

# 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  
THE CHANDELIER  
Ala Ilima Street  
Honolulu, Hawaii

REGISTRATION NO. 1162

### **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 28, 1979  
Expires: October 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 AUGUST 14, 1979 AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED WITH THE COMMISSION AS OF SEPTEMBER 12, 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. THE CHANDELIER is a proposed fee simple condominium project consisting of forty-eight (48) apartments in a nine (9) story building, containing eight (8) apartment floors with six (6) apartments on each

floor and a basement. The basement and part of the first level will contain a total of seventy-three (73) parking stalls of which sixty-nine (69) (52 standard and 17 compact) will be allocated to specific apartments and four (4) (standard) for guest parking. Amenities of the project include a swimming pool, recreation area and a putting green.

2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of this condominium project and the 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 yet been filed in the office of the Recording Officer.
4. The Developer of the project has submitted to the Commission for examination documents and exhibits which are complete except for certain particular requirement or requirements, which can be expected to be completed as part of this registration.
5. Advertising or promotional matter has been submitted to the Commission pursuant to the rules and regulations promulgated by the Commission.
6. The prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A, Hawaii Revised Statutes, and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.
7. This Preliminary Report automatically expires thirteen (13) months after the date of issuance, September 28, 1979, unless a Final or Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the effective period of this report.
8. This Preliminary Report is made a part of the registration on THE CHANDELIER 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. Securing a signed copy of the receipt for Horizontal Property Regime Public Report from each purchaser or prospective purchaser is also the responsibility of the Developer.

NAME OF PROJECT: THE CHANDELIER

LOCATION: The land submitted to the Regime, approximately 39,406 square feet, is located at Ala Ilima Street, Honolulu, Hawaii.

TAX MAP KEY: First Division: 1-1-58-4

ZONING: Apartment A-3 District (medium density)

DEVELOPER: CANAWAII DEVELOPMENT CORP., a Hawaii Corporation, whose business and post office address is 1320 Kalani Street, Room 211, Honolulu, Hawaii; Phone 845-7770. The officers of the Corporation are: John T. F. Young, President-Secretary; Gordon M. Ayukawa, Vice President.

ATTORNEY REPRESENTING DEVELOPER: SHIM, SIGAL, TAM & NAITO (Attention: Henry N. Kitamura, Esq.) Suite 800, 333 Queen Street, Honolulu, Hawaii 96813; Telephone: 524-5803.

DESCRIPTION: The land will be improved, according to the proposed Declaration and the condominium map, by constructing thereon a nine (9) story building (eight (8) apartment floors and a basement, with the basement and part of the first level containing seventy-three (73) parking spaces) consisting of forty-eight (48) apartments. The principal materials used in the construction of the project are reinforced concrete, hollow tile blocks, glass, structural steel, aluminum and allied building materials. 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 floors and ceilings surrounding each apartment or any pipes, wires, conduits or other utility or service lines running through such apartments which are utilized for 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 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, and all fixtures originally installed therein.

There are six (6) apartments on each apartment floor, from the first through the eight floors, and the apartment numbers for each floor are as follows: Apartments 101 through 106, first floor; Apartments 201 through 206, second floor; and etc. The apartments are constructed according to one basic floor plan, with each apartment having six (6) rooms, including two bedrooms, two bathrooms, a kitchen and a dining/living room. The floor area and the percentage interest in the common elements for the apartments differ according to the type: Type A apartment, approximately 981 square feet with a percentage interest of 2.15% in the common elements; type A1 apartment, approximately 961 square feet with a percentage interest of 2.11% in the common elements (one type A1 apartment on the first floor will be modified as the manager's unit); type B apartment, approximately 924 square feet with a percentage interest of 2.03% in the common elements; and type B1 apartment, approximately 947 square feet with a percentage interest of 2.07% in the common elements.

