

**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  
"1220 MATLOCK"  
1220 Matlock Avenue  
Honolulu, Hawaii

Registration No. 1299 (CONVERSION)

**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: May 2, 1980

Expires: June 2, 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 APRIL 23, 1980. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIME LAW, CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. "1220 MATLOCK" is a fee simple condominium Project consisting of one (1) building, three (3) stories high plus a ground floor, without a basement, containing eight (8) condominium apartments and six (6) parking spaces as shown on the Condominium Map. The Developer advises that the Building was completed during 1974, and the Apartments have since been used as residential rental units.
2. The Developer of the Project has submitted to the Commission for examination all documents and materials deemed necessary for the registration of a condominium project and issuance of this Final Public Report.
3. The basic documents (Declaration of Horizontal Property Regime, Bylaws of the Association of Apartment Owners, and a copy of the Condominium Map) have been recorded.  
  
The Declaration of Horizontal Property Regime dated March 6, 1980, together with the Bylaws of the Association of Apartment Owners, was recorded in the Bureau of Conveyances of the State of Hawaii in Liber 14567, page 492. Condominium Map No. 694 has been assigned to the project.
4. No preliminary advertising and promotional materials have been submitted to the Commission pursuant to 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, and the rules and regulations of the Hawaii Real Estate Commission which relate to Horizontal Property Regimes.
6. This Final Public Report is made a part of the registration of 1220 MATLOCK 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 for securing a signed copy of the receipt(s) therefor.
7. This Final Public Report automatically expires thirteen (13) months after the date of issuance, May 2, 1980 unless a Supplementary Public Report is published or the Commission, upon review of the registration, issues an order extending the effective period of this report.

NAME OF PROJECT: "1220 MATLOCK".

LOCATION: The land submitted to the Horizontal Property Regime is approximately 4,500 square feet and is situated at 1220 Matlock Avenue, Honolulu, Hawaii.

TAX MAP KEY: First Division: 2-4-11-70

ZONING: A-4

DEVELOPER: PRIME PROPERTIES, INC., a Hawaii corporation, whose principal place of business and post office address is 1314 South King Street, Suite 1451, Honolulu, Hawaii 96814 (Telephone No. 524-7700). The corporation's Officers are Donald C. G. Look, President/Treasurer, and Mildred L. Look, Secretary.

ATTORNEY REPRESENTING DEVELOPER: Damon, Key, Char & Bocken, (Attention Vernon F. L. Char or Denis C. H. Leong), 10th Floor, City Bank Building, 810 Richards Street, Honolulu, Hawaii, 96813 (Telephone No. 531-8031).

DESCRIPTION OF THE PROJECT: The Declaration of Horizontal Property Regime and the Condominium Map describe the Project as follows:

1. General Description of the Building. The building is a 3-story building, without a basement, constructed principally of concrete, concrete block, cement, plaster, gypsum board, metal and glass. The building contains 8 one-bedroom Apartments and 6 parking spaces.

The Ground Floor contains a laundry area, trash enclosure, and the 6 parking spaces. The regular parking spaces are shown on the Condominium Map and numbered 1, 3, 4, 5 and 6, and the compact space is numbered 2C. The Second and Third Floors each contains 4 one-bedroom Apartments. Each Apartment is numbered according to its floor location and then its position on each floor. The Apartment numbers ascend consecutively, starting from the Apartment nearest Matlock Street ("01" preceded by the floor number) and proceeding in the direction towards the H-1 Freeway. For example, Apartment No. 201 is the Apartment on the Second Floor nearest Matlock Street and farthest from the H-1 Freeway.

