

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

1010 RICHARDS STREET  
P. O. BOX 3469  
HONOLULU, HAWAII 96801

## SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

ON

WAIKIKI BEACHSIDE  
(formerly HALE PALMS)  
2556 Lemon Road  
Honolulu, Hawaii

REGISTRATION NO. 1215 (CONVERSION)

### **This Report Is Not an Approval or Disapproval of This Condominium Project**

It was prepared as a supplement to an earlier Report dated \_\_\_\_\_ issued by the Real Estate Commission on the above 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: November 26, 1980  
Expires: March 1, 1981

### SPECIAL ATTENTION

A comprehensive reading of this report by the prospective purchaser is urged in order that personal requirements and expectations to be derived from the property can be ascertained. The attention of the prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED ON DECEMBER 19, 1979, AND SUBSEQUENT INFORMATION FILED AS OF NOVEMBER 12, 1980. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514A, HAWAII REVISED STATUTES.

1. Since the issuance of the Commission's Preliminary Public Report on HALE PALMS condominium dated January 29, 1980, the Developer reports additional changes have been made to the Project.
2. This Supplementary Report amends the Preliminary Report on HALE PALMS condominium, becoming a part of WAIKIKI BEACHSIDE

condominium Registration No. 1215. The developer is responsible for placing a true copy of this Supplementary Public Report (pink paper stock) in the hands of all purchasers and prospective purchasers, along with a true copy of the Preliminary Public Report (yellow paper stock). Securing a signed copy of the receipt for these public reports as well as a Disclosure Abstract is also the responsibility of the developer.

3. The developer has submitted to the Commission for examination all documents deemed necessary for the issuance of this Supplementary Public Report.

4. Advertising or promotion matter has not yet 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 514A of the Hawaii Revised Statutes and the condominium rules and regulations which relate to Horizontal Property Regime.

6. This Supplementary Public Report automatically expires March 1, 1981, unless another Supplementary Public Report or Final Public Report issues, or the Commission upon review of the registration, issues an order extending the effective period of this report.

The information in the topical heading of the Preliminary Public Report dated January 29, 1980 has not changed except for the following:

NAME OF PROJECT: The name of the project has been changed from HALE PALMS to WAIKIKI BEACHSIDE.

DEVELOPER. The developer of the project has been changed from THE WILLASH GROUP to A & M INVESTMENTS, a Hawaii partnership, whose principal place of business and post office address is Suite 1410 Hawaii Building, 745 Fort Street Mall, Honolulu, Hawaii 96813, and whose telephone number is (808) 536-1822. The partners are:

The Berkeley Corporation, a Hawaii corporation  
Suite 1410 Hawaii Building  
745 Fort Street Mall  
Honolulu, Hawaii 96813  
Tel. (808) 536-1822

Harry R. Abelson  
Suite 333  
9100 Wilshire Boulevard  
Beverly Hills, California 90212  
Tel. (213) 275-5287

ATTORNEY REPRESENTING DEVELOPER: The attorney for the developer

has been changed from MAURICE SAPIENZA to ALLEN I. MARUTANI, ATTORNEY AT LAW, A LAW CORPORATION, whose principal place of business and post office address is Suite 602 Capital Investment Building, 850 Richards Street, Honolulu, Hawaii 96813, and whose telephone number is (808) 537-6575.

DESCRIPTION: The revised Declaration of Horizontal Property Regime and plans submitted by the Developer indicate that the project consists of two (2) buildings, without a basement, constructed of reinforced concrete and concrete blocks. The said buildings are designated Tower A and Tower B. There will be sixteen separate freehold estates in the spaces within the perimeter walls, floors, and ceilings of each of the sixteen apartment units of the project, contained in each building, which spaces, together with appurtenant Lanais, if any, are referred to herein as "apartments", and are designated on said plans and described as follows:

TOWER A: Apartment Garden Unit 101 is located on the first level; Apartments 201 to 205, inclusive, are located on the second level; Apartments 301 to 305, inclusive, are located on the third level; Apartments 401 to 405, inclusive, are located on the fourth level.

The Apartments are constructed according to two floor plans. Each Apartment contains the number of rooms and approximate floor area according to each floor plan, which plans are part of said project plan as follows:

Apartment Garden Unit 101 is built according to the ground floor plan and contains one bedroom, one bathroom, a living room, a kitchen, a dining area and a lanai, with a total floor area of approximately 591 square feet.

Apartments 201, 301, and 401 are built according to the second through fourth floor plan and each contains one bedroom, one bathroom, a living room, a kitchen, a dining area and a lanai, with total floor area of approximately 474 square feet.

Apartments 202, 203, 204, 205, 302, 303, 304, 305, 402, 403, 404, and 405 are built according to the second through fourth floor plan and each contains one bedroom, one bathroom, a living room, a kitchen, a dining area and a lanai, with total floor area of approximately 444 square feet.