COMMON ELEMENTS: The proposed Declaration provides that the common elements shall include, but are not limited to, the following: (a) the said land in fee simple; (b) all foundations, floor slabs, columns, girders, beams, supports, unfinished perimeter, party and loadbearing walls, roofs, entries, stairways, elevators, lobby

areas for common use, walkways, entrances and exits of said building; (c) all yards, planting area grounds, landscaping and guest parking spaces; (d) all roads, driveways and parking areas, as designated on the condominium map; (e) all pipes, cables, conduits, ducts, 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 distribution, if any; (f) swimming pool, maintenance and storage rooms, pool equipment room, shower and bathroom, barbecue equipment, picnic, recreation and barbeque area, and putting green; (g) and 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.

Note: The Developer intends to purchase the manager's unit and to rent the same to the Association of Apartment Owners.

LIMITED COMMON ELEMENTS: Certain parts of the common elements, herein designated as "limited common elements", are set aside and reserved for the exclusive use of certain apartments as follows:

Each apartment shall have appurtenant to it one or more parking spaces as designated on the condominium map and as indicated below (asterisk denotes a compact parking space):

<u>APARTMENT NO.</u>	<u>PARKING STALL #</u>	<u>APARTMENT NO.</u>	<u>PARKING STALL #</u>
101	38	501	13
102	39	502	14
103	56*, 31	503	15
104	57*	504	16
105	58*	505	17
106	59	506	18
201	46	601	7
202	47	602	8
203	48	603	9
204	49	604	10
205	50	605	11
206	51*	606	12, 70*, 71*, 72*, 73*
301	40	701	1

302	41	702	2, 64, 65*, 66*, 67*, 68*, 69*
303	42	703	3
304	43	704	4
305	44	705	5
306	45	706	6
401	19	801	23, 24
402	22	802	25, 26
403	21	803	27, 28, 52*, 53*, 54*, 55*
404	20	804	29, 30
405	37	805	32, 33
406	36	806	34, 35

GUEST PARKING - 60, 61, 62, 63

Owners of the apartments shall have the right to change the designation of the parking spaces which are appurtenant to their respective apartments by an amendment to their respective deeds and to the proposed declaration, such amendments to be executed by the respective owners of such apartments with the consent of the mortgagee, if any; provided that such amendments shall be effective only upon the filing of the same in the Office of the Assistant Registrar of the Land Court of the State of Hawaii and/or the Bureau of Conveyances of the State of Hawaii, and provided further that at all times at least one parking space shall be appurtenant to each apartment in the project.

COMMON INTEREST TO BE CONVEYED TO PURCHASER: The proposed declaration discloses that each apartment, according to its type, shall have appurtenant thereto an undivided percentage interest in all of the common elements of the project, called "common interest" in the Declaration, and for all other purposes including voting as follows:

<u>APT. TYPE</u>	<u>AREA (sq. ft.)</u>	<u>NUMBER OF APARTMENTS</u>	<u>% OF COMMON INTEREST</u>
A	981	8	2.15
A1	961	16	2.11
B	924	16	2.03
B1	947	8	2.07

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The proposed declaration provides that, except for the manager's unit which may be used for managerial purposes and the developer using certain apartments for sales offices and as models for display to the public until all the apartments in the project have been sold, the apartments shall be used for residential purposes and for no other purpose unless consent of the Board of Directors of the Association is secured; provided that the owners of the apartments shall have the right to lease or rent the apartments to third parties.

OWNERSHIP OF TITLE: A copy of the Mortgagee's Title Insurance Policy issued by Lawyers Title Insurance Corporation and countersigned by Long & Melone, Ltd., dated July 31, 1979 represents that the Developer is the owner of the fee simple title to the property committed to the project.

ENCUMBRANCES AGAINST TITLE: Said commitment for Title Insurance dated July 31, 1979, issued by Lawyers Title Insurance Corporation provides 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, County of Honolulu, Hawaii.
2. Reservation of all artesian and other underground water and rights thereto, unto the Trustees under the Will and of the Estate of Samuel M. Damon, deceased; as reserved in Deed dated October 7, 1965, filed as Land Court Document No. 372554. Said Trustees release all right to enter upon surface lands to exercise said exception and reservation, including any rights of ingress and egress upon said land, by Release dated October 12, 1965, filed as Land Court Document No. 372562.
3. Easement 661 (10 feet wide) for drainage purposes, along portion of the southwesterly boundary of said Lot 3315, as shown on Map 371 filed with Land Court Application No. 1074.
4. Grant of easement, dated March 8, 1968, in favor of the City and County of Honolulu for drainage purposes, over and across easement 661, filed as Land Court Document No. 471825.
5. Easement 832 (10 feet wide) for drainage purposes, along portion of the northwesterly boundary of said Lot 3315, as shown on Map 444 filed with Land Court Application No. 1074.
6. Grant of easement, dated December 7, 1970, in favor of the City and County of Honolulu for drainage purposes, over and across said easement 832, filed as Land Court Document No. 542645.

