructed where and as indicated.

COMMON ELEMENTS: The common elements shall include each of the elements which are mentioned in Section 514A-3(5) of the Hawaii Revised Statutes, as amended, and which are actually constructed or provided on the land described herein, including but not limited to the following:

1. Said land in fee simple.
2. All driveways, yards, gardens, walkways, and open areas.
3. All central appurtenant installations for common services, including power, sewer, gas, light, water, and telephone.

LIMITED COMMON ELEMENTS: There are no limited common elements in the project.

INTEREST TO BE CONVEYED TO PURCHASER: Each apartment shall have appurtenant thereto a 50 percent undivided interest in all common elements of the project and the same proportionate share in all common profits and expenses and other purposes, including voting.

PURPOSES AND USE: Each apartment shall be used only as a private dwelling for residential purposes by the owner, his family, tenants, and social guests. The House Rules provide for no obstruction of common areas and no structural changes without Board's approval.

OWNERSHIP: The Commitment for Title Insurance by First American Title Company, Ltd., dated April 17, 1979, states that title to the property is vested in the heirs of Esther Pauline Kekahuna and Henry Camacho, Sr., and Fanny P. K. Camacho. The Commitment for Title Insurance indicates that the Developers acquired ownership of one portion of the premises involved by Deed of Esther K. Kaleikini dated February 24, 1964, and recorded in the Bureau of Conveyances, State of Hawaii, in Liber 4692, Page 481. The other portion of the premises involved was acquired by Deed of Esther K. Kaleikini dated June 19, 1967, and recorded in the Bureau of Conveyances, State of Hawaii, in Liber 5693, Page 97.

ENCUMBRANCES AGAINST TITLE: Said Commitment for Title Insurance issued by First American Title Company, Ltd., dated April 17, 1979, reports that title to the land is subject to the following:

1. Mortgage

Mortgagor: Jack Nakatsuka, Personal Representative of the Estate of Esther P. Kekahuna, and Henry Camacho and Fanny P. K. Camacho, husband and wife, as Tenants in Common

Mortgagee: Pioneer Federal Savings and Loan Association of Hawaii

Dated: January 26, 1979

Recorded: February 2, 1979, in the Bureau of Conveyances, State of Hawaii, in Liber 13464, Page 404

To secure: \$48,000.00

2. Financing Statement in favor of Beneficial Finance was filed on April 13, 1977, at Liber 12122, Page 548, covering household goods located at the address of Henry and Fanny Camacho, debtors.

3. As to Parcel 3-1-18-119:

- (a) A 5-foot City Planning Commission Master Plan setback line fronting Esther Street.
- (b) Grant in favor of Lot B, portion of Lot 11 of Block 6 of Achi's Kapahulu Tract, as contained in that certain Deed dated and recorded on June 19, 1967, in the Bureau of Conveyances of the State of Hawaii in Liber 5693, Page 97, granting an easement for sewer purposes.

4. For any taxes due and owing, reference is made to the Office of the Tax Assessor, First Division.

NOTE: By letter dated October 17, 1979, the Developer represents that there have been no further encumbrances since issuance of said Commitment for Title Insurance.

PURCHASE MONEY HANDLING: Developer's attorney, in said letter of August 30, 1979, disclosed as follows:

"In consideration of said submission to a HPR and the consideration of the grantees to abide by the terms, covenants and conditions of the HPR, the parties will convey and accept the condominium units and the respective common elements. No money will be passing between the parties; this is an exchange transaction whereby the developers exchanged their interest in the property for a condominium unit and a 50 percent interest in the common elements.

"I will be acting as escrow for the exchange transaction. No money will be exchanged and only signing of the exchange agreement and apartment deeds will be performed in escrow. Therefore, it is requested that the requirement of an executed escrow agreement be waived."

Since the escrow requirement in Chapter 514A, Hawaii Revised Statutes, is for the benefit of purchaser vis a vis Seller, and since purchaser and seller in this instance are the same parties and since one attorney represents all parties involved, the Commission feels that a third-party escrow agreement will serve no material benefit in this instance and will not require one.

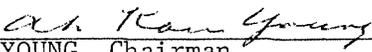
MANAGEMENT: There will be no managing agent or manager involved in this project.

STATUS OF PROJECT: The apartments were constructed in 1960. The Law passed by the 1979 Legislature pertaining to conversion of existing dwellings to condominiums does not apply since the Notice of Intention for this project was filed on March 13, 1979, well before passage of the law. As stated in the Disclosure Abstract, there are NO WARRANTIES as to the Apartments and the Common Area.

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 March 13, 1979, and information subsequently filed as of October 17, 1979.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of Registration No. 1101 filed with the Commission on March 13, 1979.

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. 1101

December 19, 1979