TOWER B: Apartment Garden Unit 101 is located on the first level; Apartments 201 to 205, inclusive, are located on the second level; Apartments 301 to 305, inclusive, are located on the third level; Apartments 401 to 405, inclusive, are located on the fourth level.

The Apartments are constructed according to two floor plans. Each Apartment contains the number of rooms and approximate floor area according to each floor plan, which plans are part of said project plan as follows:

Apartment Garden Unit 101 is built according to the ground floor plan and contains one bedroom, one bathroom, a living room, a kitchen, a dining area and a lanai, with a total floor area of approximately 591 square feet.

Apartments 201, 301, and 401 are built according to the second through fourth floor plan and each contains one bedroom, one bathroom, a living room, a kitchen, a dining room, and a lanai, with a total floor area of approximately 474 square feet.

Apartments 202, 203, 204, 205, 302, 303, 304, 305, 402, 403, 404, and 405 are built according to the second through fourth floor plan and each contains one bedroom, one bathroom, a living area, a kitchen, a dining area, and a lanai, with a total floor area of approximately 444 square feet.

Each apartment has immediate access to the stairways between the upper and ground floors of the building and walkways connecting such building to the street entrance and parking areas of the project.

The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or interior load-bearing walls, the floors 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 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, doors, and door frames, windows and window frames, the exterior air space bounded by the interior of the lanai railing, and all fixtures originally installed including range, under-counter refrigerator and kitchen sink.

Description of the Parking Stalls: The revised Declaration provides for sixteen (16) parking stalls designated in the spaces bounded by demarcation lines, floor and ceiling of each of the eight (8) parking spaces located on the first level of each TOWER of the project, which spaces are referred to herein as "parking stalls", and are designated on the proposed condominium map and described as follows:

- (1) TOWER A: Stall numbers and location: The parking stalls are numbered from mauka to makai from 1 to 8. Each parking stalls has a basically rectangular

floor except as necessary to accommodate the building superstructure.

- (2) TOWER B: Stall numbers and location: The parking stalls are numbered from mauka to makai from 9 to 16. Each parking stall has a basically rectangular floor except as necessary to accommodate the building superstructure.

Each parking stall has immediate access to two (2) stairways, access lane or driveway leading to common elements and to Lemon Road.

COMMON ELEMENTS: The revised Declaration of Horizontal Property Regime states that one freehold estate is designated in all of the remaining portions of the project, including specifically, but not limited to:

- (a) Said land in fee simple;
- (b) All structural construction, such as foundations, columns, girders, beams, supports, main walls, roofs, corridors, entry court, exterior stairs and stairways, fire escapes, entrances, exits, floor slabs, unfinished perimeter, party and load-bearing walls, and walkways of said buildings;
- (c) All common spaces such as planting areas, roof deck, other recreational facilities, common storage space, trash collection area, all parking areas, including parking stalls, and all driveways leading to the parking areas;
- (d) All common premises such as the entry court, transformer area, mechanical room, premises for lodging or use of janitors or other persons employed for operation of the property, if any;
- (e) Installations for services such as pipes, cables, conduits, ducts, electrical equipment, wiring and other central and appurtenant transmission facilities and installations over, under, or across the project which serve more than one apartment for services such as power, light, gas, hot water, cold water, heating, refrigeration, air conditioning, incineration, sewage, telephone and television signal distribution, if any;
- (f) Apparatus and installations existing for common use, such as tanks, pumps, motors, fans, compressors, ducts, and other such installations and apparatus, if any;
- (g) All other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

LIMITED COMMON ELEMENTS: The revised Declaration of Horizontal Property Regime provides that certain parts of the common elements, called "limited common elements" are 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 storage locker, as designated on said condominium map by the number of each of the respective apartments shall be appurtenant to and for the exclusive use of such apartment.

(b) The respective yards, gardens, and planting areas, immediately adjacent to apartments 101 in both towers, shall be appurtenant to, and for the exclusive use of, each of the respective apartments 101 in both towers.

(c) All other common elements of the project which are rationally related to less than all of said apartments shall be limited common elements appurtenant to the apartments to which they are so related.

INTEREST TO BE CONVEYED TO PURCHASERS: Each apartment shall have appurtenant thereto an undivided percentage interest on all 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, as set forth in the Exhibit attached hereto.

PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE: The revised Declaration of Horizontal Property Regime provides that the residential apartments may be occupied and used only for purposes permitted from time-to-time by applicable zoning ordinances, rules, and regulations, including any permissible nonconforming use. The apartments may not be used for any other purpose without the written consent of the fee owner and the Board of Directors of the Association and any governmental agencies whose approval is necessary. The parking stalls may be used as a parking space for a motor vehicle or such other purposes as the Developer and/or the Association shall determine in its sole discretion. The owners of the respective apartments shall have the absolute right to sublet or assign the lease of such apartments subject to all provisions of the Horizontal Property Act, the proposed Declaration and the proposed By-Laws attached thereto; provided, however, that no apartment owner may sublet or assign the lease of less than his entire apartment.