7. Covenants in Declaration, dated November 24, 1970, filed as Land Court Document No. 520605.
8. That certain mortgage, dated July 23, 1979, in favor of City Bank, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Land Court Document No. 954813.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement, dated August 2, 1979, made between Crown Escrow, Inc. as a Depositary, and Developer, as Seller, has been submitted to the Commission as part of the registration. On examination, the specimen Sales Contract and the executed Escrow Agreement are found to be in compliance with Chapter 514A, Hawaii Revised Statutes, and particularly Section 514A-37 and 514A-39, and Sections 514A-63 through 514A-66, Hawaii Revised Statutes.

The Sales Contract provides in part that the Seller may cancel the Sales Contract upon written notice to Buyer, in which event Seller shall refund to Buyer of all amounts paid by him hereunder, without interest and after deduction of Buyer's share of escrow fees and all mortgage loan expenses, (a) at any time prior to issuance of a Final Public Report, or (b) if upon expiration of nine (9) months after the issuance of a Final Public Report, either the construction of apartments (other than model apartments) has not commenced or at least sixty percent (60%) of the apartments have not been sold under binding sales contracts.

Prospective buyers should be aware that the Seller's interim mortgage loan used for the construction of the Project shall be and remain at all times a superior lien on the Project, and buyers intentionally waive and subordinate the priority of lien under the sales contract or reservation agreement in favor of the mortgage loan.

Since the Sales Contract gives both the prospective purchaser and the developer the option of cancellation upon the occurrence of certain events; and since the Escrow Agreement establishes the procedure for receiving and disbursing purchasers' funds deposited in escrow; and since the Sales Contract specifically provides that the purchaser approves the Escrow Agreement, it is incumbent upon the prospective purchaser to read and understand both the Escrow Agreement and the Sales Contract before executing the latter.

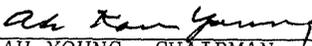
MANAGEMENT AND OPERATION: The proposed Declaration and By-Laws of the Association of Apartment Owners provide that the operation of the project shall be conducted for the Association by a responsible managing agent under the direction of the Association's Board of Directors. The specimen Sales Contract authorizes the developer to employ the first managing agent; gives the managing agent authority for the management, operation, and maintenance of the project; and provides that upon being billed for the same, the purchaser will pay his proportionate share of project maintenance expenses and reserves. The developer advises that it presently intends to retain National Mortgage & Finance Company, Ltd. as the initial managing agent.

STATUS OF PROJECT: The Developer advises that no construction contract has been executed although negotiations have been carried on with a general contractor and the contract has been tentatively approved. The Developer further advises that construction has not started on the project. It is estimated that construction of the project will commence in October 1979 and will be completed December 1, 1980.

The purchaser or prospective purchaser should be cognizant of the fact that this Public Report represents information disclosed by the Developer in the required Notice of Intention submitted August 14, 1979 and information subsequently filed on September 12, 1979.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1162 filed with the Commission on August 14, 1979.

The Report, when reproduced, shall be a true copy of the Commission's Public Report. The paper stock used in making facsimiles must be yellow.

  
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AH KAU YOUNG, CHAIRMAN  
REAL ESTATE COMMISSION  
STATE OF HAWAII

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DEPARTMENT OF TAXATION  
BUREAU OF CONVEYANCES  
PLANNING DEPARTMENT, COUNTY OF HONOLULU  
FEDERAL HOUSING ADMINISTRATION  
ESCROW AGENT

Registration No. 1162

September 28, 1979