2. Description of Apartments.

Each Apartment shall constitute an Apartment as defined and used in Chapter 514A, Hawaii Revised Statutes, as amended, and shall be a separate freehold estate. The Apartments are more particularly described hereinbelow and on said Condominium Map. There are 4 basic types of Apartments, designated as Type A, AA, B, and BB. The location of each Apartment, approximate gross area, and the number of rooms contained in each type of Apartment, are as follows:

a. Type A Apartments - One-Bedroom Apartments. Type A Apartments are located on the Matlock Street side of the building on the Second and Third Floors, numbered 201 and 301, respectively, and contain three (3) rooms, consisting of one (1) bedroom, a kitchen/living room and the bathroom, as shown on the Condominium Map. Measured from the exterior faces of the exterior walls and the center line of the party wall, each Type A Apartment has a gross area of approximately 420 square feet.

b. Type AA Apartments - One-Bedroom Apartments.  
 Type AA Apartments are located on the H-1 Freeway side of the building on the Second and Third Floors and are numbered 204 and 304, respectively, and are mirror images of the Type A Apartments.

c. Type B Apartments - One-Bedroom Apartments.  
 Type B Apartments are located on the Second and Third Floors and are numbered 202 and 302, respectively, and contain three (3) rooms, consisting of one (1) bedroom, a kitchen/living room and the bathroom, and a lanai, as shown on the Condominium Map. Measured from the exterior faces of the exterior walls and the center lines of the party walls, each Type B Apartment has a gross area of approximately 452 square feet, consisting of the total of the following approximate areas: 399 square feet enclosed and 53 square feet of lanai.

d. Type BB Apartments - One-Bedroom Apartments.  
 Type BB Apartments are located on the Second and Third Floors and are numbered 203 and 303, respectively, and are mirror images of the Type B Apartments.

Each Apartment shall be deemed to include all walls and partitions which are not load bearing within its perimeter walls, the inner decorated and finished surfaces of all walls, floors, ceilings, windows and window frames, door and door frames, and all fixtures originally installed therein for its exclusive use, and the adjoining lanai (if any), as shown on the Condominium Map. 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 such Apartment, or any pipes, wires, conduits or other utility or service lines running through such Apartment which are utilized for or serve more than one Apartment or the common elements, the same being deemed common elements as hereinafter provided.

Each Apartment has access to an exterior walkway which leads to two (2) stairways, which lead to the Ground Floor and the public street.

The Apartment numbers, the type of Apartments, number of bedrooms, approximate total gross area, parking space(s) made appurtenant to the Apartment, and the common interests appurtenant to each Apartment are also set forth hereinbelow:

<u>APT. NO.</u>	<u>TYPE</u>	<u>NUMBER BEDROOMS</u>	<u>GROSS APT. AREA(S)</u>	<u>PARKING</u>	<u>COMMON INTEREST</u>
201	A	1	420 sq. ft.	---	12.04%
202	B	1	452 sq. ft.	3	12.96%
203	BB	1	452 sq. ft.	6	12.96%
204	AA	1	420 sq. ft.	---	12.04%
301	A	1	420 sq. ft.	2C	12.04%
302	B	1	452 sq. ft.	1	12.96%
303	BB	1	452 sq. ft.	5	12.96%
304	AA	1	420 sq. ft.	4	12.04%
					<u>100.00%</u>

COMMON ELEMENTS: The Declaration provides that one estate shall be designated in all portions of the Project, other than the Apartments, and all other common elements mentioned in the Act, which are actually included in the Project, herein called "common elements," including specifically but not limited to:

- a. Said land;
- b. All foundations, floor slabs (if any), columns, girders, beams, supports, unfinished perimeter and load-bearing walls, chases, entries, stairways and roof;
- c. All yards, grounds, landscaping, walls, and recreational facilities (if any);
- d. All parking areas, and spaces, driveways and walkways;
- e. The elevator(s) (if any) and all ducts, electrical equipment, central water heating system (if any), wiring, pipes and any other central and appurtenant transmission facilities and installations on, over, under and across the Project which serve more than one Apartment for services such as power, light, water, gas, refuse disposal, heating, cooling, sewer, telephone, radio and television signal distribution;
- f. Any and all other apparatus and installations of common use and all other parts of the Project necessary or convenient to its existence, maintenance and safety, or normally in common use.