The extent of use of the Project for permanent or temporary residences or transient quarters shall depend upon the individual apartment owners' use of their apartments. The apartments are subject to additional restrictions on the use as set forth in: (i) the proposed Declaration of Horizontal Property Regime of WAIKIKI BEACHSIDE, (ii) the proposed By-Laws attached thereto, (iii) the proposed apartment lease, (iv) the proposed sales contracts for individual apartments, and (v) the proposed House Rules.

PURCHASE MONEY HANDLING: A new Escrow Agreement dated September 10, 1980 has been entered into by and between Security Title Corporation, as escrow and A & M Investments, as Seller, which has been filed with the Commission. The provisions are nearly identical with the Escrow Agreement dated June 28, 1979 and entered into by and between Security Title Corporation, as Escrow, and The Willash Group, as Seller, which had been previously deposited with the Commission.

OWNERSHIP OF TITLE: A Preliminary Title Report dated August 19, 1980 issued by Security Title Corporation lists CHUN KEE LTD. as the Lessor and title holder of the land.

ENCUMBRANCES AGAINST TITLE: Said Preliminary Title Report dated August 19, 1980, issued by Security Title Corporation, lists the following as encumbrances to the land:

1. Real Property Taxes. Reference is made to Tax Assessor, First Division, State of Hawaii for taxes due and owing.

2. Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent 5667.

3. A 10-foot setback on Lemon Road, as mentioned in Exchange Deed dated April 1, 1962, recorded on April 26, 1962 in said Bureau of Conveyances in Book 4261, page 477.

4. The terms and provisions of that certain Master Lease recorded in Book 14159, page 150, as amended and recorded in Book 14669, page 728.

5. Mortgage dated August 31, 1979, recorded on November 13, 1979 in the Bureau of Conveyances of the State of Hawaii in Book 14159, page 211, made by THE WILLASH GROUP, a Hawaii limited partnership, as Mortgagor(s), to PROPERTIES, UNIVERSAL, INC., a Hawaii corporation, as Mortgagee(s), to secure the repayment of the sum of \$800,000.00, any additional advances and other amounts secured thereby, all according to the terms of that certain promissory note of said mortgagor(s) therein referred to.

By instrument dated November 8, 1979, recorded on November 13, 1979 in the Bureau of Conveyances of the State of Hawaii in Book 14159, page 219, the foregoing mortgage was assigned to HENRY BERNARD MAU, husband of Violet Tom Mau, as security for the repayment of that certain promissory note dated October 1, 1979 in the principal amount of \$570,000.00.

6. Condominium Map No. 673, filed in said Bureau of Conveyances on December 19, 1979.

7. The covenants, agreements, obligations, conditions and other provisions set forth in that certain Declaration of Horizontal Property Regime of Hale Palms dated December 10, 1979, recorded on December 19, 1979 in the Bureau of Conveyances of the State of Hawaii, in Book 14332, page 1, and the By-Laws attached thereto, to which reference is hereby made.

MANAGEMENT OF THE PROJECT: The initial managing agent has been changed from Condominium Resorts-Hawaii, Ltd. to Tropic Shores Realty, Ltd., whose principal place of business and post office address is Suite 206, 33 South King Street, Honolulu, Hawaii, and whose telephone number is (808) 531-5931.

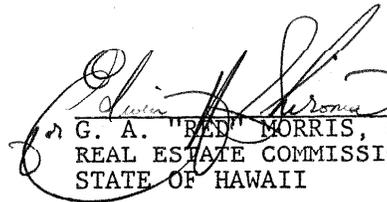
Except for the above, no other provision of the Preliminary Public Report has been altered.

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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 19, 1979 and subsequent information filed as of November 12, 1980.

THIS SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1215 filed with the Commission on January 29, 1980.

This report when reproduced, shall be a true copy of the Commission's public report. The paper stock used in making facsimiles must be pink in color.



G. A. "BEN" MORRIS, 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. 1215

Dated: November 26, 1980

EXHIBIT

UNDIVIDED PERCENTAGE INTERESTS

(Common Interest)

I. RESIDENTIAL APARTMENTS - Tower A:

Unit Type (Apt. No.)	Undivided Percentage Interest	No. of Apts.	Total Undivided Percentage Interest
Garden Unit 101	4.025%	1	4.025%
201, 301, 401	3.229%	3	9.687%
202, 203, 204, 205, 302, 303, 304, 305, 402, 403, 404, 405	3.024%	12	36.288%
	TOTAL	16	50 %

II. RESIDENTIAL APARTMENTS - Tower B:

Unit Type (Apt. No.)	Undivided Percentage Interest	No. of Apts.	Total Undivided Percentage Interest
Garden Unit 101	4.025%	1	4.025%
201, 301, 401	3.229%	3	9.687%
202, 203, 204, 205, 302, 303, 304, 305, 402, 403, 404, 405	3.024%	12	36.288%
	TOTAL	16	50 %

III. TOTAL UNDIVIDED PERCENTAGE INTERESTS

All Apartments

100%