LIMITED COMMON ELEMENTS: Certain parts of the common elements hereinafter called "limited common elements" are designated and set aside and reserved for the exclusive use of certain Apartments, and such Apartments shall have appurtenant thereto exclusive easements for the use of such limited common elements. The Declaration provides that the limited common elements so set aside and reserved are as follows:

a. The parking spaces which are numbered and shown on the Condominium Map are each designated as limited common elements. Except for two Apartments, each Apartment shall have appurtenant to it for its exclusive use the parking space designated as appurtenant to such Apartment, as shown hereinabove. Parking space(s) may be transferred from Apartment to Apartment in the Project as hereinafter more particularly set forth or as otherwise permitted by law.

b. All other common elements of the Project which are rationally related to less than all of the Apartments shall be limited to the use of such Apartment(s).

INTEREST TO BE CONVEYED TO PURCHASERS: The Declaration reflects that the undivided percentage interest, common elements, and easements appurtenant to each Apartment shall have a permanent character and shall not be altered except as specifically provided in said Declaration, and shall not

be separated from such Apartment and shall be deemed to be conveyed or encumbered with such Apartment even though not expressly mentioned or described in the conveyance or other instrument; except that parking spaces may be transferred as specifically provided in the Declaration or otherwise by law. The common elements shall remain undivided and no right shall exist to partition or divide any part thereof except as provided by the Horizontal Property Act.

The proportionate shares of the separate owners of the respective Apartments in the profits and common expenses of the project and for all purposes, including voting, shall be the undivided percentage interest shown hereinabove.

PURPOSES AND RESTRICTIONS: The Declaration reflects that the Apartments shall be occupied and used only as private dwellings by the respective owners thereof, their tenants, families, domestic servants and social guests, and for no other purpose. The Apartments shall not be rented for transient or hotel purposes, which are defined as: (1) rental for any period less than thirty (30) days; or (2) any rental in which the occupants of the Apartment are provided customary hotel services such as room service for food and beverage, maid service, laundry, and linen or bellboy service. Except for such transient or hotel purposes, the owners of the respective Apartments shall have the right to lease such Apartments for residential purposes subject to all provisions of this Declaration, the Bylaws, and as further provided hereinbelow. The maximum number of individuals permitted to reside in or occupy a one (1) bedroom Apartment shall be 3 individuals.

Notwithstanding the foregoing, Developer may engage in real estate sales activities in such Apartments and on the premises of the Project for the purpose of selling such Apartments. Such activities may continue only until all such Apartments have been initially sold by the Developer. The Apartment uses are further governed by and subject to the provisions of the Declaration and Bylaws.

OWNERSHIP OF TITLE: The Preliminary Title Report issued by Long & Melone, Ltd., dated November 15, 1979, as amended on March 12, 1980, states that the title to the land committed to the regime is vested in Prime Properties, Inc., a Hawaii corporation.

ENCUMBRANCES AGAINST TITLE: Said Preliminary Title Report as amended, also indicates the following encumbrances on the property as of March 12, 1980:

1. Title to all mineral and metallic mines reserved to the State of Hawaii.
2. Abutters rights-of-access in favor of the State of Hawaii unto and from Lunalilo Freeway.
3. Mortgage, Security Agreement and Financing Statement in favor of State Savings and Loan Association, a Utah corporation, dated April 17, 1975, recorded in said Bureau in Liber 10578, Page 571.

4. Mortgage and Guarantee in favor of Finance Factors, Limited, a Hawaii corporation, dated July 3, 1979, recorded in said Bureau in Liber 13828, Page 738.
5. Unrecorded leases and tenancy agreements, if any.
6. Real property taxes as may be due and owing. For any taxes that are due and owing, reference is made to the Office of the Tax Assessor, First Division.
7. Covenants, conditions, restrictions, reservations, easements, liens for assessments, options, power of attorney, limitations on title, and all other provisions contained in the Declaration of Horizontal Property Regime dated March 6, 1980, and Bylaws attached, recorded in said Bureau in Liber 14567, Page 492; Condominium Map No. 694.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement, dated April 21, 1980, identifies Guardian Escrow Services, Inc., a Hawaii corporation, as escrow agent. On examination, the Escrow Agreement and the specimen Sales Contract also submitted to the Commission as a part of this Registration are found to be in compliance with Chapter 514A, Hawaii Revised Statutes, particularly with Sections 514A-39 and 514A-63 through 66, inclusive.

Among relevant provisions, the executed Escrow Agreement states that a purchaser under the Sales Contract shall be entitled to a return of his funds and Escrow shall pay such funds to said purchaser without interest, promptly after purchaser has requested such return, if Escrow shall have received from Developer a written notice that any one of the following has occurred:

- a. Developer shall have requested Escrow to return to purchaser the funds of purchaser then being held by Escrow; or
- b. Developer shall have notified Escrow of Developer's exercise of the option to rescind the Sales Contract pursuant to any right of rescission stated therein or otherwise available to Developer.

In any of the foregoing events Escrow shall, upon receipt of the written request for a refund from purchaser, pay said funds to the purchaser (less cancellation fee to escrow of \$25.00 per Apartment and escrow and cancellation costs, as defined in the Sales Contract) and thereupon said Sales Contract and any conveyance document theretofore delivered to Escrow shall be returned to Developer; provided, however, that no refund shall be made to a Purchaser at Purchaser's request prior to receipt by Developer of written notice from Escrow of its intent to make such refund.

The specimen Sales Contract provides in part that: (1) Seller expressly reserves the right to sell or lease unsold Apartments free from any restrictions on such sale or lease which may apply to Buyer under the Declaration and Bylaws; (2) the Buyer acknowledges in the Sales Contract that minor

construction activity may continue on the site after Buyer has occupied his Apartment, which may result in noise, dust or other annoyances and that the Developer's sales activities, including the use of model units and signs for sales displays and related activities, may continue until the last Apartment in the Project is sold; and (3) the Sales Contract also provides that if the Apartment is rented, Buyer shall assume the lease or tenancy agreement.

Buyer should also note that the Sales Contract places restrictions on the apartment owners, precluding them from entering into any rental pool or other rental-sharing arrangements with other such Apartment owners until after the expiration of fifteen (15) years from the date of recordation of Buyer's conveyancing documents.

It is incumbent upon the purchaser and the prospective purchaser that he read with care the Sales Contract and Escrow Agreement. The Escrow Agreement establishes how the proceeds on the sale of the Apartment and all sums from any source are placed in Escrow, as well as the retention, disbursement, and refund of said escrow funds.

MANAGEMENT AND OPERATIONS: The Declaration and Bylaws which are incorporated within the Declaration provide that the administration of the Project shall be vested in the Association of Apartment Owners under the direction of the Board of Directors by a responsible corporate managing agent who shall be appointed by the Association in accordance with the Bylaws; provided, however, Developer has reserved the right to designate the managing agent for the initial two-year period subject to certain conditions provided in the Declaration and Bylaws. Developer advises that the managing agent has not yet been selected.

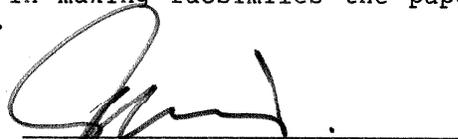
CONVERSION OF PROPERTY: The Project involves the conversion of an apartment Building. The Developer has represented that to the best of his information and belief, the building built on the subject premises is in compliance with all ordinances, codes, rules and regulations or other requirements in force at that time of its construction thereof, and that no variance was granted from any ordinance, code, rule, regulation or other requirement in force at the time of construction thereof or from any current ordinance, code, rule, regulation or other requirement. Also, there are no current outstanding notices to the owners of the improvements of uncured violations or building codes or of other municipal regulations. The Developer has submitted a letter to the Commission from the City's Building Department Director in support of the foregoing statements.

STATUS OF PROJECT: The Developer advises that the Building is pre-existing and is already completed. All Apartments will be sold "as is" without any warranties whatsoever and without any warranties of merchantability or fitness for a particular purpose with respect to purchaser's Apartment, appliances or anything installed therein, the common elements of the Project or any portions of the Project.

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 23, 1980.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1299 filed with the Commission on April 23, 1980.

This report, when reproduced, shall be a true copy of the Commission's Public Report. In making facsimiles the paper stock shall be white in color.



AH KAU YOUNG, Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII

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Registration No. 1299

May 2, 1980